

Christel Backman

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Abstract

This thesis examines the regulation of access to criminal records in Sweden and the actual and potential use of criminal background checks by employers in hiring processes. In recent years, more and more Swedish employers have been required by law to check their job applicants' criminal records. In a parallel process, also the number of enforced subject access requests has increased considerably in that same period. The aim of this thesis is to analyse and explain these two trends and consider their implications for future use of criminal records in Sweden and elsewhere. The analysis draws upon government documents, newspaper articles, interviews with employers using enforced subject access, and interviews with union and employer organization representatives, with the aim of capturing the vocabularies of motive that were evoked and put to use in attempts to justify and legitimize either access restrictions or the extended use of criminal records data in hiring decisions.

In Paper I, I examine how subject access, indirect employer access, and the notion of privacy have been understood and defined throughout the history of the Swedish Criminal Records Registry, and how practices and policies in the area have evolved over time.

In Paper II, I investigate how employers who use individuals' right to subject access as a means for obtaining copies of their criminal record account for their practice, and how unions and employer associations have responded to the adoption of it.

In Paper III, I challenge the 'governmentality' tradition in criminology and the way the use of criminal record checks is interpreted within it. As an alternative way of formulating and understanding the issue, I propose that it be looked at from a symbolic perspective.

In Paper IV, my analysis utilizes the perspective of the sociology of scandals to help develop a better understanding of function creep in the area of data protection. This I do through an examination of the process leading, first, to the introduction of mandatory vetting of childcare workers and teachers in Sweden in 2001, and, then, to the inclusion later on of also other employer categories in the scope of the relevant legislation.

Based on these analyses, I argue that the changes in the access to individuals' criminal records reflect the state's way of governing the interpretation of the criminal records database. Whether actors are denied or allowed access to in-

formation contained in the criminal history record database depends on the prevailing cultural representations regarding notions such as 'privacy', 'data protection', 'databases', 'sensitive information', and 'power'. Moreover, I argue that the function creep in the use of criminal history data in Sweden can be initially explained by the occurrence and publicity of scandals that highlight the vulnerability of a group of dependents, making it defensible to resort to privacy-intrusive methods such as criminal record checks, with the continuing function creep then being made possible by a changing moral landscape that, following the initial amendment, renders the method morally more defensible among the policy makers and the public at large.

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Paper I

Backman, Christel (2011) Regulating Privacy: Vocabularies of Motive in Legislating Right to Access to Criminal Records in Sweden. In S. Gutwirth, Y. Poulette, P. De Hert, and R. Leenes (eds.), *Computers, Privacy and Data Protection: An Element of Choice*. London: Springer.

Paper II

Backman, Christel (2011) Vocabularies of Motive among Employers Conducting Criminal Background Checks. *Acta Sociologica* 54 (1):27-44.

Paper III

Backman, Christel (2012) Criminal Records: Governing Symbols. In *Transformations of the Swedish Welfare State*, edited by B. Larsson, M. Letell and H. Thörn. Basingstoke: Palgrave Macmillan.

Paper IV

Backman, Christel (2012) *Mandatory Criminal Record Checks in Sweden: Explaining Function Creep through Scandals and Moral Position Taking*. Unpublished manuscript.

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Förord

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The Problem of Criminal Record Checks

Data gathering and record keeping represent an old, classical form of surveillance, one that has been viewed as a necessary component for the development of the modern state and welfare systems (Rule 1973). Sweden in particular has a long history of keeping large databases about its population. The information contained in many of these databases, such as tax paid and gross and net earnings, is public and available to anyone, thanks to the principle of public access to official records that has been dominant in the country from 1766 onwards (Magnusson Sjöberg 2008). The unique personal code number based on the date of birth that each citizen is assigned makes it easy to locate the information on record and ensure the correct identification of a person.¹ It is easy, consequently, to see why Sweden, when viewed from outside, has been called “the model surveillance society in the Western world” (Flaherty 1989, 4). To a large degree, the Swedish welfare state has indeed depended on record keeping for important planning and research tasks, issuance of benefits, social insurance administration, and control of recipients. Surveillance and record keeping are, however, not just valuable to the state; they also form a vital pre-requisite for the creation of trust in modern society between the state and citizens, among the citizenry itself, and between citizens and private companies (Lyon 2001).

At the same time, it would be naïve not to acknowledge that the information gathered is to a high degree also used to control citizenry and individuals and to govern individuals’ access to benefits, spaces, and organizations (cf. Foucault 1979; Rose 1999). Existing criminal records – that is, entries in databases about convictions by criminal courts and decisions by public prosecutors such as restraining orders or abstention from prosecution – for example, have been used to mete out punishment and restrict ex-offenders from certain jobs, and they have been taken into consideration by authorities when granting permissions of

¹ The personal code number system was introduced in Sweden in 1947.

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various kinds such as taxi driver licences, licences to serve alcohol, adoption approvals, and so forth.

Criminal record data is, however, considered sensitive information in the country. Swedish news media rarely publish names of suspects or offenders even after the court sentences have been handed down, and the existence of criminal records has been viewed by state authorities as potentially stigmatizing and hazardous for those with a record; in the 1960s, for example, mere knowledge of a record and the possibility that it at a future time could be used by a court was seen as something constituting a burden for ex-offenders and obstructing their re-socialization (Backman 2011).² For this reason, an exception to the general rule of free access to public documents has been made in the case of criminal records, with access to them being provided to certain actors and authorities only. Up until 1989, there even was no right in general for individuals to review their own data, to protect them from being forced by employers or landlords to reveal their criminal record. In consequence, the existence of any previous criminal conviction had, typically, low 'known-about-ness' (Goffman 1990, 65), and it was possible to keep the information invisible to others. The entries were nevertheless preserved in the national criminal records registry, which guaranteed that the crime was not forgotten and meant that data could be made available to those who had been, or were to be, granted access right.

The dilemma of criminal records keeping is, then, that while, on the one hand, the records are seen as sensitive information that should be kept protected, they, on the other hand, can provide valuable information that both state authorities and private actors may wish to make available to themselves in some cases. Employers, for example, have always maintained that access to criminal history data will help them recruit employees who are "law-obeying" and "trustworthy". At the same time, there are numerous studies that show return to employment after serving a sentence to correlate with low risk of recidivism (cf. Kyvsgaard 1989; Skardhamar and Telle 2009; Uggen 2000). While allowing or even requiring hiring decisions to be based on criminal history information may indeed prevent crime in singular instances, the practice would then have a potentially contrary effect on crime prevention on a more general level. From a crime prevention perspective, the rationale for keeping criminal records out of the reach of the authorities, employers, and fellow citizens seems thus at least as compelling as the rationale for making them available for background screening

² This, however, has started to change recently, and it is today more and more common to find blogs, websites, and twitter threads disclosing the identity of suspects. Especially the evening papers have made the argument that publishing suspects' names is ethically justifiable if the information is already available online.

of jobseekers. Yet, in the course of the 2000s, many new groups of employers have been required by changing legislation to perform criminal background checks on new classes of jobseekers, substantially increasing the number of Swedish labour market actors conducting such checks as part of their hiring procedure.

The clash between individuals' interest to keep the information private and the state's as well as the employers' wish to use it for punitive and preventive purposes is obvious. It is this conflict between the interests of convicted persons and the interest of potential victims, or between visibility and invisibility, access and non-access, that provides the main theme of this thesis against which the discussion in it unfolds.

1.1 Recent Developments in the Regulation of Criminal Records Access

During the last decade, both the regulated and the non-regulated use of criminal records have undergone significant changes in Sweden. Individuals' criminal history records are today available to more employers than ever before, and the number of requests for information from the national criminal records registry has increased tenfold during the period (Table 1). This trend of increasing access and use can be traced back to 2001, when it first became mandatory for employers to check the criminal records of teachers and childcare workers before hiring them.³ Similar acts and ordinances enabling and even requiring employers to access jobseekers' criminal record information either directly or through so-called 'certificates of conduct' have over the last decade been adopted in several other countries as well, including Denmark (Götze 2010), Germany (Morgenstern 2011), the Netherlands (Boone 2011), the UK (Thomas 2007; Padfield 2011), and the US (Jacobs 2006). In general, the new legislation has concerned employees working with children, the elderly, disabled people, and other such groups considered 'vulnerable' (cf. Boone 2011; Thomas 2007). In the UK, background checks on childcare workers became mandatory in 1986 following what Thomas has called "the 'discovery' of child sex abuse" in connection with the much-publicized case of Colin Evans (Thomas 2007, 115). Similarly, in Norway the so-called Bjugn case of the early 1990s led to a new act

³ SFS 2000:873 (Swedish Code of Statutes) *Lag om registerkontroll av personal inom förskoleverksamhet, skola och skolbarnomsorg*. The act has been abrogated and criminal record checks of teachers and childcare workers are now regulated through the country's general Criminal Records Act (§9.2, SFS 1998:620 *Lag om Belastningsregister*).

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on compulsory national criminal record checks of childcare staff and teachers (Backman 2012). When Sweden, much inspired by the examples of Norway and the US, made criminal record checks of childcare workers and teachers mandatory in 2001, there, too, the legislation was passed in the wake of broad publicity over paedophile cases that had recently come to light, involving employees at the country's preschools.

Although not so novel internationally, the introduction of the 2001 act on childcare workers and teachers in Sweden ushered in a new era in the country, marking a break with previous thinking on employer access to criminal records and ex-offenders' right to privacy (Backman 2011). Only ten years later, employers were also obliged to check the criminal records of prospective personal assistants for children and of staff members at care and residential homes for children and young persons, schools were required to do the same for students whose programme contained an internship component in schools or preschools, and the requirement was even extended to owners of companies conducting motor vehicle inspections along with insurance intermediaries, judges and law clerks, as well as all individuals applying for a licence to practice one of the regulated healthcare professions.⁴ In addition, the degree to which the subject access right, introduced in the criminal records legislation in 1989, was being exercised by individuals was constantly increasing. The right allows individuals a possibility to view their criminal record information in order to verify it for correctness and, where necessary, have any errors in it rectified. At the same time, however, the right also opens the door for a practice known as enforced subject access, whereby employers without a legal right to require disclosure of criminal record information from prospective employees nevertheless force jobseekers to use their right to make access requests to that way obtain a copy of their record. Altogether, the number of subject access requests rose from around 10,000 per year in 1995 to more than 160,000 per year in 2010 (see also Table 1), and it is estimated that at least 75 per cent of the requests received have been enforced subject access requests (Rikspolisstyrelsen 2004).

⁴ SFS 2010:479 *Lag om registerkontroll av personal som utför vissa insatser åt barn med funktionshinder*; SFS 2007:171 *Lag om registerkontroll av personal vid sådana hem för vård eller boende som tar emot barn*; *Lag om ändring i lagen (2000:873) om registerkontroll av personal inom förskoleverksamhet, skola och skolbarnsomsorg*; SFS 2010:77 *Förordning om ändring i förordningen (1999:1134) om belastningsregister*; SFS 2005:405 *Lag om försäkringsförmedling*; SFS 2007:71 *Förordning om ändring i förordningen med instruktion för Tjänsteförslagsnämnden för domstolsväsendet*; SFS 2009:1400 *Förordning om ändring i notarieförordningen*; SFS 2010:659 *Patientsäkerhetslag*

1.1.1 Function Creep

The developments in the use and regulation of criminal records in Sweden since the late 1990s are best characterized as function creep, in that what they resulted in is an extended use of a database initially planned for a different purpose, in ways that transgress the moral boundaries originally governing its establishment and utilization (cf. Dahl and Sætnan 2009; Fox 2001; Haggerty and Ericson 2006; Surveillance Studies Network 2006). Thereby a new potential has been created for the utilization of this database for surveillance purposes, by extending the practice of criminal record checking into new spheres of the labour market. In addition, criminal history data has acquired new possible functions such as to serve crime prevention and protect victims, which, by normalizing the use of criminal background checks in hiring processes, nevertheless carries the risk of effectively obstructing offenders' rehabilitation and re-integration into society and the labour market and that way, paradoxically, of only increasing in crime levels in general.

The term 'function creep' has been employed in somewhat varying ways, with the process in question being sometimes also referred to as 'surveillance creep' (Marx 1988), 'control creep' (Innes 2001), and 'mission creep' (Mariner 2007). It is not always easy to make a clear distinction between the terms in use. Innes (2001), however, has proposed to use 'control creep' as a broader overall term, capturing as it does a wider shift in society than merely the increased use of a technological device for surveillance; 'surveillance creep' and 'mission creep' would thus be narrower in their scope. Of the two last-mentioned, the latter is usually used to describe cases such as an organization taking the initiative to extend its tasks to cover more areas or having these expanded through new regulation (cf. Mariner 2007; Monahan 2009). As Dahl and Sætnan (2009) have summarized it, what all these concepts nonetheless have in common is that they designate an expansion, captured by the word 'creep'.

Although my approach in this thesis is a critical one, I nonetheless want to proceed from a more balanced view, mindful of the fact that the shifts in the use and regulation of criminal records in Sweden have been presented as both a positive and a negative development. 'Control' and 'surveillance' both bear a negative connotation, conveying a sense that the creep is always unwanted and negative (cf. Dahl and Sætnan 2009). The term 'function creep' is therefore more in line with my aim of examining how the creep in question took place and which new social functions it has bestowed upon the national criminal records database experiencing that creep.⁵ Although mission creep, too, would be a

⁵ 'Creep' can refer to either a distressing sensation or a slow movement, the latter being frequently a characteristic of function creep (Dahl and Sætnan 2009).

useful concept for part of my discussion – of the new legislation making criminal record checks mandatory in the 2000s’ Sweden – it is unable to comprehend the aspect of the unregulated developments unfolding parallel to the regulated creep.

For the purposes of this thesis, I define function creep in the present context as *an extended use, regulated or unregulated, of a database for purposes for which it was not initially planned, in ways that transgress the moral boundaries originally governing that database’s establishment and utilization*. This extension, which may take place gradually over a number of years, *implies or results in new social functions*.

The unregulated development manifest in the rapidly increasing number of enforced subject access requests brings to mind Robert K. Merton’s concept of ‘unanticipated consequences’, or the unintended and unwanted results of an intended action (Merton 1936). In Paper I below, I pay particular attention to how enforced subject access requests were initially seen as a *likely* outcome if subject access rights were to be implemented under criminal records legislation, to become only later considered as an unlikely outcome and a risk worth taking. Accordingly, this part of the function creep, even though it has taken place outside the regulated sphere and was not explicitly intended, cannot be seen as having been entirely unanticipated by the country’s government and legislature.

1.2 Aim and Research Questions

What initially drew my interest to the present topic was the sudden increase seen in Sweden in the number of enforced subject access requests over the last decade. When subsequently tracing the history of the regulation of criminal records in the country, it became apparent to me that the more and more common practice of enforced subject access was closely linked to regulatory changes. Two major changes in the regulatory framework in particular stood out: first, the introduction of subject access rights in the legislation in 1989, and, second, the adoption of the act on mandatory criminal record checks of childcare workers in 2001. These main markers of the function creep in the use of criminal records in Sweden have since then been at the centre of my research work. In this thesis, my aim is to analyse this function creep from a sociological perspective: *to investigate how the shift in the regulation and use of criminal records in Sweden has been accounted for by the legislators, employers, labour representatives, and the news media; to explore the connections between these different accounts and the shifting societal conditions; and to explain why the function creep took place in the first place.*⁶

⁶ An overview of my research questions is found in Table 2.

