

Using digital archives in historical research: What are the ethical concerns for a 'forgotten' individual?

Research Ethics
2015, Vol. 11(2) 108–119
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sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/1174701615581724
rea.sagepub.com


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Abstract

Online digital archives have allowed researchers to explore the past as never before. Arguably without the search technology offered by online digital archives the lives of many individuals would have remained in obscurity. Furthermore, the level of detail that can be quickly gleaned about individuals from the past, particularly when multiple digital archives are accessed, raises ethical questions. For example, when reporting findings researchers could be disclosing personal information that is unknown to descendants, and if it relates to a sensitive topic then there is the potential for the researcher to cause distress. However, the rapid growth in digital archives has meant there has been little consideration of what ethical concerns digital archives might generate. This article reflects upon research using one digital archive and the importance of the researcher's relationship with the material they retrieve when searching this type of source.

Keywords

anonymity, digital archives, historical disclosure, life narratives, offending

Introduction

Advances in technology have opened up the archives in quite a revolutionary way (Floud, 2013). *The Times* digital archives launched during 2003 was an early example of this changing research landscape. Since then, the number of online

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digital archives has mushroomed. However, this rapid growth and enthusiasm from users has meant wider discussions about their use, including whether they present new ethical issues that have been overlooked (Keeling and Sandlos, 2011). This article considers how these advances in technology have implications for the duty of care that the researcher has to their research subjects. It draws on experience gained from research into drug-taking activity between 1900 and 1922 using *The Times* online digital archive. In this study the issue of anonymity had particular relevance because drug-related activity was, for part of the period, a criminal offence and disclosure of involvement within any subsequent research publication could potentially cause distress to descendants.

The emergence of digital archives

Although computers have been used by historians since the 1960s (Floud, 2013), developments in technology from the mid-1990s have led to a 'new era in historical research' (Allen and Sieczkiewicz, 2010). The emergence of digital history, defined as 'broadly any work engaging with new communications technology for the examination and representation of the past' (Keeling and Sandlos, 2011: 424) has made source material much more accessible. Online digital archives can provide instant access to the content of specific newspapers or particular sources of information such as *Booth's Poverty Map of London* (London School of Economics and Political Science, 2002). In itself, the map does not provide any personal information, but the associated notebooks do name individuals and describe their personal circumstances. It has always been possible to search archives and 'discover' an individual from the past. However, advances in technology have significantly increased an individual's chance of 'discovery'. The odds of 'discovery' have altered for several reasons. Firstly, as Landrum (2009) notes, when archive material is 'physically located in one place it limits the number of people who can read it'. When archives are placed online the number of people able to access and search it increases dramatically. Furthermore, the sophistication of the search engines make each of these individual searches much more thorough. An added dimension that these advances in technology have delivered is the ability to take information from one digital archive and use it to search another within minutes. Thus, researchers have new opportunities to rapidly and easily link personal information that allows them to find out much more about a 'forgotten individual'.

Social change has also contributed to the growth in digital history. Much higher rates of internet access and greater computer literacy have enabled wider participation in historical research. For example, Herbert and Estlund (2008), early pioneers of digital newspaper research in Utah, described how use of their site grew 14-fold in the three years from 2003 to 2006. Public interest in both family and local history has also provided a strong focus for the development of online

archives and created ‘citizen historians’ (Herbert and Estlund, 2008). However, the emergence of ‘citizen historians’, lacking any formal research training, means that the archives are being accessed by a growing number of users who will have given little thought to ethical concerns that could arise from the results of their searches.

Without doubt the arrival of digital history has inspired the public to look afresh at historical sources, but it has also opened up many possibilities for academic historians. As Keeling and Sandlos (2011) argue, introducing digital technology to the study of history has the ‘potential to fundamentally alter the way historians use primary sources’ (p. 429). For example, studies can be specifically designed to enable large numbers of researchers to participate in the interpretation and analysis of online primary sources relating to a particular historical event or era. Indeed digital projects such as ‘London Lives’ (Hitchcock et al., 2012) demonstrate how archives can be linked through digital media to enable much more in-depth examination of the lives of individuals from the past.

