## **Sherwood Archive Project**

## **Preserving Private Records of Public Interest**

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Coalition for Networked Information Fall 2010 Membership Meeting

December 13-14, 2010

The Sherwood Archive Project (SAP) represents an attempt to save the records of business by investigating the potential to preserve the "abandoned" records of failed companies. The SAP is one of the current efforts of the Digital Archive of the Birth of the Dot Com Era (DCA). Since 2002, the DCA has sought to identify, collect, and preserve a representative collection of born-digital records and related digital ephemera from companies that sought to exploit the commercialization of the Internet during the 1990s. Through previous projects and the resulting collections of the Business Plan Archive, the Dot Com Archive, and the Brobeck Closed Archive, the DCA has explored the complex privacy and confidentiality concerns that are associated with attempting to preserve digital business records. The SAP continues the efforts of these previous projects in confronting these challenges.

In 2008, the DCA began a partnership with Sherwood Partners, Inc., a consulting firm located in Mountain View, California. Sherwood Partners provides a highly specialized service to the venture ecosystem. As the population of venture capitalbacked startups expanded in the course of the 1990s, so too did the number of failed ventures, requiring venture investors to spend valuable time winding down old companies when they (and their LPs) would have rather focused on investing in new ones. Sherwood helped solve this problem by developing a novel "workout" mechanism. They have taken advantage of a legal code "Assignments for the Benefit of Creditors" – a state-based alternative to Chapter 7 Bankruptcy filing – that is available in many of the major states that venture capital backed companies either work in or have incorporated in. Sherwood has developed the Operating Assignment for Benefit of Creditors or ABC to better work in the venture capital community. Venture capitalists holding controlling stakes in failing startups "assign" all of the assets of the failing company to Sherwood, and in exchange Sherwood receives a fixed fee and/or a share of the total assets recovered in liquidation. Functionally "abandoned" by their previous creators and owners, the records collected by Sherwood during the ABC process represent a valuable opportunity to both preserve these specific at-risk business records of historic interest, as well as to determine the feasibility of developing preservation solutions for business records in similar contexts.

The main objective of the SAP is to develop and implement a records management workflow for the paper and digital records collected as part of Sherwood's business processes. The end goals of this workflow are increasing Sherwood's operational efficiency, and the transfer of selected records to an external repository for long-term preservation. In relation to the digital preservation lifecycle in OAIS terms, the SAP is focused on investigating and producing solutions to challenges encountered during the pre-ingest time period. Early stages of the SAP focused on seeking understanding of the context for capturing records within the Sherwood workout process. A qualitative methodology for collecting data was employed during these stages that included surveys, interviews, and field observations.

Initial results of the early and ongoing stages of the project include increased understanding of the environment for capturing records during the Sherwood workout process. This environment can be characterized as highly variable in relation to at least two important factors: time and access. First, the length of time that Sherwood staff will have to close down a client's former facility can vary from a few days to multiple months. This ever-changing window of opportunity to locate, identify, select, and capture digital records creates a challenging setting for digital preservation efforts. Second, the ability to begin the process of location, identification, selection, and capture may be impeded by multiple access obstacles. Digital records may reside on hardware that is no longer operational, on proprietary networks, or behind levels of password-protected encryption. Former staff with relevant information technology knowledge may be unwilling to assist in accessing digital records.

As the project moves forward in developing and implementing a workflow for the capture and transfer of digital records to an external repository a number of questions remain to be answered, including:

- What are the ethical implications of preserving and making accessible records of private organizations that contain confidential data of individuals?
- Can a selection criteria designed for paper records be applied to the digital records of a private business organization?
- What is a sustainable cost-sharing model for the ongoing transfer of born-digital objects between a private business and a cultural heritage institution?

The issues of privacy, selection and appraisal, and cost are all common themes in current digital preservation research and practice. While the aims of SAP are unique in focusing on the collection and preservation of records of the business sector, the project shares similarities with other digital preservation initiatives that have focused on other types of data. The goal of capturing and preserving the digital records of failed businesses is similar to the goal of preserving the research data of a scientist working in a laboratory, in that without preservation this unique data would be unusable in both the short and long-term. Our focus on the collection of digital objects is not so dissimilar to the endeavors of web harvesting projects being carried out in various international institutions. In collecting the records of companies at the moment of failure we are attempting to capture a snapshot of those firms at that particular point in time, and striving to preserve the complexity of the content, context, and structure of the records that remain.

Previously, we have not framed business records as research data sets, but this viewpoint is certainly applicable to our project. The results of a successful development and implementation of workflow for the ongoing transfer of born-digital record collections between Sherwood Partners and an external repository would produce a rich aggregated data set on a industry that has previously been unavailable to researchers. In working with Sherwood Partners we have pursued a strategy that will result in the creation of data set that will grow over time as the records of multiple firms are continually transferred and added to the existing overall collection. Such a data set could generate the types of direct and indirect, near-term and long-term, and private and public benefits articulated in the recent final report of the *Keeping Research Data Safe* 2 project.<sup>1</sup> The potential formulation of new research questions may lead to new studies and findings that could influence the actions of key players such as investors and company founders.

<sup>&</sup>lt;sup>1</sup> Beagrie, N., Lavoie, B., Woollard, M., (2010) Keeping Research Data Safe 2. London: JISC