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To anticipate the conclusions of this thesis a little, my argument below will be that function creep can only take place in the presence of dominant vocabularies of motive that can provide publicly acceptable justifications for it. Vocabularies of motive, to put the matter simply, are “unquestioned answers” to questions regarding motives and justifications for actions, as offered by members of an institution, an organization, or society as such (Mills 1940; see also Burke 1984; Scott and Lyman 1968). The vocabularies are situational, in that what functions as a justification in one situation may not do so in a different setting, which makes the concept appropriate for analysing how phenomena like criminal record checks have transformed from unacceptable to acceptable within different contexts like certain legislative and labour market frames. For my analysis of the various vocabularies of motive used by Swedish lawmakers over time, I studied legislative documents dating from the late 19th century, when the Swedish criminal records registry was first set up, to the present day (2010), in order to clarify what the accepted justifications for the use of criminal records were at each time. In addition, I also interviewed employers engaged in the practice of enforced subject access, along with various labour market actors, so as to be able to trace the vocabularies in use in the labour market sector as well.

The vocabularies operationalized and drawn upon by legislators are of particular interest to my research topic, since a certain justification never is merely a neutral description or a statement of fact. The motives put forward influence others, and are an important part of the social control that is exercised in society and within specific groups (Mills 1940: 444f.). As part of the state’s communication with authorities, the criminal justice system, and the citizenry, they are ‘cultural stories’ (Richardson 1990). In other words, they are a message from the centre to the periphery on how to understand the moral conditions surrounding, in this case, the use of criminal records, and on where the boundary line between the stigmatizing and privacy-intrusive effects of that use and its crime prevention effect shall be drawn (cf. Smith 2008). Through my interviews with employers and other labour market actors, I then also analysed the vocabularies operationalized in the “periphery”, looking at how employers account for the, by the legislature, unintended uses of criminal record checks, and comparing the vocabularies situated within the labour market with those situated within the country’s crime policy. These analyses of vocabularies of motive are given in Papers I (legislature) and II (employers and other labour market actors), with the summaries and comparisons presented in Section 4 of this Introduction.

Vocabularies of motive change when societal frames do (Mills 1940). When explaining the function creep in the use of criminal records in Sweden, it is therefore important to pay close attention to the shifting conditions in society that influence the vocabularies in use. As appears from Papers III and IV and

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below in this Introduction, I for this reason attempted to trace the kind of societal changes in the time period in question that could be gleaned from newspaper articles and governmental documents dealing with criminal record checks. In addition, I drew upon previous research and my own empirical materials to better contextualize these changes.

In sum, what I will be arguing is that the function creep we have witnessed in the use of criminal records in Sweden can only be explained by a combination of circumstances involving both shifting societal conditions and the introduction of mandatory criminal background checks. Through their joint effect, the two circumstances caused a change in the vocabularies of motive in use, making justifications of privacy intrusion in the name of crime prevention more palatable to the public. What we are seeing today is a certain process of normalization (cf. Flyghed 2002) taking place in regard to these developments, a process that, too, is visible in the vocabularies used and in what becomes accepted as “legitimate” use of criminal record checks. Elements of the function creep then in turn influence existing vocabularies of motive, as the new privacy-intrusive and contested purposes shift the moral ground and, along with it, standpoints on the issue (cf. Dahl and Sætnan 2009). All this is analysed in more detail in Paper IV and in Section 4 below in this Introduction.

My own viewpoint on the use of criminal record checks in hiring processes is informed by broader socio-legal considerations. First of all, sociological research supports the understanding that offenders need to be able to secure employment and stable housing to reduce the risk of their re-offending (e.g., Kyvsgaard 1989; Skardhamar and Telle 2009; Uggen 2000). Secondly, the legal-philosophical contradiction between, on the one hand, the ambition of having a societal system where no offender is to be punished more than once for the same offence and, on the other hand, the fact of at the same time keeping criminal records of individuals is untenable. Thirdly, theoretical work on ‘exclusive society’ (Young 1999, 2002), ‘the culture of control’ (Garland 2001, 2004), and the ‘control society’ (Deleuze 1992; Rose 2000) has cast severe doubt on the notion that there are societal benefits from harsher punishments, more control, and a differentiation between ‘good’ and ‘bad’ citizens.

1.3 The Structure of the Thesis Introduction

This thesis consists of an Introduction and four individual papers. The Introduction is structured as follows: Section 2 below discusses the use and regulation of criminal records in an international as well as the national Swedish context. The section reviews existing research on legislative changes in the reg-

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ulation of criminal background checks and employers' use of criminal record checks, along with the latter's willingness to hire ex-offenders. The Swedish Criminal Records Registry and its historical background are discussed, as are the conditions for access to information contained in it. After that, in Section 3, the research methods used in this study are described and discussed: the interviews, government documents, and newspaper samples relied upon, the coding processes used, and the theoretical framework drawn upon for my analysis. Section 4 starts with a summary of the four papers to follow: Paper I, *Regulating Privacy: Vocabularies of Motive in Legislating Right of Access to Criminal Records in Sweden*; Paper II, *Vocabularies of Motive among Employers Conducting Criminal Background Checks*; Paper III, *Criminal Records: Governing Symbols*; and Paper IV, *Mandatory Criminal Record Checks in Sweden: Explaining Function Creep through Scandals and Moral Position Taking*. This summary is then followed by a discussion of the contesting vocabularies of motive used in the Swedish case, of the need for a symbolic understanding of function creep, and of the limits of the function creep in Sweden. Section 5, finally, concludes the introduction by summarizing and discussing my answers to the research questions posed.

2

The Use and Regulation of Criminal Records

2.1 International Trends

In the last ten years, many countries, including Australia, Denmark, the UK, and the US, have seen a significant increase in the number of data access requests for criminal conviction data (see Götze 2011; Holzer, Raphael, and Stoll 2007; Naylor, Paterson, and Pittard 2008; Stoll and Bushway 2008; Thomas 2007). The developments have been similar in Sweden, too, where the number of so-called enforced subject access requests has increased tenfold since the 1990s (Table 1). Australia has historically had no restrictions on employers' use of criminal records (Naylor, Paterson, and Pittard 2008), while in England, despite evidence that employers were seeking information from the police on jobseekers already in the 19th century, it was only with the new Police Act of 1997 and the establishment of the Criminal Records Bureau in 2002 that employers gained a more general access to such records (Thomas 2007). Nevertheless, employers had been resorting to enforced subject access from the late 1980s onwards already when this possibility, opened up by the new Data Protection Act of 1984, became more widely known (Thomas 2002, 2007). The new act then increased employers' awareness of the risks and the possibilities related to the use of criminal record reviews as a means to improve company security. Götze (2010, 2011) has demonstrated a similar trend in Danish employers' use of criminal records over time. In addition, several countries such as the Netherlands (Boone 2011), Germany (Morgenstern 2011), Denmark (Götze 2011), the UK (Padfield 2011; Thomas 2007), and the US (Jacobs 2006), have also introduced legislation that directly enables employers to conduct criminal record checks, increasing the number of criminal record requests submitted even more.

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There have, however, also been changes in the opposite direction. In the US, from 2006 onwards, several administrative districts have adopted a policy of “banning the box”, whereby the application form for city and county jobs is to no longer contain a question on whether or not the applicant has ever been convicted of a crime (Henry and Jacobs 2007). Some federal states also apply discrimination laws to the use of criminal records, while others among them continue to allow employers to base hiring decisions on arrest records (Lam and Harcourt 2003). In Australia, employers’ right to use job applicants’ criminal records as a ground for employment decisions is in some states limited due to discrimination legislation, unless the employer can argue that the information is of relevance for the job position (Lam and Harcourt 2003; Naylor, Paterson, and Pittard 2008). Nevertheless, while the development in the Western countries in general seems to be towards a more widespread use of criminal records, there are notable exceptions such as Spain where employer access to the information contained in them has remained highly restricted (Larrauri 2011).

In the US, where criminal history data is available to employers in many states, 32 per cent of employers in Atlanta, Boston, Detroit, and Los Angeles (Holzer, Raphael, and Stoll 2004), and 45 per cent of those included in a separate study in Los Angeles, have reported that they always conduct criminal record checks; 21 per cent of the employers in the wholesale trade industry (fewest) and 50 per cent of those in the service industry (most) reported doing so, and there is evidence that the number is only increasing with time (Holzer, Raphael, and Stoll 2007). In the UK, 27 per cent of employers on average check job applicants’ criminal records, with 64 per cent of those in the public and voluntary sector (most) and 11 per cent of those in the manufacturing sector (fewest) doing so (Zibarras and Woods 2010). In Sweden, a recent study found that 21 per cent of the employers surveyed checked job applicants’ criminal records as part of their hiring process (Stockholms Handelskammare 2011). In a US study, when asked whether or not they saw themselves as legally required to check the records, about half of those engaged in the practice stated that they indeed did (Holzer, Raphael, and Stoll 2007). Regrettably, neither the existing UK nor Swedish studies differentiate between employers who are legally allowed or even required to check job applicants’ records and employers who use the practice of enforced subject access.

To conduct criminal background checks does not necessarily indicate unwillingness to hire people with a mark on their record. Although more than 60 per cent of the employers in a large US study stated that they would “definitely not” or “probably not” hire a jobseeker with a record (Holzer, Raphael, and Stoll 2004), in other studies the share of those reporting willingness to do so has been between 21 (Holzer, Raphael, and Stoll 2007) and 60 per cent (Pager and

Quillian 2005). US employers in general seem more willing to hire individuals convicted of traffic violations and drug offences than individuals convicted of violent crimes and sexual offences (Albright and Denq 1996; Giguere and Dundes 2002). Also the size of the employer company seems to matter in this respect: small business employers have been shown to be more reluctant to hire ex-offenders, even when they appear to resort to background checks less frequently than larger business employers with a human resource division and formalized hiring procedures (Holzer, Raphael, and Stoll 2007; Lukies, Graffam, and Shinkfield 2011; Zibarras and Woods 2010). In the US context, the willingness to hire individuals with a criminal record, as well as the extent to which employers actually resort to criminal history checks, have, moreover, been shown to be connected to race, in the form of differential treatment of black and white jobseekers (Bushway 2004; Holzer, Raphael, and Stoll 2006; Pager 2007).

The kind of attitude surveys that the existing studies for the most part represent have been received with criticism and their reliability has been questioned. Pager (2003), for example, wanted to verify employers' actual responses to previously convicted entry-level jobseekers using an audit methodology. When comparing her findings with the results from a telephone survey of the same employers' hiring preferences, conducted several months later, the employers turned out to have been much less willing to actually hire a candidate with a criminal record than what the later attitude survey indicated (Pager and Quillian 2005).⁷

2.2 The Swedish Criminal Records Registry

In Sweden, the national Criminal Records Registry (*belastningsregistret*) is administered by the Swedish National Police Board, and it contains information on all those who have been sentenced in criminal courts or summarily imposed a fine, who have had a restraining order issued against them, or in whose cases prosecution had been abstained from. In general, the information is kept for five years if the offence was punishable by fine, and ten years if it called for other

⁷ In this study, 34 per cent of the white and 14 per cent of the African-American jobseekers without a criminal record received a call-back from the prospective employer. However, only 17 per cent of the white applicants and no more than 5 per cent of the African-American applicants who had a prior conviction on their record did so, even though more than 60 per cent of the employers in the attitude survey stated that it was "very likely" or "somewhat likely" that they would hire a person with a previous drug conviction (Pager and Quillian 2005).

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sentences and sanctions.⁸ For those aged under 18 at the time the crime was committed, information is in general kept for only three or five years depending on the type of punishment. This special regulation for young offenders, however, is the result of a recent amendment to the Criminal Records Act, and prior to 2010 young offenders' records were kept for the same period as those of adult offenders (prop. 2007/08:31; prop. 2009/10:191). Prison sentences are excluded from this exception, but it is highly unusual for individuals under 21 to be sentenced to prison in Sweden.

Criminal records can include data from the police as well as from the courts (cf. Heberton and Thomas 1993; Logan 2009). In Sweden, police records and court records have been kept separately under different names,⁹ apart from a short period when, "for technical reasons," they were kept in the same registry (see section 2.2.1 below). In line with the Swedish legislation, I therefore adhere to the distinction between criminal records and police records. The uses of the latter are not discussed in this study, and my reference to "criminal records" will thus only include court verdicts and decisions by the public prosecutors.

2.2.1 Historical Background

In most European countries, criminal records registries were set up during the 19th century (Commission Report 1892; Logan 2009). Keeping track of individuals' criminal records was, however, not a new thing in Sweden even at that time. There is evidence that the country's parishes have kept criminal records since at least 1720, although that first system of criminal records keeping was merely a way for the courts to communicate with the parishes, which had an important role in carrying out sentences under the criminal law of 1753 (SOU 1935:60). The first national Criminal Records Registry was set up in 1901, following a discussion initiated already in the previous century on whether the efforts to prevent the criminal record information kept by the parishes from leaking out were successful enough (Commission Report 1892). The expressed purpose of the single nation-wide registry operating under the Ministry of Justice was to help the government gain control over the use of that information, so as to keep it inaccessible to employers, yet available to the criminal justice system.

This, however, was not the only reason for setting up a national data collection and storage system. During this time period, "migratory criminals" had

⁸ If a person has multiple convictions, it is the date of the last conviction that decides when the record is expunged.

⁹ Currently *belastningsregistret* (court verdicts) and *misstankeregistret* (police records on suspects).

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become a problem for law enforcement. Parish records were local by nature, which made it hard for the courts to keep track of defendants who did not stay in their parish, and the parish registers, moreover, were not always up to date (Commission Report 1892; Lext 1984). All in all, the basic motive behind the establishment of a national criminal records registry in the country was thus twofold: to single out “habitual criminals” and help the courts to impose right sentences for repeat offenders on the one hand, and to keep criminal record information out of the reach of employers on the other hand. The justifications for the Swedish registry were thereby partly the same as the reasons cited in the US and the UK, where the birth of the criminal records system was closely linked to a desire to keep track of released prisoners. In the US, convicted individuals were passing state boundaries far more often than before, which rendered local knowledge useless and made policing more difficult (Logan 2009). In the UK, the end to the transportation of convicts to Australia and other colonies called for a system that could keep track of them once released back into society (Thomas 2007).

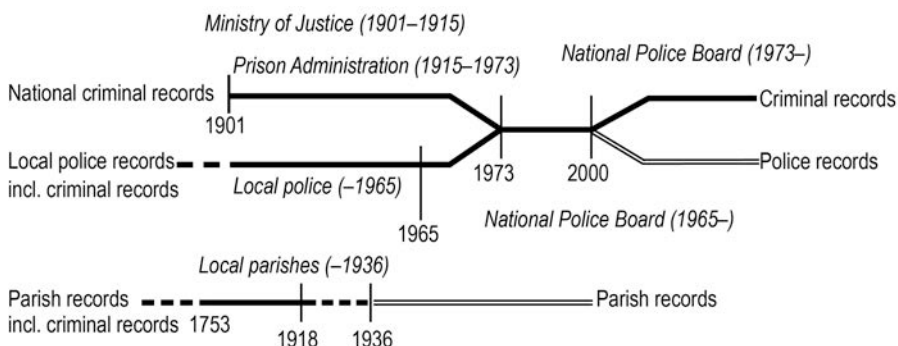
But not only was the population becoming more mobile: at the same time, corporal punishments had become less frequent in the course of the 18th and 19th centuries, as had public forms of punishment like running the gauntlet and the use of pillory outside the church entrance on Sundays. Both of these tendencies implied that the memory, visibility, and known-about-ness of criminal convictions were challenged. Centralized record keeping thus became a means to counteract this development (cf. Becker 2001).