The use of technology to explore the lives of individuals from the past in greater detail is really part of an ongoing wider global debate on the use of technology. This debate centres on the operation of online search engines such as Google. These search engines can harvest large quantities of information about individuals from the internet and direct users straight to the results. These results could include content that is several years old and possibly even out of date. This has led some individuals to take legal action, for example that taken by a Spaniard, Mario Gonzalez, against Google (Court of Justice of the European Union, 2014). In May 2014, the Court of Justice of the European Union ruled in favour of Mario Gonzalez, stating that in accordance with the European Union’s 1995 Data Protection Directive he had the ‘right to be forgotten’. Therefore, specific content generated by a search on his name had to be removed from search results as the information shown was deemed old, inaccurate and irrelevant to his current financial status. However, having content removed from the search results does not remove it from the internet, it just makes it harder to find. The case taken by Mario Gonzalez has set a precedent by giving him the right to request that aspects of his past are made more difficult to find and increased the likelihood of these aspects of his past being ‘forgotten’.

The case of Mario Gonzalez which has tested an individual’s right to have elements of this past removed from easy reach of the public raises ethical questions about the rights of the ‘forgotten’ individuals from the past now being ‘discovered’ within digital archives. Mario Gonzalez has legally secured his right, by virtue of being alive, to protect his personal reputation. His action has also set a precedent for other living people to make similar requests. This raises the question that with similar technology being used to make the content of archives more accessible, what protection should be afforded to the personal reputations of individuals from

the past? This article considers the ethical implications for undertaking historical research into the personal lives of individuals based upon research undertaken using *The Times* digital archive.

Overview of the study

The study considered the history of drug-taking during the early 20th century; an era of significant change for drug-takers. At the turn of the century drug consumption was a private matter for the individual. Contemporaries may have thought of consumers as morally weak but it was of little consequence to them (Davenport-Hines, 2002). However, after July 1916 when the Defence of the Realm Act (DORA) Regulation 40b¹ was introduced, an individual's drug consumption became an issue for public scrutiny and participation attracted legal penalties. This necessitated greater concealment of personal drug consumption and created what modern researchers would describe as a 'hidden population' (Atkinson and Flint, 2001; Faugier and Sargeant, 1997).

Mainly the focus of previous research into this period (1900 to 1922) had been upon the influence of both policy-makers and campaigners for drug control. This study wanted to consider the period from a new perspective – that of the consumer. Of interest was:

- Who were the consumers?
- What was their history of consumption?
- How did they ensure access to their drugs of choice?

Researching consumer activity adopts an approach to the study of history that emerged during the 1960s and sought to produce a non-elitist viewpoint of the past. Undertaking this form of history means historians need to think about sources in alternative ways and develop different ways of analysing their content. Hobsbawm (2005) describes how this approach to exploring the past can often be more challenging and require the historian to 'prospect desperately around' (p. 271) to find a way of gathering the relevant evidence. Therefore, both the viewpoint of the study, the consumer, and the covert nature of participation made it extremely challenging to gain evidence.

Published research both helped to identify sources used in previous studies and offered insight to their merits and limitations. For example, some sources captured drug-takers from particular backgrounds, such as members of the medical profession or wealthier individuals.² Therefore, to 'enrich' the story of drug-taking it was essential to find a source that had captured the personal 'stories' of the widest possible range of drug-takers and so 'suddenly throw a shaft of brilliant light over what normally lies in historical darkness' (Black and MacRaild, 2000: 117).

Newspaper coverage of legal proceedings such as inquests or criminal cases following 1916 appeared to be a potential source for the study. *The Times* has long been recognized as the principal newspaper source in the United Kingdom (Secker, 1999). The launch of *The Times* digital archive offered a new research opportunity. It could rapidly provide search results and these articles could be retrieved and read instantaneously on screen (Deacon, 2007). Also with full text searches possible, potentially the digital archive could offer more evidence compared to the earlier manual index retrieval method.

Articles retrieved from *The Times* digital archive

Searches of *The Times* digital archive led to the identification of 359 articles that met the inclusion criterion by reporting a specific drug-related incident involving an individual or individuals. Reading and re-reading the articles developed a greater appreciation of their value and the richness of their content. In addition, the range of articles allowed a movement between levels of understanding from ‘bird’s eye to close reading’, as described by Gibbs and Cohen (2011), and this led to some unexpected outcomes. For example, some of the articles either revealed social connections or captured a personal drug-taking history over time.