The somewhat confusing and partly parallel systems of criminal record keeping as used in Sweden over time are shown in Figure 1 below. The parish registers held information about local inhabitants’ crimes from 1753 through 1918 (though they continued to do so for the parishes’ own use up until 1936, as parish members convicted for certain crimes were not allowed to receive communion). While it is unclear when local police registers were first set up, they were not regulated under national law until 1965, when local registers were proscribed and replaced with a single national register containing not just criminal records but also information about suspects. The new National Police Register was then computerized and, to avoid having two registers with overlapping content, merged with the national Criminal Records Registry in 1973 (SOU 1997:65, 59). This manoeuvre, however, turned out to be problematic from the point of view of subsequent data protection recommendations, which demanded that information carrying different weight (on suspected offenders vs. those

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proven guilty in court) not be kept in the same record.¹⁰ The system was thus redesigned in the 1990s, with new legislation adopted to ensure conformity with data protection requirements (Backman 2011a). In 2000, all criminal record information was removed from the National Police Register, which from then on was to only hold information on crime suspects (prop. 1997/98:97). Ever since then, the national Criminal Records Registry has served as the only register over criminal records in the country.

Figure 1. Historical overview of registers containing criminal records in Sweden



A more thorough description of the development of the Swedish criminal records registry and the regulations governing it in the 20th century is given in Papers I and III.

2.2.2 Access to Criminal Records

Some employers, such as state authorities and juvenile and psychiatric care institutions, have always had a right to retrieve information about job candidates from the criminal records (for a detailed list, see Paper III). During the past decade, further categories of employers, including preschools and elementary schools, have become obliged by law to require jobseekers to provide an extract of their criminal record covering verdicts for certain crimes. What these crimes, exactly, are varies between the different occupations in question. As a result, a number of different forms can today be downloaded from the national police website, with a separate form for each occupational category involved. These include personal assistants to children, teachers and childcare workers, and in-

¹⁰ E.g., Recommendation R (87) 15 Regulating the Use of Personal Data in the Police Sector 1987.

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surance intermediaries, with a separate form also for those wishing to use their subject access right to make a so-called Section 9 request. A subject access request covers all the information held in the individual's record, while the other types of request limit the scope of the information to crimes regarded as "relevant" for the job position in question.

The two-page Section 9 request response form was designed by the National Police Board to discourage the practice of enforced subject access. The form is sent to the home address of the requesting individual, with its first page giving information about the national Criminal Records Registry and the nature and purpose of subject access requests, including the stricture that the information obtained through a section 9 request is not to be used for employment decisions. There is also a further note stating that in case there is a mark on the subject's record, it will be disclosed on a separate, additional page included in the envelope. The two pages, however, are unnumbered, and individuals not wishing to disclose their record can thus opt to only show the first page to the prospective employer, claiming that nothing else was included in the response form (implying, in other words, that they had no mark on their record). For this reason, to counteract this possibility, all the employers interviewed for this study indicated that they demanded their jobseekers to hand in their response envelopes unopened, so as to ensure that nothing could be removed from them.

The criminal records database is, however, not the only source of information for employers wanting to learn more about jobseekers' criminal history. Court rulings and judgements, for instance, are public documents in Sweden, and thus accessible to anyone wishing to review them. With the exception of the Supreme Court and, in certain cases, the courts of appeals, they are, however, not electronically published, and an individual wishing to access information on a specific case must contact the appropriate district court. An employer interested in learning about a jobseeker's criminal history can thus proceed accordingly to obtain information on possible convictions involving the person in question. In criminal cases, the records are kept by the district court for a period of six years, and in civil cases for a period nine years. Nevertheless, since criminal cases are tried where the crime is alleged to have taken place and not where the defendant resides, there are no guarantees that the employer finds all the relevant information without contacting all of the 48 district courts in the country. Consequently, none of the employers in this study who used enforced subject access to obtain criminal history information on their job applicants had resorted to this method for accomplishing the same.

Table 1 gives the number of information requests submitted to the national Criminal Records Registry over time, along with the total number of new employee hires each year.

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Table 1. Number of civil requests for criminal records in Sweden, 1961–2010, by job category/request type and including year of pertinent legislation

Job category/ request type	1961	1995	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Subject access ¹	50 000 ²	10 000 ²	41 850	38 600	40 686	52 108	71 324	86 838	104 843	115 815	127 334	161 349
Childcare workers and teachers			111 397	88 920	81 738	84 189	86 377	92 504	93 800	122 321	129 850	150 340
Insurance inter- mediaries ³								21 425	6 890	9 319	8 215	8 729
Special approved homes for youth care									2 578	10 063	13 389	25 133
Total	50 000	10 000	153 24	127 520	122 424	136 297	157 701	200 767	208 111	257 518	278 788	345 551
Total no. of new employee hires ⁴	n/a	1 069 017	1 223 828	1 146 132	1 114 477	1 099 747	1 219 210	1 397 091	1 415 990	1 316 908	1 132 935	n/a

¹ §9.1 Criminal records act and §10 Data protection act

² Estimates (SOU 1961:11; SOU 1997:65). The figure for 1961 refers to requests for a certificate of good conduct submitted to local police authorities.

³ Criminal record checks for insurance intermediaries were made mandatory in Sweden in 2006 in direct response to a European Union directive (European Commission 2002/92/EC; prop. 2004/05:133). As the pertinent Swedish act making the checks mandatory in the country merely implemented a directive applicable to all EU member states, and thus simply had to be adopted, it is excluded from the scope of this study.

⁴ The figures are from the annual Labour Market Report by the Swedish Public Employment Service, which in turn relies on data from Statistics Sweden (Arbetsförmedlingen 2010). The statistical data is available from the Swedish Public Employment Service's website at <http://www.arbetsformedlingen.se/Orn-oss/Mar-verksamhet/Resultat/Rapporter/Arbetsmarknad/5-20-2010-Arbetsmarknadsrapport-2010.html> (viewed 2011-07-15). For a description of the survey and the data, see also Johannessen and Andersson (2010).

3

Research Methods

In pursuing my research questions for this thesis, I collected and analysed a variety of materials as follows:

1. *Legislative documents* from the late 19th century, when the national Criminal Records Registry was set up in Sweden, up to 2010. These include governmental bills, ministry publications, terms of reference, and official reports of government-appointed committees of enquiry (Appendix A).

2. *Newspaper articles* including editorials, letters to the editor, and opinion pieces appearing in three major Swedish newspapers in the time period 1997, when mandatory criminal record checks first began to be discussed in public in the country, through 2009 (Appendix B1), as well as all news reports, editorials, letters to the editor, and opinion pieces that I could find published in Swedish newspapers from the 1920s through 1990 on the topic of police records, data protection, and privacy rights (Appendix B2).

3. *Interviews* with employers with no legal access to criminal records who nevertheless reported using enforced subject access to obtain information from jobs applicants on their criminal records, as well as with representatives of labour unions and employer organizations to elicit their views on this practice (Appendix C). Additional interviews were conducted with civil servants working at the National Police Board to learn more about their practices and the police database.

4. Various *statistics* on the use of criminal records and the Criminal Records Registry were drawn upon, including data on access requests received each year.

Table 3 provides an overview of my research questions, the different kinds of materials and methods (excluding statistical ones) used for tackling them, and the individual Papers going into this thesis in which the questions are dealt with in more detail.

Table 2. Overview of research questions, data sources, methods, and justifications of methods, with an index for relevant parts of this thesis

Research questions	Data sources and methods	Justification of methods	Relevant section
<ul style="list-style-type: none"> • How have privacy issues in relation to criminal records been understood, defined, and shaped at different historical conjunctions? • How have privacy intrusions been construed, viewed, and justified over time? • What has limited the expansion of function creep? 	<p>Legislative documents. Narrative analysis.</p>	<p>Governmental documents yield vocabularies of motive sanctioned by the ruling interests, offering officially legitimated understandings of moral issues connected to the use of criminal records. Narrative analysis captures these through the concept of cultural stories.</p>	<p>Paper I, III, IV</p>
<ul style="list-style-type: none"> • How do employers and labour market organisations view and justify the use of criminal record checks in recruitment? • How do these employers account for their practice of checking criminal records to present themselves as moral actors? 	<p>Interviews with employers and recruiters in the employment service sector, the transportation and logistics sector, and the manufacturing industry. Interviews with representatives of labour market organizations in these sectors. Grounded theory method.</p>	<p>Interviews yield vocabularies of motive available to recruiters, employers, and labour groups, offering an understanding of how criminal record checks can be publicly accounted for. The grounded theory method captures the sense making taking place in interview situations and the way in which meanings and justifications are constructed.</p>	<p>Paper II</p>
<ul style="list-style-type: none"> • What norm conflicts manifested themselves in the public debates about criminal history checks? • What was the effect of the 2001 act on mandatory criminal record checks on the shifting moral terrain influencing the debates and the function creep? 	<p>Newspaper articles. Grounded theory method.</p>	<p>Newspaper articles yield cultural representations and help to understand public perceptions and views regarding how norm transgressions and norm conflicts are to be understood and dealt with, which debate they also shape. The grounded theory method captures the way in which norms, norm conflicts, and norm conflict settlements are construed and created in these connections.</p>	<p>Paper IV, Introduction</p>

3.1. Qualitative Materials

3.1.1. Legislative Documents

The starting point for my study is a Swedish government commission proposal on a national criminal record registry from 1892 (Commission Report 1892). The commission of enquiry in whose report the proposal was contained had been appointed after the system of keeping criminal history information in parish records became questioned in the 1880s owing to circumstances described in Section 2 above and Paper I below. In addition, all available governmental documents from 1892 through 2010 that deal with the actual or potential use of criminal records by employers, individuals' subject access rights, or regulations aimed at either increasing or limiting the impact of a criminal records were collected and examined.¹¹ All in all, there were 48 such documents, varying in size from a few pages (terms of reference) to several hundreds of pages (reports by commissions of enquiry).

In Sweden, government documents are considered public and must be made available to citizens upon request.¹² Accordingly, most of the documents included in this study were retrieved either through the University of Gothenburg library or, in the case of more recent documents, from the Swedish Government's website.¹³ Up until 1997, the country's government and parliament also published an annual index of official documents produced each year, which made tracing any changes in the regulations possible for the period leading up to 1997. For legislative changes enacted from 1998 onwards, the print version of the Swedish Code of Statutes was consulted for each year.¹⁴ When an act is amended or re-written, it is assigned a unique number in the Swedish Code of Statutes, which can then be used to locate prior documents. Also references to earlier work as found in later reports could be used for the purpose of locating relevant material.

¹¹ All documents not directly related to the topic of this thesis were excluded from this collection, such as those in which the use of criminal record checks for other purposes like for applicants for certain commercial driver's licences were discussed (e.g., prop. 1993/94:168).

¹² Documents can of course be made secret if certain requirements are fulfilled (see SFS 2009:400 *Offentlighet och sekretesslag*)

¹³ <http://www.regeringen.se/sb/d/108>

¹⁴ A thin line in the margin of the print version the following year marks amendments to acts.

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In this study, I focus on court records and exclude police records. The main reason for my choice to do so is that subject access was never introduced in the legislation governing police records in Sweden. Neither were police records made available for employers of teachers and childcare workers in 2001. Nevertheless, police records, including records kept by the state security police, are indeed checked for job applicants seeking positions critical to the national security (Swedish Code of Statutes SFS 1996:620 *Säkerhetskyddslag*).¹⁵

A list of the documents by category, including reports from authorities concerning the regulation of employers' access, is given in Appendix A.

3.1.2. Newspaper Articles

News media can be said to serve as witnesses to events that would otherwise not get the attention of the public (Wykes 2001, 20). Besides “informing” about such events (however much we might wish to qualify that term in view of all the selection, editing, and narrating going into the process), newspapers make room for opinions in the form of editorials, letters to the editor, and columns. News media are co-creators of cultural representations and make up an arena where norms and norm conflicts are expressed, discussed, and debated (cf. Greer 2004). They provide their audiences and the broader public with frames of reference and a daily opportunity to engage in a “moral workout” (Katz 1987; see also Luhmann 2000). Just like lawmakers, they are active participants in a continuous discussion about social boundaries, power, and social order, and their focus on “bad news” means that they also can focus on “openings for what may be done to improve things” (Ericson, Baranek, and Chan 1991).

Analysing scandals can be a useful method for capturing norm conflicts as well as the ways in which they are settled. Since the two paedophile scandals included in my study occurred in 1997–1999 at a time when mandatory criminal record checks of teachers and childcare workers were debated, leading, moreover, to the appointment of an investigating committee tasked by the government to look into the broader issues more closely, my first sample of newspaper articles covers this very period. The resulting new 2001 law on mandatory vetting of teachers and childcare workers can thus be narrowed down as perhaps the specific point at which the still ongoing function creep at the focus of this thesis started; for this reason, the articles analysed for this study date from all the way up to 2010, so as to allow the analysis to tackle also how the debates subsequently developed and whether there were changes in the way the issues at

¹⁵ For an overview of how these records have been used in state security police hiring decisions (through 1986), see Töllborg 1986.

stake were framed – in other words, to be able gain a better perspective on what has been seen as problematic, which solutions have been presented, and which moral standpoints have been available over time (Entman 1993; Gamson 1988).

To obtain a valid sample representative of the broad range of views held, strategic selection was used. As a result, the sample contained articles from one nationwide morning paper (*Dagens Nyheter*, DN) and one nationwide evening paper (*Aftonbladet*, AB), each boasting the largest edition in its own category (Topplistor 2011). The two papers also represent opposing ends of the political spectrum: *Dagens Nyheter*, having been “independent” until 1998, today describes itself as “independent liberal”, while *Aftonbladet* was openly social democratic until 1998 after which it became “independent social democratic” (in the Swedish context, “liberal” refers to neo-liberal and conservative standpoints rather than a “progressive” one, representing, at least when it comes to news media, a political position defined in opposition to the “social-democratic” stance). In addition, also the leading regional newspaper in the area where the two scandals examined in this study took place was included (*Nerikes Allehanda*, NA); this publication has presented itself as “liberal” all along. My aim, however, is not to engage in media analysis as such, nor is it to focus on differences in how certain newspapers framed the scandals or news on criminal record checks.

To locate articles relevant for my study, I used the database *Mediearkivet* that contains articles from *Aftonbladet* and *Dagens Nyheter* from 1994 onwards and articles from *Nerikes Allehanda* from 1997 onwards. The articles were searched using the search terms “pedofil*” (paedophile*), “straffregist*”, “brottsregist*”, “kriminalregist*” (all Swedish synonyms for criminal records), and “registerkontroll*” (record checks). The period covered by them runs from 1997, when the government’s expert committee was appointed, through 2009. A total of 143 articles were found; these are listed in Appendix B1 with author and headline (when there is one). To clarify how the discussions were shaped before the scandals, I also searched for articles from the period 1995–1997. Only five articles could be identified from these three years, however, compared to, for example, 32 in 1997 and 23 in 1999.

There are no restrictions on the type of articles to be included in the *Mediearkivet*, and both editorials, news articles, and letters to the editor can be found in the database. There are, however, no guarantees that every article has been registered. It is the newspapers that deliver the texts to the company running the database, and, as the company readily admits, for example the *Aftonbladet* collection in the database does not always correspond to the print version of the paper. As concerns the cases I myself studied, as can be seen from Table 3 below, the number of articles from *Aftonbladet* peaks at the same points in time as the number of articles from the other newspapers, for instance in 1997 and

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1999. The only exception here is year 2007, when the other two newspapers saw a peak but *Aftonbladet* did not. In that year, many of the articles published in the more local paper *Nerikes Allehanda* in 2007 were connected to a debate waged in the municipality about the introduction of mandatory criminal record checks for nurse’s assistants and social service personnel. The articles in *Dagens Nyheter*, again, stemmed from two opinion pieces published in the paper, one by the country’s Ombudsman for Children in June of that year and the other one by the National Scout Association in July, which both demanded that mandatory criminal records checks be extended to more job categories and areas of occupation. Since it seems reasonable to assume, then, that the peak in these two cases is explained in the first place by factors related to these two individual newspapers and not developments in the broader society, and since the frequency of articles in *Aftonbladet* overall followed the same pattern it did in the other two newspapers, I deemed it not necessary to include the print version of *Aftonbladet* within the scope of my study

Table 3. Sample of Newspaper articles 1995-2009 divided per year and newspaper, and in sum per year and newspaper

News- paper	-95	-96	-97	-98	-99	-00	-01	-02	-03	-04	-05	-06	-07	-08	-09	total
AB	1	3	12	5	13	3	1	1	6	5	1	4	1	5	1	60
DN	0	1	11	1	7	2	4	0	2	1	1	2	6	5	3	46
NA	n/a	n/a	8	0	3	1	1	1	0	6	1	5	6	1	2	35
total	1	4	32	6	23	6	6	2	8	12	3	11	13	11	6	143

In addition, newspaper articles were also collected for the purpose of contextualizing criminal record checks and their regulation before 1990 in this Introduction. Here the relevant articles were located through the Sigtuna Foundation Clipping Archive. The archive holds press clippings from Swedish newspapers from 1920–1990 that are categorized and stored in a chronological order. In some cases, when the relevant categories contained a large amount of press clippings, I focussed on periods immediately preceding the major changes in the regulations that I investigated (see Paper 1): 1920–1936, 1940–1966, and 1980–1989. This was the case with the categories “The Police”, “Criminal Justice”, and “Statistics: Population, Standard of Living in General, Secrecy, and Right to Privacy”. Categories such as “The Metropolit Project”,¹⁶ “Computers, Personal

¹⁶ The Metropolit Project was a longitudinal study conducted at the Department of Sociology, Stockholm University. It collected comprehensive data on the 1953 birth cohort of Stockholm City. In 1986, its existence was “revealed” in *Dagens Nyheter*, and a vivid

Register incl. Secrecy and Privacy, etc.”, “Parish Registration”, and “The Police: Identity Card, Identity” I examined in their entirety for each year. All in all, 206 articles of relevance for this thesis research were located, as enumerated in Appendix B2.

Relying on the Sigtuna Foundation Clipping Archive was problematic in some respects, however. For instance, I was informed that the press clippings in it were collected by a group of (mostly) “retired ladies” who worked for the archive in exchange for free meals at the foundation’s guest house. It is, obviously, not possible then to verify whether the collection includes every relevant article published, or whether the categories indeed are consistent and complete. To provide just one example, when perusing the category “Computers [etc.]”, I noticed that it held a number of press clippings that could have just as well (and in some cases should have) been categorized under the “Metropolit Project”. By searching not just one category but also related ones, along with a few more peripheral ones, I nevertheless hope to have identified most of the articles that bear upon the topic of this study.

The Clipping Archive nevertheless subscribes to most Swedish newspapers, and through it I was able to locate articles from small, regional papers such as *Nerikes Allehanda* (NA) and *Nya Wermlands Tidning* (NWT). At the same time, it is reasonable to assume it to include a bias towards the major newspapers. Most articles in it are from the national papers *Dagens Nyheter* (DN), *Svenska Dagbladet* (SvD), *Expressen*, and *Aftonbladet* (AB), and from the leading regional morning papers such as *Sydsvenska Dagbladet Snällposten* (S.D.S.), *Uppsala Nya Tidning* (UNT), and *Göteborgs-Posten* (GP). Altogether, then, even with this possibly incomplete and somewhat biased selection, the archive with its ready-made categories offered for my study a possibility to find empirical materials that helped me to contextualize the study in a way that otherwise would not have been possible. Since these materials are not available through the other databases I used, without the Clipping Archive I would have had to scroll through microfilm and microfiche documents for each newspaper and each day in order to locate them otherwise.¹⁷ Such a massive job would no doubt have also meant succumbing to some of the same flaws I noted marring the Clipping Archive, resulting in relevant articles becoming excluded from the sample.

debate on research ethics, data protection, and the right to privacy ensued, as the subjects had never been informed of their inclusion in the study. See also note 24.

¹⁷ For the period 1945–1981 I would have been able to find press clippings in *Pressarkivet*, a microfilmed archive accessible through all Swedish university libraries, with categories based on its own system of classification.

3.1.3. Interviews

To tackle my research question regarding employers' use of enforced subject access, I interviewed employers engaged in the practice of checking their job applicants' criminal history records as part of their hiring process. In addition, I planned to examine company policy documents to review any guidelines the companies might have in this regard, and to compare these to what is stated in governmental documents. However, it turned out that none of the companies in my sample had any written documentation regarding the use of criminal record checks. This was surprising, since requesting and obtaining jobseekers' criminal record information means that recruiters may be handling information classified as "sensitive data" in the Data Protection Act, and it would therefore be in the companies' interest to ensure that their employees know how to handle such data. In addition, several of the companies included in my study were quite sizable, having a separate HR division that handled all recruitment matters based on formalized routine processes. None of my corporate interviewees were able to give a clear answer as to why the company they represented did not have a policy in place in this regard, although some of them stated that they had requested for one or that they regretted not having one. One can only speculate about the reasons for this lack of any company guidelines for the use of criminal record checks in recruitment. One possible explanation nevertheless is that jobseekers only rarely present a copy of their record if there is a mark on it. Based on the interviewees, it seems to be generally assumed that those who actually have such a mark will out of their own volition withdraw their application when requested to provide the information.

There are no Swedish studies to reveal in which labour market sectors the practice of criminal record checks is common. My choice of informants was therefore based on my preliminary knowledge of sectors where criminal background checks are common. Besides information obtained from newspapers and other media on companies that perform background checks, I interviewed a civil servant working for the National Police Board (NPB). Civil servants at the NPB have a rough notion of the sectors where the practice tends to be common, since it happens that companies provide jobseekers with their own company-specific forms which they ask the applicants to use when submitting a request for an extract of their criminal record; moreover, jobseekers who have been asked to submit a copy of their record sometimes call up NPB to ask questions and thus reveal the identity of the employer in question. For this study, I chose to target companies in the employment services sector and the transportation and logistics sector; this, however, was not only because these two sectors in particular are known for their use of criminal background checks in hiring, but also because they also make interesting cases from the point of view of my

research questions – something that I will elaborate more on in the following sections.

The employment service industry

Companies in the employment services industry make an interesting case because their business concept is to recruit people for other employers. A bad hiring decision, besides forcing these companies to go through the recruitment process again, which is often a costly process, may also cost them their client and future business opportunities. Companies operating in the sector indeed must be able to prove that they are better at recruiting staff, and at providing reliable candidates, than their customers; “It’s what we’re supposed to be good at”, as one of the interviewees for this study put it. Besides having to be sure to recruit the right person and prove their reliability to their clients, however, these companies must nevertheless also be able to attract prospective employees, for which reason they cannot use recruitment or screening methods that the latter find offensive. In the employment services industry the conflict of interest between employers’ need to make as safe and secure hiring decisions as possible and jobseekers’ reluctance to subject themselves to privacy-intrusive screening methods comes to a head.

In 2006, I sent out a short email questionnaire to 22 companies providing employment services in the region of Västra Götaland, Sweden. These were selected from a list of companies certified by the industry trade association for the region, containing both small and large local, regional, national, and international enterprises. Limiting my selection to companies from the region of Västra Götaland was a conscious decision intended to keep the sample size manageable, as the region consists of one major metropolitan area (the City of Gothenburg) and several small municipalities, as well as countryside. This was also an area that I could focus on without a need for additional funding for travel.

Seven companies completed the survey, giving a response rate of 32 per cent. Three of those returning the questionnaire stated that they always checked their job applicants’ criminal records, while three stated that they sometimes did so and one that it never did so. Of the six companies at least sometimes checking their job applicants’ criminal records, three (two international and one local) agreed to participate in the study. Five individuals working at these companies were subsequently interviewed. In one of the interviews there were two participants present, at the preference of one of these interviewees. Two of the companies involved had both a temp-agency division and a department for permanent recruitment, and the interviews in their cases were conducted with per-

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sonnel from both, even if criminal background checks were routinely conducted by one or the other only. In this way, some negative cases of employers who do not check criminal records were also included.

The manufacturing industry

In my sample, there was also one “odd” case: a company from the manufacturing industry. It was included based on a tip from an acquaintance working for it, as it would provide an interesting point of comparison to gauge whether there might be any differences between blue-collar and white-collar jobs in how closely the practice of checking job applicants’ criminal records was adhered to. Despite the initial confirmation from the company that it did use criminal record checks, it nevertheless turned out that, although it indeed had considered adopting the practice, it had ultimately decided not to do so. The interviews with the company representatives were nonetheless included in my analysis, as it seemed of interest to investigate the reasons for this decision. In contrast, I was unable to secure interviews with personnel from other companies in the manufacturing industry, for which reason no further interviews were carried out with companies from this sector.

Labour unions and employer associations

In Sweden, employer associations and trade unions have traditionally exerted significant influence on how the labour market is regulated, through a process in which collective bargaining agreements have occupied a central position. When the new paragraph on subject access rights was introduced in the country’s criminal records legislation in 1989, the government warned that possible misuse of such rights by employers through enforced subject access would likely provoke a strong reaction by labour unions (Ds Ju 1981:6). For these reasons, I deemed it relevant to interview representatives of labour market associations as well and to analyse policy documents created by them. As was the case with the employers, it nevertheless turned out that the organizations I approached had no written policy documents regarding the use of criminal record checks. As one of the labour market representatives stated, this was probably owing to the fact that the unions, in keeping with the traditional way of regulating the labour market in the country, lacked a mandate to intervene in hiring matters except where these fell under the jurisdiction of the Swedish Anti-Discrimination Act. One employer organization representative, again, explained that the organization’s members had been advised to restrict their use of criminal background checks in order not to draw “unnecessary” unwanted attention from the legislators. That attention, namely, could result in regulatory change limiting employ-

ers' possibilities to retrieve jobseekers' criminal record information. Against this background, the absence of any policy documents by employer organizations, and possibly by individual employers as well, could then be viewed as a deliberate strategy to keep the practice invisible instead of looking like a formalized routine.

The trade union and employer association representatives interviewed were connected to the individual companies or industry sectors from which my other interviewees came. Five interviews with labour union representatives and two interviews with employer association representatives were conducted. Two of the former worked in managerial positions in their organization, and the interviews with them also addressed the hiring processes and techniques of their employer companies. Neither one of these companies conducted criminal background checks on job candidates, although one of them had earlier conducted credit checks as part of its applicant screening process. The imbalance in the number of interviewees between trade unions and employer associations is explained by the circumstance that a company may have several categories of employees belonging to different trade unions, while it itself only has a membership in one employer association. In one of the interviews with employer association representatives there were two interviewees present, at their own preference.

The interview situation and its challenges

All in all, I conducted 15 interviews during 2007 and 2008 (see table 4 for details).¹⁸ Each of the interviews lasted from 35 minutes to one hour and a half, and took place at the interviewee's workplace. All interviews were conducted face to face, except for two which were conducted by telephone, at the preference of the interviewees. The interviews were digitally recorded and transcribed verbatim; non-verbal sounds were noted down as well, with laughter, sighs, and differences in speaking volume indicated. Yet the transcripts were not as meticulous and fine-grained as those done within conversational analysis, for example.¹⁹

¹⁸ Within the framework of this research project I also interviewed two individuals with a mark on their criminal record, as well as one civil servant at the Swedish Public Employment Service whose work tasks were specifically aimed at helping people in custody and prison. Although all these interviews provided me with important information, the topics they covered were beyond the scope of this research and the interviews are therefore not included in the materials analysed for the thesis.

¹⁹ Although the detailed transcripts proved valuable for the analysis, the interview quotes as used in the separate papers below have been somewhat simplified during translation, in order to improve readability and because it would have been too difficult to render

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Table 4. Number of interviews conducted, by sector

Employment service sector	Transport and logistics sector	Manufacturing industry	Trade unions	Employer associations
4 interviews (5 interviewees)	3 interviews	1 interview	5 interviews ¹	2 interviews (3 interviewees)

¹ Two of the interviewees worked in managerial posts as directors of administration and were thus able to also discuss their company's hiring practises. The relevant sections of their interviews are, accordingly, coded as employer responses.

The interviews were only loosely structured, but during all of them those who were employers were asked what kind of background checks their company used, whether through them they were able to obtain all the information that they felt was necessary for their hiring decisions, and whether they thought there was any type of background information that they considered as inappropriate to ask or look for when interviewing a job candidate. Those who indeed used criminal record checks were asked when they had first adopted the practice, whether they knew the reasons for adopting it, and whether in their company there was a policy on how to treat and evaluate the information obtained through the checks. Also pragmatic questions such as at which point of the application process the interviewees usually informed their job candidates that a copy of their criminal record would be requested and so forth were asked. Trade union and employer association representatives were asked whether issues related to the use of criminal record checks in recruitment had been brought to their attention from among their membership, whether there were situations where they recognized the use of criminal record checks to be justifiable or unjustifiable, and what position they would advise their members or member organizations to take regarding the use of criminal record checks in hiring.

In the course of the interviews, it became apparent that, even though an open-ended and active interview format that puts the interviewees and their experiences at the centre is often recommended and was indeed also what I strove for (see, e.g., Holstein and Gubrium 2003; Mishler 1986), that was not always what the interviewees expected. As Holstein and Gubrium (2003, 4) have noted, we live in a society where interviews of different kinds have become increasingly common and where the interviewee is "generally aware of the routine and waits until questions are posed before answering". Trying to make the

into English many of the culturally dependent distinct vocal markers and sounds of the original Swedish.

interview into an open conversation around a topic can then create a certain degree of frustration among the interviewees, who observe that the familiar rules of an interview situation are not being followed. As recommended by every handbook on qualitative interviewing, I began all of the interviews with more general questions about the interviewee's work, trying to leave as much room as possible for the interviewees to decide what was most interesting for them to talk about (in light of what they knew about the topic of my research and the reasons for my wanting to interview them). This, however, caused, for example, one interviewee to react sharply and tell me to "ask more specific questions". Responses like that may nonetheless have been influenced by the circumstance that at least the interviewees who worked in their companies' HR departments were used to being the interviewer and not the interviewee, and in most cases also had themselves been trained in interview techniques aimed at obtaining as "objective", "accurate", and comparable responses as possible from jobseekers.

3.2 Additional material: criminal record statistics

The Swedish Criminal Records Registry is administered by the Records Division of the country's National Police Board (NPB), and it is physically located in the city of Kiruna in the north of Sweden (for a detailed history of the Registry, see Section 2.1 above). Although the information in the Registry is available to researchers, the topic of this study did not in itself require access to it. Instead, the statistics used in the study are based on the official figures provided by NPB upon request. Before drawing any conclusions based on those figures, however, a few considerations are in order.

NPB keeps statistics on the number of requests for copies of personal criminal records on an annual basis. Requests submitted by those seeking a position in schools and preschools are kept separate from those submitted by individuals applying for jobs at specially approved care and residential homes for children and young persons. There is, moreover, a separate category for prospective insurance intermediaries. Requests from those seeking a position as personal assistants to children are, however, grouped together with those coming from prospective childcare workers and teachers. Requests submitted by individuals to satisfy the demand of recruiters without a legal right to check job applicants' criminal records would, again, be categorized together with all the other subject access requests submitted as "Section 9" requests. There are different request forms for each of these categories or types of employment in question, which then also forms the basis of the statistics kept by NPB. This means that access

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requests related to occupations or jobs for which it is mandatory to check the jobseeker's criminal history record are not part of the statistics on subject access requests, although it cannot be ruled out that a wrong form may have been used in individual instances.