The richest personal histories emerged from detailed reports of legal proceedings. A prime example was a civil case taken during 1902 against a retired doctor by the family of a drug-taker. The family believed that the doctor had knowingly supplied the drug-taker and thus was responsible for their dependency. Therefore, the family took a legal case to recover the cost of treatment for the drug-taker. In pursuing the case the family had to disclose in detail the drug-taking history of their family member.

Being able to link individuals socially and find detailed accounts of an individual’s drug-taking history opened up the world of the early 20th-century drug-taker. The richness of the available evidence meant these drug-takers were no longer just names from the past but people who were sharing their life-stories, making them feel more like participants in a qualitative research study. This led to reflection on the ethical implications that researchers need to consider when conducting electronic searches of digital archives to find traces of past lives.

Reflecting on the research experience

The need to ‘prospect desperately around’ led to the consideration of how technology could enable the identification of ‘forgotten’ individuals through reporting by *The Times*. The content of these articles could perhaps shed light on what it was like to be a drug-taker at a time of great change. In the past, gathering this evidence would have been much harder, taken far longer, and it would probably not have

been possible to gather it all. Previously, manual searches of *The Times* using quarterly published indices relied both upon the user's knowledge of index coding and that all articles, no matter how short, had been included in the index. However, the full text searching facility of the digital archive virtually eliminates the chance of an article, however short, being overlooked. Without the range of articles identified for this study the 'richness' of the evidence would have been reduced. For example, with less evidence the likelihood of finding links between people over time, such as that outlined above, would be diminished. However, having the opportunity to build up a greater understanding of an individual's lifestyle and their social networks brings with it ethical concerns. These concerns are increased by their involvement in a criminal activity. Disclosing the identity of a 'forgotten' individual and their connection to crime has the potential to cause harm. Therefore, careful thought is needed about how this evidence is presented when sharing research findings, and in this digital age this may not just be in the form of a printed academic journal.

The literature when considering the potential for harm and the researcher's duty of care highlights how decisions need to be based upon whether disclosure is in the public interest and whether this benefit outweighs any potential harm (National Committees for Research Ethics in Norway, 2006). Obviously this can be more difficult in certain circumstances, such as where disclosure causes distress to the family of the individual, but by providing a more detailed account of an event it brings benefits to an entire community because it helps them comprehend better what happened. One example might be where war crimes have been committed.

Another example of where disclosure might be acceptable is where a person has sought public attention, maybe by seeking public office (National Committees for Research Ethics in Norway, 2006). But this guidance on disclosure is perhaps less helpful in situations related to 'forgotten' individuals who through advances in digital technology find their 'secrets' more vulnerable to 'discovery', particularly when multiple digital archives are searched.

Furthermore, Landrum (2009) highlights how it may not just be researchers that need to consider the ethical implications of digital archives. He cites an American archive of letters written during the early twentieth century by the public to government officials asking for help with particular personal problems, many of a very sensitive nature. Landrum (2009) points out how some letters contain enough personal information to trace the individuals and/or their living descendants. The reason for their presence in the archive is because they were sent to public officials and therefore seen as government papers. However, the writers never intended for them to be in the public domain. It might be argued that this is a one-off example and that these letters would never become part of a digital archive, but the emerging evidence would suggest this may not be the case.

In July 2014, the Irish government had to shut down a website that provided sufficient personal information to potentially allow criminals to harm living individuals. *The Irish Times* highlighted how that public archive of registered births, marriages and deaths included such recent information that criminals could use it to access banking records by easily tracing the mother's maiden name of living people (Edwards, 2014). Billy Hawkes, Data Protection Commissioner, said there were 'obvious risks' and someone seemed to have 'missed the plot' in putting the live information on the internet. However it happened, it did happen, and there was the potential for this digital archive to cause harm.

If those creating digital archives do not always recognize the potential for harm then this must surely place greater responsibility upon the researcher to carefully consider whether their disclosure of content has the potential to cause personal harm. An area of concern here may not only be less experienced researchers but also the emergence of the 'citizen historian' who may use digital media to share their 'discoveries', for example by blogging.