The number of requests submitted in the category for teachers, childcare workers, and staff at care and residential homes for children and young persons has every year been higher than the corresponding number of new employee hires in these areas. In a 2003 report, the Swedish National Agency for Education (*Skolverket*) suggested that this might be explained by the likelihood that many employers opt to not follow the law according to which only the candidate ultimately offered the job should be requested to submit a copy of her or his record, probably demanding instead that several of their job applicants do so (Skolverket 2003). The conclusion may well be true. In subsequent years, moreover, several organizations have adopted policies regarding criminal record checks of employees and volunteers that entail or allow for inconsistent use of request forms for their different employee/staff categories. The Swedish Sports Confederation (Riksidrottsförbundet 2005), for instance, urges its member organizations to request from volunteers full Section 9 disclosure, while some of its member clubs and organizations nonetheless continue to ask their volunteer workers and staff members to instead hand in their information using the more limited "schools-and-kindergartens" category requests, and the Swedish Red Cross (Röda Korset 2010) explicitly advises its affiliates to use the latter procedure for positions where the volunteers come into contact with children. This, too, might then partly explain why the number of "schools-and-kindergartens" requests tends always to be higher than the total number of new employee hires in that area during the same year.

3.3 Coding and analysis

In this section, I discuss and justify my choice of using a grounded theory approach combined with narrative analysis for my research. In connection with my discussion of *grounded theory*, I provide a more extensive description of how I coded the *interviews* and the *newspaper articles*. In connection with my discussion of *narrative analysis*, I detail my work in analysing the *governmental documents*. The role of the narrative approach, however, is not limited to the latter analysis only, informing as it does – even if no more than implicitly at times – my work with the other two samples used for this study as well.

3.3.1. *Grounded Theory*

My methodological choice was to use a constructivist grounded theory approach as developed by Charmaz (2000, 2006, 2008; see also Bryant 2002, 2003; Clarke 2003). Grounded theory provides a “systematic, inductive, and comparative approach for conducting inquiry for the purpose of constructing theory” (Bryant and Charmaz 2007a, 1), and the constructivist orientation corresponds closely with my own ontological and epistemological views. Put simply, constructivist grounded theory does not claim that data and theory represent objective facts. Instead, the research process is seen to reflect the interaction between researcher and the data, with “the reality” being multiple and processual (Charmaz 2000, 2007). In Charmaz’s (2007, 402) own words, “[r]ather than assuming that theory emerges from data, constructionists assume that researchers construct categories of the data.” The constructivist grounded theory method, furthermore, rejects the “original” objectivist grounded theory assumption of the “neutral” position of the researcher and the claim that theory is “discovered” (Bryant 2003).

There is no previous research on the use of criminal records or on function creep to provide a model for how to “theorize how meanings, actions, and social structures are constructed” in these contexts (Charmaz 2006, 151). For this first attempt to do so, a constructivist grounded theory approach seemed therefore to provide me with the best tools for the task.

The interview study

The interviews were conducted in three separate rounds, and after each round the recorded interviews were transcribed and coded (cf. Glaser and Strauss 1969).²⁰ The initial coding was done using an inductive approach that entailed descriptive reading of the text section by section (Charmaz 2006; Turner 1981). Here the question, however, was not of a fully “inductive” coding, since this research project was the result of specific questions and guiding rationales that influenced the coding (cf. Blumer 1986; Charmaz 2006). After the third round of interviews, the codes were compared to one another, and the ones found to be of special value from the point of view of my guiding rationales were selected for closer analysis. These codes then underwent “focused coding”: the data chunks placed under each code were compared with one another in order to define what the code was about and to sort out data chunks that did not belong under it (Charmaz 2003; Martin and Turner 1986). Finally, the codes were compared with one another in order to create a conceptual model of the vocabular-

²⁰ The software Atlas.ti was used for coding.

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ies of motive used by employers as well as trade union and employer association representatives.

Upon its conclusion, the study has been presented to groups of human resource officials on two different occasions. On both of these the way of reasoning the officials demonstrated around the topic of criminal background checks and enforced subject access appeared to validate my analysis. When giving the presentation on the first of these occasions, the discussion among the audience members turned into what might be described as a focus group interview. No new themes, however, were introduced during it to supplement those already discovered by my analysis in this thesis. The participants of this event came from industry sectors other than those covered by my interview sample, and the fact that my conceptual model so neatly corresponded with their way of thinking about criminal background checks strengthened both my impression of saturation upon completing the coding for the last round of interviews, and my conviction that there are some generalizations that can be made based on my study. Also the overlap between the vocabularies evoked in the different settings engaged in this study (labour market, legislature, news media) reinforced my understanding that this indeed is the case. At the same time, however, it is of course possible that there are more nuances to be discovered, or that one could find greater (and more) differences in the use of vocabularies with a sample that represents more sectors and a more diverse range of company sizes showing greater variation in the degree of professionalization of the recruitment process. After all, a few years have passed since the interviews were conducted, with new legislation introduced in the meantime and new public debates sparked on the use of criminal records that both will most likely have influenced the existing employer vocabularies in use.

The newspaper study

For my first sample of newspaper articles, covering the period 1995 through 2009 (Appendix B1), I initially performed line-by-line coding just as I had done in the interview analysis above. After that, I compared the codes, merged some of them, and began the comparison of data chunks under those codes that seemed relevant for my research questions. One major difference here, compared to my work on the interview sample, was that now I proceeded from an explicit theoretical understanding of the reasons for my study, which then exerted a stronger influence on my work than in the case of the interviews where my theoretical approach primarily stemmed from Mills' (1940) and Burke's (1984) notion of 'vocabularies of motive'. While even here I kept writing descriptive memos for each code after comparing the data chunks, I now also started searching for underlying norms, grouping the codes around two oppos-

ing poles: that of being in favour of conducting criminal background checks on jobseekers and that of being against it.

The sample collected from the Sigtuna Foundation Clipping Archive (Appendix B2) was coded simply based on content. Most of this work had to be done at the archive itself, since photocopying all the articles and completing the work elsewhere would have required additional financial and time resources. No specific analysis of any vocabularies of motive was carried out for this material; instead, the purpose of this sample was to help better contextualize the period when the question of the right of access to one's personal criminal record was brought up and discussed in the parliament.

3.3.2. *Narratives*

In Paper I, I use Richardson's concept of 'cultural story' which stands for "a general understanding of the stock of meanings and their relationships to one another" that is "told from the point of view of the ruling interest and the normative order" (Richardson 1990, 127). Although the concept includes narratives such as folk stories and contemporary versions of the heroes-villains-and-victims theme as typically encountered in the news media, for example, I also use it to denote the type of narratives one finds in governmental documents attempting to account for new legislation proposed or adopted. By using this concept, I hope to better capture the ways in which such stories fulfil the important role of rendering events in the world seemingly "normal" to us, becoming themselves part of our shared culture to such an extent that we no longer question them. Cultural stories at once set forth values and shield these values, and claims based on them, from questioning (Witten 1993). In other words, stories mediate norms, such as expected behaviours and accepted ways to solve problems (see also Atkinson and Delamont 2006). Yet, our culture is not fixed, nor cohesive, and there is always an ongoing process of choosing from among the available narratives in order to present the world, an issue, or oneself in a desirable way (Watson 2009). A general narrative approach along these lines then helps the examination of standpoints taken by the government, or put forth by the media, as important guidelines that shape the "general understanding" and sense-making around issues such as criminal record checks as a crime prevention strategy.

3.4 Research Ethics

The main ethical concern at the outset of this research was whether my survey questions about criminal record checks would make employers not engaged in the practice curious about it and perhaps entice them to begin demanding their

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job applicants, too, to submit a copy of their record. While this was probably a valid concern, my rationale for nevertheless sending out the email questionnaire to also these companies in the employment services sector was that, in it, criminal record checks are so common that it would have been surprising indeed if anyone receiving the questionnaire would not have heard about them or considered them before. While it cannot of course be excluded that my email made the issue of criminal background checks more interesting or attractive to the survey respondents, perhaps spurring a feeling that “everyone else is doing it”, I nevertheless believe that it would be presumptuous to assume a major influence of my research on employers’ and HR staffs’ everyday practices. All the same, when later approaching companies in the transport and logistics sector and in the manufacturing industry, I only chose companies that I knew to be using enforced subject access as part of their recruitment processes.²¹

All interviewees were contacted by both telephone and email in advance of the actual interviews. When so requested, I sent them a list of the questions that I wanted to discuss, so that they could consider them beforehand. At the beginning of each interview session, confidentiality and procedural issues were explained to the participants who were also informed of the fact that, in order to remain anonymous, they could not disclose to others their participation in this research project. The participants were, furthermore, explained that, in case the research was to become disputed by the scientific community, it might be more closely scrutinized by other designated researchers who could then also gain access to the interview recordings and transcripts, but that these persons would in such cases adhere to the same ethical guidelines as those followed in the present research and not disclose the interviewees’ identities.

Before the interviews commenced, study participants’ informed consent was sought to record the interview, and the participants were told that they were free to withdraw their consent and their participation in the research project at any time. They were also provided with my contact information one more time. All the interviewees were offered an opportunity to review the interview transcripts, and while most of them then also did so, no one submitted any comments regarding their accuracy. Neither did anyone withdraw their consent or participation.

²¹ In the case of the manufacturing industry company it turned out that I had been slightly misinformed: the issue had indeed been discussed within the company, but in the end it had taken an active decision not to check its job applicants’ criminal records.

3.5 Critical remarks

There are a number of critical points not addressed in this study that nevertheless could be raised. One of these is the question of whether the issue of criminal records has been dealt with differently depending on the political party (parties) in power. Neither have I analysed in any detail who the actors engaged in the debate in the country in the 1990s and later were, and whether certain characteristics and content-related features in the newspaper articles and editorials were due to factors internal or peculiar to the paper in which they were published. These omissions, however, do not mean to imply that such issues are of no interest to this research, or that they did not influence the development of function creep in the case under consideration. For the reasons noted above, I nevertheless chose to study 'cultural stories' told from the point of view of the ruling interest, analysing the general vocabularies surrounding criminal records and the use of job applicants' criminal history data in recruitment.

As concerns the interview study, one can, moreover, question the use of interviews as a means to capture the vocabularies at use in recruiters' everyday work. Vocabularies of motive are situational (Burke 1984; Mills 1940), and hence the ones evoked and operationalized in a formal interview situation where one confronts an outside researcher may not be the same as those used in a conversation with a colleague, for example. Vocabularies of motive are, however, not made up in the moment, for the present situation; they are socially constructed actions that the individuals have learned to use (Burke 1984, 21). As Scott and Lyman (1968, 54) have put it, "organisations systematically provide accounts for their members". When asked to participate in a research project because of their professional role, it is most likely, then, that participants will rely on the vocabularies in use within their organization. Yet the possibility cannot be ruled out that, when more than one person shares the responsibility for hiring new staff in an organization, those other individuals involved in recruiting might have provided different answers.

One critical point that could be raised in relation to my analysis of governmental documents is that I narrowed my sample to documents related to the use of criminal records in the labour market and the issue of subject access. Also documents related to possible changes in the use of criminal records when granting permissions, licences, adoption rights, and the like, or to the changes in the regulation of these areas, could be said to be of interest to my broader aim of analysing and understanding shifts in the use and regulation of criminal record data. Such documents, however, were left out of the analysis in the interest of a more clear-cut research focus, and in order to have a better balance between the document sample and the interviews; that way, the need to interview

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actors in a wide variety of fields could be eliminated as something impossible to accomplish anyway within the time frame reserved for this project.

Lastly, it might be worthwhile to touch upon the ongoing, lively debate about what it means to “do” grounded theory (for different interpretations of the approach, see Bryant and Charmaz 2007b). Hood (2007, 163), for example, has argued that the grounded theory method consists of the “troublesome trinity” of theoretical sampling, constant comparative analysis, and theoretical saturation. From her perspective, my interview study would thus not count as a representative of the grounded theory approach, since my sampling was “purposeful” and not “theoretical” (i.e., it was driven by my initial analyses). My own position, however, is that it is the inductive or abductive coding, the constant comparative method, and the grounding of one’s theory in the data that constitute the core components of a grounded theory study (cf. Strauss and Corbin 1990).

4

Main findings

In this section, I outline the main findings from the four separate studies included as papers in this thesis, setting them in a comparative perspective. Before doing so, however, I would like to briefly summarize the contents of the papers.

4.1 Summary of the papers

Paper I: Regulating Privacy: Vocabularies of Motive in Legislating Right of Access to Criminal Records in Sweden, pp. 111–137 in: *Computers, Privacy and Data Protection: An Element of Choice*, edited by Serge Gutwirth, Yves Poullet, Paul De Hert, and Ronald Leenes. London: Springer, 2011.²²

In this paper, I analyse Swedish government documents dating from the late 19th century to 2010 as instructive ‘cultural stories’ told from the point of view of the ruling interest to influence the general understanding of a specific issue. At the centre of this issue there has traditionally been a clash of interest between, on the one hand, employers and the criminal justice system wanting to access individuals’ criminal history records and, on the other hand, convicted individuals preferring to keep such information private and confidential. The paper looks at how privacy as a notion has been understood, shaped, and de-

²² A short note on the review process: The abstract of the paper underwent double-blind peer review based on which the paper was accepted for oral presentation at the 3rd International Conference on Computers, Privacy and Data Protection in Brussels, 29–30 January 2010 (organized by Vrije Universiteit Brussel, Facultés Universitaires de Namur, Institut National de Recherche en Informatique et en Automatique, Tilburg University, and Fraunhofer Institut für System- und Innovationsforschung). Following the conference presentation, the paper was solicited for inclusion in an edited volume with the above title. A slightly revised version of the paper was then subjected to another double-blind peer review process before being accepted for publication in the volume in September 2010.

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fined in Sweden, analysing the ways in which the issue has been regulated through access rights legislation. Three different vocabularies of motive are identified that have been used to justify the different positions taken on the issue. The early part of the 20th century was dominated by a “protective” vocabulary, with people’s ability to participate in the labour market high on the political agenda. No subject access rights were allowed to individuals, to prevent the possibility of enforced subject access and to help the re-socialization of offenders through employment. By mid-20th century, the protective vocabulary had yielded to a “rehabilitative” vocabulary in which also the criminal justice system’s use of criminal history information was framed as a potential hazard for re-socialization. Both the protective and the rehabilitative vocabularies posited the individual as someone in need of protection from the state, whose task it was, through regulatory means, then to create a degree of opacity between the individual and other actors to that way protect every citizen’s right to privacy.

The latter part of the century then came to be dominated by a vocabulary centred on individuals’ rights vis-à-vis the state. Formal data protection legislation was enacted in Sweden as well as on the European level, and a reformed crime policy began to stress individuals’ rights in relation to the state that had come to be seen as overly paternalistic and capable of misusing its power. Thereby, the state was no longer identified as an actor providing protection, but rather as an entity against which individuals needed to be protected via new regulation. Subject access rights provided one strategy to even out the power imbalance between citizens and the state that kept extensive records on them. In the case of criminal records, the outcome was formal data protection that nevertheless in practice resulted in less protection for the individuals, since it opened up a possibility for the practice known as enforced subject access through which criminal record information became indirectly available to a broader group of actors.

Paper II: Vocabularies of Motive among Employers Conducting Criminal Background Checks. *Acta Sociologica* 2011 54 (1), 27–44.

This paper examines the ways in which employers as well as trade unions and employer associations look at and justify employers’ use of enforced subject access in hiring processes. My analysis is based on 15 interviews with company representatives from the employment services industry, the transport and logistics sector, and the manufacturing industry, and with representatives from relevant trade unions and employer associations.