Arguably it is the benefits of digital archives – rapid access, easy availability and comprehensive retrieval – that perhaps make it easier for the researcher to overlook ethical issues. Viewing electronic on-screen images of material when they want rather than having to make time to go and view the original at a specific location may in fact distance the researcher from the content. Richardson and Godfrey (2003) suggest when a researcher carries out an interview with a participant an 'emotional relationship' develops. A benefit of this relationship for the participant is that it 'can further strengthen an interviewer's duty and obligation to act with sensitivity and to proceed responsibly' (p. 348). However, they argue, if instead the researcher accesses interviews from a sound archive then they can lose the personal connection and this can reduce the ethical responsibility felt by the researcher.

This issue of 'personal connection' is very relevant when thinking about *The Times* digital archive. The ease of access and rapidity by which evidence can be amassed is initially quite overwhelming, and in managing the accumulated evidence there is a tendency to see articles rather than people's lives. Arguably, too, in this example the source – *The Times* – creates a false impression about the care the researcher needs to take of the evidence. Having been previously published it is natural to see the content as being within the public domain. However, this is a view that requires more detailed thought by the researcher.

By developing a connection with content it is easier to appreciate that the incident reported will have only fleetingly been in the public domain on the day it was published. If the details of the incident were unusual or particularly sensational or scandalous then the incident could have lived on in the readers' minds for a period of time. But generally a story becomes 'lost' with time and those involved return to obscurity. This is indeed why Mario Gonzalez took his legal case against Google.

He felt (and the Court agreed) that an advert in a newspaper which gave information on his financial situation at one moment in time was not relevant to who he was a number of years later.

However, in the same way that Mario Gonzalez's previous financial situation remained in the public domain due to electronic search engines, so digital archives are lifting the veil of obscurity on individuals from the past. Digital archives can rapidly reveal a long forgotten incident with the potential to create harm and possibly not even to the principal individual connected to the content. The nature of the American archive highlighted by Landrum (2009) shows that the potential for harm could equally apply to a descendant. Therefore the researcher needs to make a connection with the 'forgotten' individuals they 'discover' within digital archives and remember that being 'found' is not the same as the 'forgotten' individual giving their consent to participate in research. Also the researcher is only glimpsing a small moment in time for the 'forgotten' individual, and this event is not set within the wider context of the person's life. When conducting qualitative research with living participants the wider context is available to the researcher, and it is this wider context that is important to consider when thinking about disclosure.

The decision by Mario Gonzalez illustrates how individuals create their own life-narratives, deciding what the essential elements of their personal history are. They then weave these elements into their life-narratives that they in turn share with others, in particular their descendants. Furthermore, these life-narratives can be important to descendants of the deceased as they can be a reminder of the individual's character, but they can also be a basis for a descendant's own life-narratives. Bruner (2004: 699) suggests that

life stories must mesh, so to speak, within a community of life stories; tellers and listeners must share some 'deep structure' about the nature of a 'life', for if the rules of life-telling are altogether arbitrary, tellers and listeners will surely be alienated by a failure to grasp what the other is saying or what he thinks the other is hearing.

Therefore it is important that the researcher realizes that their decision to disclose has the potential not only to impact upon the life-narrative of the deceased but upon how their descendants frame their own life-narratives and expressions of 'self'.

In the research discussed here, the individuals who featured in the articles were no longer alive. They could feel no personal harm from the research. However, having a connection to the evidence should help the researcher appreciate that they have a duty of care that goes beyond the deceased individual and considers their descendants' wellbeing. To disclose a new and perhaps sensitive element about an ancestor's life that was unknown to their descendants is to interfere with the family's existing and shared 'deep structure' about the nature of a 'life'. Therefore, revealing through research an incident that is not part of the accepted life-narrative

constructed by an ancestor, and especially if it involves criminal activity, arguably has the potential to be very harmful to living descendants. Such a disclosure could undermine an accepted point of reference for the next generation which may have been a powerful influence in shaping the lives of descendants.

The technology behind digital archives and the focus of these archives themselves upon sources that capture daily life has now ensured that it could be anyone who is taken from obscurity and placed in the spotlight. Advances in technology thus have created a new, more vulnerable group of historical research participants. This makes it much more important that the researcher, when gleaning information from a digital archive, retains at all times a 'closeness' to the content of articles and treats the individuals they 'discover' as people who have not given their consent to participate in their study.