Two different rationales were offered for criminal record checks on jobseekers: company security and customer demands. In these cases, the language used to justify the practice reflected what I term a ‘risk vocabulary’. Behind it, there

was an unspoken assumption that offenders are likely to re-offend, usually by committing the same type of crime again. Among the interviewees, there was, however, also a tendency to enlist elements of a ‘rights vocabulary’ to help render the use of criminal record data morally more defensible. Two norms in especial needed to be reconciled with in the efforts to legitimize the use of criminal background checks of job candidates: that those who have served their sentence shall not be punished again for the same crime, and that demanding access to individuals’ criminal history data is to be considered a privacy intrusion since this information belongs to the private sphere. The transgression of the first norm was neutralized through an appeal to the higher goal of crime prevention, and by claiming that only certain crimes deemed as “relevant” were taken into consideration, which assured that no one was unfairly hurt. The need to confront the latter norm was circumvented by stating that jobseekers were early on in the application process informed that they would be asked for a copy of their criminal record, enabling them to withdraw from consideration without making it obvious whether or not this was due to their reluctance to disclose their criminal history information. This way, the jobseekers could be considered to always remain in control of their sensitive information and their privacy to remain uninvaded; hence, no harm was done, again.

In contrast, the employers who were not engaged in the practice of enforced subject access, and the representatives of trade unions and employer associations who voiced criticism of the criminal record checks, relied on what I call a ‘trust vocabulary’. Recruitment and hiring were seen as processes in which creation of trust between the employee and the employer was of paramount importance. Using formal controls such as criminal record checks was, consequently, seen as undermining any feeling of mutual trust. Those using this vocabulary positioned themselves in relation, and in contrast, to the dominating risk vocabulary. Although the importance of criminal history information for hiring decisions was acknowledged, the method of obtaining that information through criminal record checks was opposed. Skilled recruiters were claimed to be capable of achieving the same through other, more preferable means as well, such as direct questions to the applicant, careful scrutiny of the applicant’s CV/resume, and telephone calls to references. Ultimately, however, the risk vocabulary remained dominant in the discussions, as the trust vocabulary could seemingly only be evoked in relation to the notion of risk, and even where the rights vocabulary was able to influence the risk-based vocabulary, it was the latter that provided the interviewees with the means to neutralize the primacy of the former.

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Paper III: Criminal Records: Governing Symbols, pp. 120–134 in: *Transformations of the Swedish Welfare State*, edited by Bengt Larsson, Martin Letell, and Håkan Thörn. Basingstoke: Palgrave Macmillan, 2012.²³

In this paper, I challenge the Foucauldian-inspired governmentality tradition in the analysis of late 20th-century developments in crime policy, arguing that the regulatory changes we have witnessed are better understood from a neo-Durkheimian perspective. The techniques of governmentality that often are associated with the transformation of the welfare state, I claim, are in fact guided by symbolic values, and what the state strives to govern is not just subjects but, first and foremost, the interpretation of the techniques in use, to avoid their being seen as violating that which is considered “sacred” in the society. The changing use and regulation of criminal records provides a lens through which to appreciate how Durkheimian ideas like the ‘cult of the individual’ and the sacred status of the individual in this cult can be used to help us better understand changes in crime policy, making the account of the transformations at stake hermeneutically less thin.

The paper shows how the implementation of subject access rights, as a necessary prerequisite for the new practice of enforced subject access, should not only be seen as a way of “liberating” the subjects in question. The computerization of the Swedish criminal records registry and the myths circulating about computers, databases, their use, and what the developments implied from the point of view of ordinary citizens threatened to loosen the state’s control over the interpretation of how, and towards what purposes, it managed records. By introducing subject access rights, the state could symbolically reduce the existing power imbalance and provide for a regulation more in line with public expectations.

In the paper, it is also argued that the “subjectification” of individuals that these developments meant, in rendering citizens into free subjects with an assumed capability for self-regulation, forms part of the cult of the individual, and that the cultural representation of paedophiles that presents them as incapable of self-regulation dehumanizes them into an out-group. I further argue that children, in this representational universe, stand for the innocent and undamaged essence of humans, and that the child thus acts as a Durkheimian “totem” for the society. The paedophile, accordingly, is relegated to an outside

²³ The book is an anthology of seminar papers presented to the Department of Sociology, University of Gothenburg. An abstract for the book was submitted to the publisher and sent out for review before the contract was signed. Each individual chapter was subsequently discussed at two separate research seminars where they were reviewed by an opponent and the three editors of the volume.

status not just because of his inability for self-regulation, but also because he violates the sacred totem. Mandatory criminal record checks, previously seen to entail an unacceptable privacy intrusion, were then possible to implement even though neither the risk they were intended to mitigate, nor their preventive efficacy, were proven.

Paper IV: Mandatory Criminal Record Checks in Sweden: Explaining Function Creep through Scandals and Moral Position Taking. Manuscript submitted for consideration.

In this paper, I discuss recent legislative developments in Sweden around mandatory criminal record checks for jobseekers, which have resulted in what I identify as a ‘function creep’ in the management and use of individuals’ criminal history data. The function creep in question has, to date, consisted of the following: 1) mandatory criminal record checks have become extended to new areas, that is, to jobs and occupations unrelated to national security; 2) new actors have been allowed or required to verify individual citizens’ criminal history data; that is, new groups of employers have become obliged to check job applicants’ criminal records; and 3) more data is today included in the register extracts than before. My basic argument is that this development can be explained through an examination of the moral positions taken by the government in connection with the introduction of the new act on mandatory criminal record checks for childcare workers and teachers, the first of several legislative changes to follow, in 2001. To better understand these moral positions, I also analyse newspaper articles, especially those covering two paedophile scandals that took place in Sweden in 1997 and 1999, so as to better identify and understand the conflicting norms around the issue of mandatory record checks.

The main conflict here was between two sets of contesting norms: those about protecting children on the one hand and those about protecting the legal rights of individuals, including their right to privacy, on the other hand. The first-mentioned are based on the notion that children are vulnerable and dependent, and that, because of their legal obligation to do so, they cannot help but be there in the school or the preschool where they then may become victimized. The duty to protect children has never been questioned as a norm, even though the efficacy of mandatory criminal record checks as a way of protecting children has been publicly doubted. In the government bill preceding the act of 2001, the claim that individuals’ privacy rights would be breached by the proposed criminal record checks was neutralized by making the checks mandatory while leaving it to the jobseeker to request the record extract. In this way, jobseekers could be portrayed as maintaining control over their criminal history information, which in turn was understood as equalling the continued protection of their individual privacy.

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The actions the government took upon the introduction of this first act in a series of many then fed back into the general vocabulary, setting a precedent for how subsequent claims of privacy rights breaches could be “legitimately” neutralized. By placing the characteristics of the child, rather than the child itself, at the centre, it was then possible, and even “natural”, to extend mandatory criminal record checks to also other groups coming into contact with people considered as vulnerable, dependent, and unable to control their situation. The paper then concludes by examining the limits of function creep in the case considered. Thus far, the employers mandated to check their job applicants’ criminal record information have all been connected to the state, executing tasks on behalf of the state to foster, treat, and care for citizens. Requests from private-sector actors and voluntary associations to be included in the scope of the legislation have been turned down by the government, citing the need to counteract tendencies towards the development of a ‘control society’ and to avoid excessive monitoring of employees.

4.2 Contesting vocabularies

This thesis relies on ‘vocabularies of motive’ (Burke 1984; Mills 1940) as one of its main theoretical concepts.²⁴ The concept brings into focus that which “function[s] as cues and justifications for normative actions” in a particular setting (Mills 1940, 906). It directs the analytical gaze towards specific justifications and responses to more or less explicit questions, such as why a regulation should be changed or new laws enacted. Vocabularies of motive provide ‘cultural stories’ (Richardson 1990) that instruct on morality, acceptable behaviour, and the locus of responsibility. Although vocabularies of motive reflect wider discourses in society, my interest in the general discussions of which the debates on the use and regulation of criminal records are part remains subordinate to the question

²⁴ In Paper IV the question was couched in terms of norm conflicts instead of vocabularies of motive, since the former is the term used in the sociology of scandals (cf. Jacobsson and Löfmarck 2008), a perspective that I, too, draw upon in the paper. Regardless of this terminological difference, it is the justifications put forth for the practice of using criminal record checks that I am interested in in both cases. Even if, with this language choice, the thesis may have lost something of its conceptual clarity, it is also because of it that my argument in Paper IV is strengthened, thanks to its ability to better connect with the established concepts in use in the field it engages (sociology of scandals). The analyses presented in Papers I, II, and IV are thus all of a same type, despite their reliance on these two, slightly different concepts, which therefore should not in any way be understood as competing with each other.

of how the function creep in this particular case became possible. The narrower focus that the concept of vocabularies of motive offers suits this study well, especially since it draws attention to the relation between the moralizing function of the vocabularies and the fact that vocabularies are social products that depend for their existence on, and change through, interaction and public discussion. Vocabularies of motive form one of the conditions contributing to function creep: without broadly acceptable justifications it, in this particular case, would not have been possible for the legislature to extend the scope of the mandatory criminal background checks or for employers to endorse the practice of enforced subject access. By focusing on the different vocabularies in use, it also becomes possible to identify norm conflicts and examine what constitutes acceptable justifications for (potentially) controversial actions.²⁵

In Paper I, I outlined four different vocabularies gleaned from governmental documents dating from 1892 through 2010: a *protective vocabulary* at the beginning of the 20th century, a *rehabilitative vocabulary* during mid-century, a *rights vocabulary* at the end of the century, and what could be termed as a *mixed vocabulary* from around 2006 onwards in which the rights vocabulary is found co-existing with a re-surfaced rehabilitative vocabulary. As noted in Paper II, at around 2007 there were three different vocabularies being used among employers and trade union and employers' association representatives: a *risk vocabulary*, a *trust vocabulary*, and the previously mentioned *rights vocabulary*. The norms and arguments set forth in the governmental documents and newspaper articles examined in Papers III and IV belong to either a *risk vocabulary* or the *rights vocabulary*. Leaving aside the more distant past and concentrating on the time period covered by all three types of my research material, we can see the *rights vocabulary* and the *risk vocabulary* being evoked in all three of them.

Table 5 gives an overview of the vocabularies of motive used in the different settings represented by my three separate samples, along with the central value informing each of them.

²⁵ A more detailed discussion of vocabularies of motive and their relation to concepts such as 'accounts' can be found in Paper II.

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Table 5. Vocabularies of motive identified in the different study samples, their central value, settings (arena and topic), time periods for the historical sample of governmental documents, and relevant thesis paper.

<u>Vocabulary of Motive</u>	<u>Central value</u>	<u>Topic, settings and time period</u>			
		Subject access	Enforced subject access	Mandatory criminal record checks	
		Legal arena: Government documents 1892–2009 (Paper I)	Employer arena: Interviews 2007–08 (Paper II)	Legal arena: Government documents 1998–2009 (Paper III)	Media arena: Newspaper articles 1997–2009 (Paper IV)
Protective vocabulary	Re-socialization of offenders	X (1892–1940)			
Rehabilitative vocabulary	Re-socialization and rehabilitation of offenders	X (1948–65, 2006–09)			
Rights vocabulary	Position of offenders vis-à-vis the state and other citizens	X (1980–98, 2006–09)	X	X	X
Trust vocabulary	Employee–employer relationship		X		
Risk vocabulary	Potential crime victims		X	X	X

In Paper II, the risk vocabulary was described as the dominant one. Although the rights vocabulary, too, exerted some influence, the risk vocabulary supplied a number of “neutralization techniques” (cf. Sykes and Matza 1957) that the interviewed study participants could then deploy to at least nominally settle the conflict between the need for risk management on the one hand and the need to protect individuals’ right to privacy on the other hand. The same norm conflict was evident also in the newspaper materials and governmental documents analysed (Papers III and IV). To designate the risk vocabulary as the dominant one on this basis, however, might nevertheless be somewhat misleading since the rights vocabulary quite clearly sets limits to what could be considered as an acceptable justification. One could therefore equally well view the rights vocabulary as the dominant one, since the need for having justifications for criminal record checks in the first place indicates that such checks are viewed as unacceptable in general: for criminal record checks to be seen as legitimate, the privacy intrusion that they are considered to constitute must somehow be rendered justifiable. At the same time, the risk vocabulary itself provides just such

justifications, by making the value of the right to privacy relative to the value of harm prevention. Privacy intrusions can then be justified by referring to the severe consequences of the crime that the privacy intrusion is intended to help prevent. The justifications using the risk vocabulary rely on claims about “relevance”, and since justifications based on rights take the backseat when confronted with “relevant” risks and the significant harm they can cause, I thus nevertheless maintain that it is the risk vocabulary that should be seen as the dominant one.

The overlap between these two vocabularies and the same mediating role of the notion of ‘relevance’ were also evident in the legislative arena. In European data protection regulation, only data “relevant” to the stated purpose may be processed in automatically handled records; processing “irrelevant” data is considered to constitute a violation of privacy (see also Tranberg 2007; Götze 2011).²⁶ As noted in Papers II and IV, employers have nevertheless been able to negotiate and re-construe what counts as “relevant” in different situations. In the following section, I will return to the notion of risk, discussing how certain types of risk and the potential harm these risks can cause may be symbolically so charged as to effectively remove the requirement for relevance. In other words, whether, and to what extent, privacy violations play a role in considerations varies between different types of risk involved.

Altogether, then, two vocabularies have persisted in the debates over time: one centred on individuals’ right to privacy and one focussed on risk management. At the end of the 20th century, also a rehabilitative vocabulary began to find its way back into the government documents, although it remained surprisingly absent from the newspaper materials dating from the period and, perhaps less surprisingly, was never evoked in the employer interviews for this study. When, in the latter, ex-offenders’ employment prospects were discussed, it was in terms of the offenders’ right to have a job and not be punished a second time, and not in terms of the importance of employment for rehabilitation and prevention of recidivism.

4.2.1 Cultural Embeddedness of Risk Perception

The notions of risk and risk management that play such a central role in the vocabularies above also exert a major influence on crime policy today, at least in the West where neo-liberal forms of government through self-regulation have been deployed. Indeed, the increased use of criminal records in recruitment, I argue, should be seen as a part of an ongoing, more general process that has

²⁶ For example Directive 95/46/EC, and national implementations of the directive such as the Swedish Personal Data Act SFS 1998:204 (*Personuppgiftslagen*).

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been characterized as a shift towards “advanced liberalism” (Miller and Rose 2008; Rose 1999). In this new constellation, the state is no longer “the ultimate provider of security”, and the focus has turned to the individual who is positioned as responsible, self-steering, and capable of managing her or his own risks.

At first glance, the developments in the use of criminal records indeed seem well in line with what the theorizing on advanced liberalism and neo-liberal governance has proposed. What formed a common theme in the debates preceding the 2001 act on mandatory criminal record checks on teachers and childcare workers in Sweden, for example, was ‘risk’. The actuarial type of risk thinking that has been identified as an important part of contemporary society in general, and of “the new penology” in particular, could then be interpreted as having played a major part in the introduction of the obligation for certain employers to check their job applicants’ criminal records (see Feeley and Simon 1992). The actuarial discourse is based on a rational, actuarial mode of thinking that aims to identify and regulate “unruly groups”, for example through the creation of risk profiles that define certain individuals and groups as targets for selective incapacitation. With the help of these, risk is managed by “rearranging the distribution of offenders in society” (Feeley and Simon 1992, 458); and even when criminal record checks do not result in incapacitation, they nevertheless “re-arrange” sex offenders in society by effectively denying them access to employment in certain sectors such as schools and kindergartens.

In the same way, the recent years’ increased use of enforced subject access could likely be seen as merely one aspect of a broader process – analysed, among others, by Rose (1999) as an integral feature of advanced liberalism – in which responsibility for crime prevention is transferred from the state to individuals. An individual actor, in this case an employer, is expected to act prudentially and take precautions to manage crime risks and avoid victimization, which can thus include checking job applicants’ criminal records (cf. O’Malley 1996).

These and other theoretical explanations offered from governmentality and risk-centred perspectives, however, do not work well when examined in light of the vocabularies of motive analysed in this study. There was a not insignificant mixture of rational risk calculation and more “irrational” thinking in both the governmental documents, the newspaper articles, and the interviews drawn upon for this study. For example, the relevance criterion that, according to the interviewees, must be followed to be able to consider criminal record checks legitimate as a crime prevention strategy is based on a risk logic: if an individual has previously committed, say, fraud, that person is more likely to repeat that or similar criminal behaviour again at a later date. In this respect, however, criminal record checks as a crime prevention technique are marred by several issues that

undermine any such rationale for using them. Most crimes, for example, remain unsolved (resulting in no convictions entered on anyone's criminal record), and certain crimes such as white-collar crimes might even remain wholly undetected to begin with. Criminal records would thus be an unreliable source of information for anyone wishing to verify a person's past behaviour, since they contain too many false negatives (non-convicted offenders). The employers in this study who did conduct criminal record checks did not, however, even once bring up the problem of false negatives during their interviews. As mentioned in Paper II, the interviewed employers were, moreover, unenthusiastic about the present system where only certain crimes deemed by an outside party as "relevant" for the type of employment or job position in question were disclosed on the record excerpts, as in the case of childcare workers and school teachers; they would have rather left that determination for themselves. Ultimately, then, what it all seemed to be about is, rather than any rational consideration of actual risk levels at the company or the prevention that criminal history checks would offer, having an ability to judge jobseekers' character and provide customers and clients with clear proof that the company took risks seriously and engaged in crime prevention.

An additional example of how rational risk thinking and risk prevention is absent from this picture is the way risk was framed in the news media articles examined. In a news item from 2000, for instance, it was stated that 50 of the 208,057 people working with children in the country's kindergartens, preschools, and schools had a criminal record for a sex crime against another adult or a child (IT 2000). Although the likelihood for employing an individual convicted of a sex crime in such places was thus no more than 0.2 per thousand, the main message was that there were numerous paedophiles currently working in our children's schools and preschools. What could have been reported as a relatively low probability of finding convicted sex offenders working in schools and preschools was instead run as a scandal story headlined "50 Swedish Teachers Charged with Sex Crimes".

In a 1999 government law proposal, on the other hand, the likelihood of sexual assaults against children in the country's schools and preschools was discussed explicitly, with the conclusion, in apparent contrast to the news media, that there was "reason to believe that the number of assaults is very limited" (prop. 1999/00:123, 14). At the same time, however, the government also admitted to simple lack of knowledge. In the subsequent government bill, the one fact that the government could point to in support of its position – namely, that sex crimes in kindergartens and schools sometimes do happen – was brought to bear on that observed lack of further knowledge, which two circumstances then, mutually reinforcing each other's message of alarm and anxiety, combined to

create an impression of a significant menace to children in society. Rather than any objective risk calculated from statistics, uncertainty and the need to manage a perceived, yet unknown threat thus became the core issue. This is in line with Zedner's (2009, 47) argument that crime policy today is about managing growing threats, which creates an "imperative to govern at the limit of knowledge" given the need, as in the present case, to make decisions about harm prevention without adequate knowledge of either the problem itself or the preventive techniques to be put to use. It is thus the magnitude of the threat or the potential harm that is put at the centre of considerations and not the likelihood of its actualization.

The rationality of risk perceptions in general has been questioned by studies suggesting that people, when interpreting and evaluating risk, do not proceed in as instrumental and calculating a manner as the actuarial discourse might lead us to believe. In making up our minds, we seem to be also "informed by a host of other emotional, symbolic, and cultural considerations" (Haggerty 2003, 195). Very often, as becomes clear also from the government discourse analysed in this thesis, the point is about avoiding "the worst eventuality that can be imagined", regardless of the objective likelihood of that probable event or situation actually occurring – about following a 'precautionary logic' (Haggerty 2003, 202). As Haggerty (2003) has shown, the arguments of likelihood typical of risk discourse quickly lose their force when confronted with catastrophic potentialities. Our estimate of the worst-case scenario and how to best prevent it from occurring (and whether it can be prevented at all) is guided by "irrational" feelings such as fear, anxiety, superstition, and prejudice, being thus also influenced by popular culture and the news media. While Haggerty's study concerned itself with potential crime victims, Brown (2000, 98) found that same kind of reasoning, one that was "grounded in non-scientific (common, philosophical, legal) understandings of human characteristics and the indicative signs of threat and danger", was resorted to by criminal justice authorities as well, thus counteracting the idea that it is only individual persons and not institutions and organizations that exhibit this type of "irrational" behaviour.

Following Haggerty's work on the logic of precaution in situations where risk perceptions are shaped by a "worst imaginable" eventuality, I argue that prevention at the limit of knowledge becomes necessary only when the uncertainty is construed as a threat aimed at our cultural representations of events that need to be avoided at all cost. In the particular case of child sex abuse in preschools, the fact that sexual abuse of children is considered likely to cause serious lifelong trauma (cf. Loseke 2003) then came to supply just such a "worst imaginable" eventuality, making the low likelihood of the abuse actually happening insignificant for the perceptions of its risk.

4.3 Cultural and symbolic explanations of function creep

One of the arguments put forth in this thesis is then that the function creep in the use of criminal record checks in the Swedish labour market did not come about as a result of any choices based on rational risk-thinking, but was rather made possible and driven by shifting cultural representations and a new cult of the individual that accompanied certain broader developments in the country and its governance. This is, then, the reason why the symbolic aspects of these developments and the struggle to govern symbols and their interpretation must be placed at the centre of any analysis aimed at explaining the changes. My main argument in this context is that the subjectification and the transfer of responsibility for crime prevention from the state to individuals to which the governmentality literature has drawn so much attention are best viewed as an integral part of that new cult of the individual, and that risk management only seldom involves the kind of rational or calculating thinking it is claimed to be based on (cf. Garland 2003; Haggerty 2003). This is not to say that analyses of governance, power, and economic aspects would be misguided per se – only that they err in separating governing from the cultural understandings, everyday habits, and contesting interpretations of symbols and meanings in which it is embedded (cf. Garland 2006). What are usually understood as rational forms of governing in “advanced liberal” democracies (Rose 2000) are in fact something steered by symbolic understandings, and should therefore be looked at in a broader context that takes also the symbolic aspects into consideration (cf. Smith 2008).

From the materials examined for this thesis research, two symbols stood out as particularly powerful in Sweden, making their influence felt in the general debates and in government documents. First of all, at the time subject access rights were implemented in the country in 1989, providing a necessary precondition for the subsequent practice of enforced subject access to take off, *computerization* and the new ways of keeping databases that followed from the technology caught wide public attention, fuelling much speculation, rumours, and a massive attempt to grasp the development and its consequences. Secondly, when the new act on mandatory criminal record checks of childcare workers and teachers was being discussed during the 1990s, a new kind of *child-at-risk* thinking showed itself having captured the public mind.

4.3.1 Subject Access: Taming Data Records

As described in Paper I below, it was the rights vocabulary that dominated the discussions when subject access rights were incorporated in Swedish law in

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1989. Until the 1980s, what had provided the guiding principle for criminal records legislation and justified the exception from the general subject access right rule in the data protection act was individuals' need to be protected from employers interested in accessing their criminal record information. As appears from my theoretical discussion of governmentality and symbolic values in relation to punishment in Paper III, the need to govern the latter, symbolic aspect is of paramount importance in a state's efforts to control and govern its citizenry. The re-interpretation that took place in Sweden in the 1980s and manifested itself in the new rights vocabulary must thus be understood against the background of the cultural understandings regarding computers and databases at the time.

Empirical support for this claim exists in the form of media discourse that in the same time period centred on control and manageability issues and on potential direct threats to which computers and computerized databases were seen to give rise. In the newspaper articles collected for this research at the Sigtuna Foundation Clipping Archive, computers and databases were described as "huge machines" that were difficult to manage (Fürstenberg 1979). Stories were told of how easily the information could be destroyed, transferred, or linked, and references to an Orwellian "Big Brother" were a commonplace (e.g., Andersson 1983; Kirkegaard 1986; Sverige allt mer 1986). Computerization was also seen as threatening to the Swedish constitutional principle of public access to official records: computers would not just make the state more powerful; they would also reduce the citizens' possibility to control the state (Olsson 1985; see also Söderlind 2009). The issue of subject access rights was then brought to the forefront in 1986 with the revelation of the existence of a "secret database" for research that linked multiple data sources on individuals (Johansson 1986a; Michanek 1986).²⁷ A national morning paper printed a form its readers could

²⁷ The Metropolit Project was run between 1953 and 1985 in the Department of Sociology, Stockholm University. In this longitudinal birth cohort study covering all those born in 1953 and living in the metropolitan Stockholm area in 1963, neither the parents of the children nor the adult participants included in it were ever asked for their informed consent to participate. The project gathered data from various records including the criminal records, and carried out several surveys of the cohort, sometimes under someone else's name, such as that of the Swedish public-service broadcasting company (Editorial UNT 1986; Johansson 1986c). Once the story broke out, the media coverage of it was extensive, resulting in no less than 133 articles in four Stockholm newspapers in the first two months alone following the revelations (Qwerin 1987). A number of people, mostly researchers, defended the study that depended on information derived from records and on linking of data, claiming that it provided valuable knowledge that enhanced the general welfare. Others criticized it for being the costliest social-science research project in the country thus far, yet lacking in any concrete results.

use to request a copy of their own data record used in the study and/or to demand to have their data removed from the database created for it (Så slipper 1986). Between 4,000 and 5,000 of the total of 15,000 individuals included in the birth cohort used their subject access right to request a copy, and around 3,000 demanded to be excluded from the study and have their data destroyed (Eriksson and Månson 1991, 12; Löfgren 1986). In the aftermath of the scandal, more similar projects were brought to light, with another subject access request form distributed for at least one of them (Johansson 1986b).

Awareness of one's status as the data subject for the information contained in records and knowledge of the purpose of the record keeping were increasingly portrayed as vital for the protection of the individual. Already through its first Data Act (*SFS 1973:289 Datalag*) of 1973, Sweden had implemented a general right for individuals to access information about themselves in databases (not including the criminal records; see Paper I). The motivation for the new law had been the fear that the public would lose its trust in public authorities and the state because of the latter's access to, and active use of, computers and databases to process and manage information it had collected on individual citizens (Söderlind 2009). The aim of the Data Act was thus to make possible the state authorities' continued utilization of databases and computers for these purposes without citizens experiencing their actions as a breach of trust.

Similarly to the general Data Act and its aim of restoring trust in the government's use of various databases, also the amendment of the country's criminal records act and the inclusion of the subject access rights provision in it in 1989 was framed as a necessity, based on the perception that lack of such legally guaranteed possibility for the subject to gain access to his or her criminal record information would in the present situation be experienced as patronizing. In its law proposal (prop. 1987/88:122), the government argued that it was impossible to uphold the restrictions on subject access, since such limitations were not in line with the public's current understanding of the issue of data protection and individuals' rights vis-à-vis the state. It was claimed that citizens found it "difficult to understand" that they were refused access to their personal data (ibid., 18), and that a previous investigation from the 1980s showed there to be a "common agreement" that subject access rights should be implemented in the criminal records regulation. By then also doing so, the government managed to retain its control over the register, protect that register's very existence from being questioned, and prove that also the state itself was following the common rules for how databases were to be handled.

4.3.2 *Mandatory Criminal Record Checks: The Child as a Totem*

In the risk vocabulary, the notion of potential victims occupies a central place, and, as I argued above, employers who use enforced subject access to avail themselves of their job applicants' criminal history information do so following a precautionary logic, encouraged by the state's legitimization of criminal record checks as a crime prevention technique through the introduction of the 2001 act on mandatory criminal record checks for childcare workers. This legitimization, as I maintain in Paper III, can nevertheless not be understood as having been merely to enhance the protection of potential victims; it was also connected to what I call the totemic function of the child in the new cult of the individual.

In Durkheim's study of religion, 'totemism' was described as "not the religion of certain animals, certain men, or certain images; it is the religion of a kind of anonymous and impersonal force that is identifiable in each of these beings but identical to none of them" (Durkheim 1995, 191). The totem (a certain animal or plant in the religions Durkheim studied) is "the visible body of the god" (ibid., 223) and the most sacred thing for the community. The members of the clan share the sacredness of the totem attached to it, but not always in the same pure or ideal way. When the sacred is violated, collective emotions – of outrage and indignation – are aroused. Such events and feelings are then dealt with through rituals and shared public mourning and anger (Durkheim 1995, 415), a task often taken over in today's society by the media (Katz 1987; Wykes 2001). In contemporary settings, the notion of totemism only becomes meaningful in light of Durkheim's concept of the cult of the individual. According to Durkheim, religious belief in a god had in modern times been replaced by a similar belief in 'man' (Durkheim 1986). This new cult has been manifested, for example, in the declarations of rights issued from the French Revolution down to the present. In the cult of the individual, however, it is not the individual as such that is put centre stage, but rather the human essence that is shared by everyone. What I would like to argue, accordingly, is that the representation of children is to be regarded as a "totem" in the contemporary cult of the individual: in children, we see the characteristics essential to what it means to be a human present in a "pure" and "undamaged" form. The actual living child, however, has no more to do with this representation than the real-world bureaucracy has to do with Weber's ideal type of bureaucratic organization. Nevertheless, the "totem" is constructed out of those human "essences" that are most strongly associated with our representation of children. That representation of children then be-

comes a powerful rhetorical figure owing to the strong emotional reactions that its sacredness evokes.²⁸

The new cult of the individual started taking shape at around the time the child became a subject in its own right. Before the 19th century, children were little more than objects of superficial emotion for the amusement of adults who played with them the same way they might play with a puppy. If they died, children were not mourned in any special way since they lacked individuality (Ariès 1962; Zelizer 1985); a child was largely regarded as anonymous and replaceable. In Swedish criminal law, the offence of sexual abuse against children was prosecutable under sections aimed at protecting the family and the marriage as institutions, and was thus not considered a crime against the child as such (Bergenheim 2005).²⁹

During the 17th through the 19th century, children gradually came to acquire new, different meanings. They slowly became objects of affection and attention for their parents, were no longer seen as replaceable, and began to be viewed as individuals needing to be nurtured, raised, and educated (Pratt 2000). The 20th-century transformations changing the meaning of children further still have been characterized by Zelizer as a process of their “sacralization” (1985). The representation of children now became “invested with sentimental or religious meaning” (Zelizer 1985, 11), and the child was no longer seen as merely an economic resource but became also valued in emotional terms. As a result, each child came to be seen as unique and “priceless”, not just for the parents but for the society as a whole. Childhood, again, began in consequence to be viewed as a separate sphere whose stability and protection needed to be ensured in the unstable and risk-filled world. At the same time, the child, in addition to the essence of our humanness, now also represented growth and progress – the essence of the (late) modern world (cf. Jenks 1996). Any threats or harm to children thus become a threat to adults as well, and if parents or other persons in charge of the children failed in their nurturing and protection responsibility, it

²⁸ To violate the representation of children is criminalized in the Swedish Penal Code; even pornographic drawings of children are illegal, regardless of whether anyone is hurt during their making. Pornographic paintings of children are considered to constitute a violation of “children in general” (prop. 1978/79:179, 8).

²⁹ Although, in the national law of 1734, sexual assaults on children were seen as a particularly serious crime given children’s inability to defend themselves against adult abuse, in the country’s new criminal code of 1864 sexual offences against children were regulated under a section on “Moral Virtue” and not, like rape, under the section “Crimes against the Freedom of Others”. No common category of sex crimes to cover also offences against children existed in Swedish criminal law until 1984 (Bergenheim 2005).

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was other citizens', and the state's, responsibility to step in and protect them to that way preserve their future capacity (Zelizer 1985).