Even with this 'closeness' to the sources it is difficult for the researcher to gauge the impact that revealing an incident from an ancestor's past could have on the lives of their descendants. Distress is not something that can be gauged easily. Something that might cause distress to one person, because of say a strong religious belief, might to another be unimportant. Also the degree of distress might vary according to other factors such as age or social learning. If the focus of the research is on a less sensitive topic then there is less scope for a disclosure from an ancestor's past to cause harm or distress to descendants. However, this should not be taken for granted by the researcher. In the case of the study discussed, the primary interest was drug activity, which was an offence for part of the period and so a sensitive issue. In addition, the research found that some drug-taking individuals were also involved in other forms of criminal activity which might be more upsetting to descendants, such as violent assault, intimidation or prostitution. Therefore, sensitive topics of research require extra care to be taken. The researcher cannot know what they will uncover, even when researching a seemingly uncontroversial topic.

The focus of this article has been on using one digital archive, but as Shoemaker (2013) highlights, digital technology has enabled researchers in many cases to glean very detailed personal information about individuals from the past through the use of multiple digital archives. The traceability of individuals across multiple archives can only amplify ethical concerns. Being able to gather more evidence about an individual can only increase the likelihood of the researcher creating a life-narrative that is more at odds with the life-narrative created by the individual for themselves and their descendants.

When considering harm to descendants an important factor to consider is the time period. The notions of 'closeness' and 'distance' between the researcher and the researched has been discussed above but the issue of 'closeness' and 'distance' between ancestor and descendant is also very relevant when considering ethical concerns. The period of the study discussed here was from 1900 to 1922, which is

still near in time to the present day. Therefore, if a proportion of those identified through the articles were 20–30 years old at the time then they are unlikely to have children still alive, but their grandchildren could be alive. Therefore, grandchildren could still be using their ancestor's life-narrative within their own lives and sharing it with other newer family members. It is likely also that these living descendants will have had personal contact with the deceased individual which could strengthen the value of their ancestor's life-narrative. However, if the period studied had been further back in time and descendants were instead great-grandchildren, perhaps with little or no personal contact, then the impact of a new researcher-created life-narrative for their ancestor could be much less.

Concluding thoughts

Much of the recent literature on digital history discusses its development and enthusiastically highlights its vast potential for future research. However, there are some who have identified the need to consider in more detail the ethical dimensions to conducting digital history. This debate is especially important as digital archives have inspired many 'citizen historians' to take up historical research. This trend has to some degree driven the choice of material that has been digitalized and placed online. This in turn has increased the access to information about the 'ordinary' citizen from the past. The benefits of this are great in terms of finding out more about neglected areas of the past and piecing together 'missing' histories. However, in this thirst to 'discover' the past ethical issues should not be overlooked and, as recent experience has shown, this applies to those who create digital archives as well as those who use them.

Digital archives may attract younger, less experienced researchers who are less familiar with ethical considerations or perhaps do not make the connection to ethical frameworks that govern other forms of research. Digital history has advanced so far and so rapidly recently that perhaps it is time to focus on what implications these developments might have for conducting good quality research that adheres to established ethical principles. Researchers who use digital archives to explore particular periods or research sensitive topics should apply the same care to the personal stories they find as they would to data from living participants. In particular researchers should ensure anonymity when writing up findings, and this includes ensuring that subsidiary information is not revealed which could allow a viable guess at an individual's identity. It is important for the digital historian to make a personal connection with the individuals they 'discover', particularly when the era is within the recent past. This will help remind them that individuals from the past may still live in the present through their own shared life-narratives and family memories. It is to these very 'personal identities' that a researcher should observe a duty of care and ensure they do not produce a researcher-created

life-narrative that can harm those that care for the memory of that individual. It is important to remember that for an individual it may not always be good to throw ‘a shaft of brilliant light’ over what had been (and might have remained without digital archives) ‘in historical darkness’.

Funding

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

Notes

1. Defence of the Realm Act (DORA) was a wartime measure introduced to allow the government to ensure that the war effort was not undermined and enabled them to make rapid changes to the law known as regulations to avoid any particular threats to the nation’s efforts. Under regulation 40b it became an offence for any member of the public to be in possession or to supply particular named drugs.
2. Berridge (1999) argues that some members of the medical profession denied that the working class could become addicted, therefore cases of dependency from this group within society failed to appear within contemporary publications. Jay (2000) also highlights how members of the medical profession took drugs to learn of their effects and published articles recounting their experiences.

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