In order to understand the debates around paedophilia and the fear of sexual assaults against children, it is important to consider the image of children as asexual beings. Children in our society are being hurt in also other ways, such as through physical abuse, bullying, and parental inadequacy caused by addictions, without drawing comparable attention or prompting similar emotional reactions even when there are life-long consequences for the child (cf. Meyers 2007a). What, then, is so particular about child sex abuse that makes it such a charged issue? Michel Foucault (1990) has described how Western discourse on sexuality and its power techniques made sexuality the essence of truth that was seen to define the individual. When it comes to defining and understanding an individual, sexuality, claims Foucault, plays a more important role than, for example, our ideas about the soul. The discourse construes the child as "asexual" and makes the struggle to uphold this asexuality central, both because it provides unrestricted possibilities to intervene and discipline the child and because sexual experiences or urges to a large degree are connected to future deviance.

Sex crimes are thus seen to violate the victimized individual's inner core in a profound way, and therefore cannot be compared to other crimes. Since the child is considered to be asexual and the natural existence of children presented as one of no sexual experience, sexual assaults against a child become by definition "unnatural" (Meyer 2007a, 2007b). The moral violation that sexual assaults represent is then experienced as worse than the actual physical violation involved, since a sexual act forced upon the asexual child breaks down the boundary line between childhood and adulthood, destroying the very notion of childhood. It is for these very reasons, then, that the Swedish government could, in its law proposal of 1999, claim that children must be protected from sexual assaults if schools are to remain "a safe and secure environment in which young people are protected and can grow up to become harmonious individuals capable of actively taking part in the development of society" (prop. 1999/00:123, 12). In this reasoning, rational assessment of risk thus clearly yielded to a precautionary logic that emphasized uncertainty and strove to make governance "at the limit of knowledge" possible.

Besides helping to understand why sexual assaults against children provoke such strong feelings of outrage and indignation, the sacred position that children hold as a "totem" in our society also explains why child sex offenders are often treated in ways that would not otherwise be considered as justifiable. Durkheim (1995) described how violation of the totem led to the offenders' being deprived of their membership in the clan. An assault on a child, especially when the assault is of sexual nature, in a same way causes the offender to lose his group-

belonging as a ‘man’, along with his sacred status as an individual. The totemic role of the child thus explains why offenders who violate and assault children, especially sex offenders, come to be seen as monstrous. It does not, however, explain why paedophiles in preschools became an issue at the particular point of time they did.

4.4 Scandals as a Trigger and a Limiter of Function Creep

In Paper IV, I argue that the paedophile scandals erupting in recent years in Sweden, just as in other countries like Norway or the US, can help explain why the risk of children being molested in preschools, and the perceived need for criminal background checks on job applicants, became such a prominent political issue in the country. The events brought into public view in Sweden at the end of the 1990s were experienced as “unusual and spectacular” and, as typical of incidents of such nature and magnitude, became “linked to perceptions of non-specific and diffuse threats” in the media discourse (Flyghed 2002, 30). In the media reports that followed, paedophiles, especially those working in preschools, were, described as apparently “normal” men whom no one could be able to suspect, being therefore impossible to identify as potential or already convicted criminals. At the same time, children as victims were portrayed as silent and incapable of reporting assaults. Thereby, an image of diffuse threat was created: How could anyone know how many children were being abused when the victims were unable to tell about it themselves? How could one protect children from paedophiles when no one knew who the latter were or what they looked like? Moreover, how could one claim that sexual abuse of children was rare and unlikely to happen, when no one knew anything about paedophiles and it indeed had just happened, right in our midst?

The perception of a diffuse threat is predicated on lack of knowledge, which feeds into a sense of great danger and insufficient protection (Flyghed 2002). The two paedophile cases in Swedish preschools in 1997 and 1999, however, did not only highlight the risks of having convicted offenders working certain jobs, but also brought under scrutiny the “scandalous” fact that no one had been given the right tools to prevent such offenders from being hired in the first place. Similar circumstances and responses can be seen as having driven legislation on sex offender registration and criminal background checks in other countries as well. In the US, for example, a number of new laws were enacted from the 1990s onwards in response to sex crimes committed against children by convicted sex offenders; among these are the so-called Megan’s Law enacted variously in different states (beginning in New Jersey in 1994) and the federal

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Adam Walsh Child Protection and Safety Act from 2006 (see Finn 1997; Logan 2009). The main argument for the adoption these laws was that parents, schools, and local authorities needed better tools to protect children from (sexual) assault. The information that government officials had about convicted sex offenders living or working in each community could be used to help prevent future crime if shared with parents and other local authorities, the argument went (Logan 2011). In the UK the case was somewhat similar: after the much-publicized Colin Evans case there and another incident where a convicted sex offender working at a hostel assaulted a child, the absence of criminal background checks and the lack of information sharing between the police, other authorities, and voluntary organizations in the country came to be seen as opening up an opportunity for convicted offenders to find their way to positions of trust in the latter or in social welfare services (Thomas 1986; also Thomas 2007). In Norway, legislation on mandatory criminal record checks was introduced following the so-called Bjugn Scandal where a large number of children at a preschool were believed to have been molested by a staff member.

The events leading to the introduction of mandatory criminal record checks of judges and law clerks in Sweden in 2007, extended in 2010 to also those in leading positions in motor vehicle inspection companies, likewise support my contention that scandals play a central role in explaining function creep.³⁰ In both of these cases, regulatory change was preceded by criminal cases that received much media attention and involved individuals working in above-mentioned job categories. In the first case, in 2006, a law clerk was convicted for his role in a fight outside a nightclub and subsequently dismissed from his position in the local court. The union to which he belonged sued his employer for unlawful dismissal, winning the case finally in 2009 (Jacobsson 2010; *Notarie vid tingsrätten* 2009) and forcing a need to find other mechanisms to prevent employment of convicted criminals in courts of law. In the second case, a Swedish motor vehicle inspection company had come under investigation for, among other things, possible organized-crime connections in 2005, although only one of its employees was eventually convicted in the High Court (Raiend 2008; Ullgren 2005).

Based on the above, it then seems that function creep in the use and management of sensitive data can be triggered by a scandal or a series of scandals that evokes a sense of diffuse threat and reveals the situation as one of insufficient protection. The emotional response to the threat and the perceived

³⁰ These changes were implemented through amendments to ordinances and not through acts of the parliament, yielding no governmental documents to analyse such as official reports, committee enquiries, or law proposals.

unpreparedness for it will be particularly strong when the scandal and its aftermath involve children, creating the conditions for the introduction of new, presumably more effective crime prevention methods that up until then have been considered too intrusive. Once the new technology or, as in this case, function has been adopted for use, it becomes “normalized” (cf. Dahl and Sætnan 2009; Flyghed 2002); this, again, allows a further extension of its application or scope, however gradually, which in the present case meant the introduction of mandatory criminal record checks in new areas to also protect potential victims of lesser emotional and symbolic significance than children. What caused all that to be possible in the case under consideration is the fact that one of the effects of the initial breach of privacy was to weaken the boundary around privacy, making justification of further intrusions easier to come by.

5

Conclusions

In this thesis, I set out to explain the increased use of criminal records in the Swedish labour market in the 2000s. This increase was a result of changed regulation that obligated more and more categories of employers to conduct criminal background checks on their job applicants, and of the increasing reliance on the practice of enforced subject access. To understand what stood behind these developments, I analysed newspaper articles and governmental documents and interviewed employers and representatives of trade unions and employer associations, guided by a specific set of research questions. In conclusion of this thesis introduction, I will attempt to outline brief answers to those research questions to that way sum up my research, suggesting three topics for further study. Finally, I will briefly return to the question of surveillance to re-examine it as an issue of both control and trust.

5.1 Summary of Findings and Directions for Future Research

Above, I have proposed to look at the changes in the access to criminal records in Sweden as an issue closely connected to the state's efforts to govern the symbolic interpretation of criminal history records of citizens and their use. Whether certain actors are denied or allowed access to such records depends on prevailing cultural representations regarding notions such as 'privacy', 'data protection', 'databases', 'sensitive information', 'risk', and 'power'. Although the notion of individuals' rights, especially the right to privacy, features large in the discussions about criminal records, the perceived need to prevent crimes and manage risks has today surpassed it in significance. As I have suggested above, both of these two dimensions of the problem relate to what Durkheim termed the 'cult of the individual', centred on the sacred status of the individual in our society. A prerequisite for employers' ability to use enforced subject access is individuals' right to access their own information. This right forms the cornerstone of any

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data protection policy, providing as it does individuals with the power to review the data on themselves in order to verify it for accuracy and correct any errors detected. This principle has been followed in Sweden, too, with one exception to the rule for nearly twenty years: the criminal records of individual citizens. The fact that the right of subject access to also criminal records data was finally implemented in Sweden in 1989 can, as I have suggested above and in Paper III, be attributed to a combination of two factors: the rise of a discourse stressing individuals' rights vis-à-vis the state on the one hand, and computerization which gave rise to speculation, rumours, and fears that computers and databases could be used for purposes unforeseeable and undesirable to the public. To borrow Alexander's (1992) terminology, computers and those who managed them thus needed to be "tamed". Allowing individuals access to their own data in records then enabled the state to present itself as a trustworthy keeper of those records: the transparency created by implementing subject access rights provided citizens with a feeling of having control over what data was gathered, and helped assure them of the fact that the record keeper itself adhered to agreed-upon rules.

The introduction of subject access rights in 1989 does not, however, in itself explain why employers increasingly started resorting to the practice of requiring jobseekers to exercise this right to obtain a copy of their criminal record. It was, however, a necessary pre-requisite for this practice to be adopted. Although the statistics do not provide the full picture, they nevertheless indicate that the use of enforced subject access only become more widespread after the adoption of the new act on mandatory criminal record checks for childcare workers in 2001 and the debate preceding it. That is, the government's framing of criminal record checks as a crime prevention technique seems to have raised employers' awareness of the option as well as the advantages and benefits of using it. Indeed, the same justifications to which the government resorted when explaining and legitimating the privacy intrusions from criminal record checks in its law proposal were then also used by employers. This, however, does not necessarily mean that the latter were aware of the government's way of thinking (nothing in my interview materials supports such a conclusion); what it tells instead is that the vocabularies for addressing privacy and risk management are limited but generally available, and form part of a broader cultural story concerning privacy, prevention, and responsibility.

Above and in Paper III, I explained the 2001 introduction of mandatory criminal record checks of childcare workers and teachers with reference to the cultural representation of children as sacred and innocent, proposing that this representation today serves a "totemic" function in society. For us, the child stands for the pure and undamaged essence of what it means to be human. The

construction is based on a cultural understanding of children as separated from the adult world, in particular the adult world of sexuality. Molesting children or otherwise engaging them in sexual activity is then what breaks down the boundary line setting childhood apart from adulthood. In a powerful symbolic fashion, sexual assaults thus pollute the totem, causing the offender to be deprived of his membership in the group, and with the child molester no longer belonging to the community, intrusions that would otherwise have been viewed as unacceptable violations of privacy become possible and even respectable as means to prevent the possibility of future violations of the same kind.

However, even if viewing the child as this kind of “totem” helps to explain why it became possible to renegotiate the boundaries for acceptable privacy intrusion, it still does not explain why it all happened exactly when it did. To account for that, the paedophile scandals that put the issue on the public agenda in Sweden and elsewhere and created a feeling of insufficient protection must be taken into consideration as well. The extension of mandatory criminal record checks to more groups of employees can be explained by the normalization that took place once the new technique had been introduced. Upon its adoption for use, when the privacy intrusions it entailed had been legitimated through successful public justification, the moral terrain in the society shifted. With that, the new technique came to be seen as morally defensible, giving reason to ask why the method was *not* used in also other similar contexts and connections.

Even if my analysis is correct, however, the four Papers making up this thesis clearly point to a need for further research before more generalizable conclusions can be drawn. Future studies must consider in more detail: 1) the apparent influence of scandals and media reporting in contributing to function creep (their role in triggering it and steering it in certain directions); 2) possible differences in the way criminal record checks are perceived and accounted for in different politico-institutional and socio-cultural contexts (Scandinavian style social welfare states versus neo-liberal or conservative-religious rule, for example); and 3) the significance of the “totemic” function of the child in the cult of the individual.

5.2 Epilogue: Surveillance – Control – Trust

A central aim of surveillance, just as of criminal record checks in recruitment, is social sorting. The sorting is carried out based on information from databases, such as on whether a job applicant has committed certain crimes deemed relevant to the type of job or job position in question (cf. Lyon 2003). This information can be used as grounds for trust or lack thereof, as knowledge of wheth-

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er the person has been convicted zero, one, or more times is believed to help predict his or her future behaviour (c.f., Luhmann 1979). The basis for the establishment (or lack) of trust in the relation is then provided by the control that surveillance makes possible. These two functions of surveillance – trust and control – are usually seen as simultaneously present (cf. Lyon 2001). For example, among the employers in my study who checked jobseekers' criminal records, the technique was to a large extent used to prove that the employer or the company had control over its employees, that way enabling it to appear trustworthy in the eyes of its customers and clients. It was, however, also used as an extra control to ensure that the employer could indeed trust the employee and that recruiters were not deceived by their "gut feeling".

On the other hand, the employers in the study who did not use criminal record checks presented the technique as something that inhibited the creation of trust between the employer and the employee. According to them, the kind of formal control that criminal record checks represent erodes trust rather than promotes it. Their understanding was that trust creation in these connections was better left for informal control devices such as telephone calls to references, one-on-one interviews, and direct questions, and not for formal controls and the surveillance option. Abstaining from formal control was, for them, in itself a way of showing trust that in turn would help them win the trust of their employee candidates, resulting in a loyal staff willing to uphold and adhere to workplace norms. Nevertheless, their recruitment procedures were no less concerned with social sorting than those of the other employers: they, too, wanted to make sure to recruit honest and suitable workers, and they had their own techniques for excluding applicants not fitting the profile. These employers, in other words, were not "nicer" or more inclusive in their practices; rather, the point is simply that the emphasis on surveillance as a means of trust creation in late modern societies often masks the fact that mutual trust, as in the experience of these particular employers, may well be possible only in the absence of formal means of surveillance and control.

Nevertheless, it is more often surveillance and control methods like criminal record checks and the kind of social sorting that they make possible that are claimed to be necessary for the creation of trust in these contexts. In the accounts provided by the Swedish government to justify the mandatory criminal record checks proposed for certain categories of job applicants, the checks were presented as serving the purpose of ensuring that parents could trust those who looked after their children, that patients could trust their doctors, and that state and local authorities could trust the medical and healthcare professionals to fulfil the function designated to them. Criminal record checks are believed by both the government and individual employers to prevent those with certain

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convictions from applying for jobs like these, and the necessary trust is thus created by disallowing individuals with marks marring their record entry to relevant organizations and spaces like the preschool or the hospital. Control, trust, and crime prevention are thereby coded in terms of access control and social sorting, marking the end of the ideology of rehabilitation and re-socialization and leaving us closer to Deleuze's societies of control than to Foucault's discipline society.

References

- Albright, Shelley, and Furjen Denq. 1996. Employer Attitudes toward Hiring Ex-Offenders. *The Prison Journal* 76 (2):118–137.
- Alexander, Jeffrey C. 1992. The Promise of a Cultural Sociology: Technological Discourse and the Sacred and Profane Information Machine. In R. Münch and N. J. Smelser (eds.), *Theory of Culture*. Berkeley: University of California Press.
- Andersson, Ingvar. 1983. Du kan själv kolla personregister [You can check your record yourself]. *Dagens Nyheter*, December 31.
- Arbetsförmedlingen [Swedish Public Employment Service]. 2010. *Arbetsmarknadsrapport 2010* [Swedish labour market 2010]. Stockholm: Arbetsförmedlingen.
- Ariès, Philippe. 1962. *Centuries of Childhood*. London: Pimlico.
- Atkinson, Paul, and Sara Delamont. 2006. Rescuing Narrative from Qualitative Research. *Narrative Inquiry* 16 (1):164–172.
- Backman, Christel. 2011. Regulating Privacy: Vocabularies of Motive in Legislating Right to Access to Criminal Records in Sweden. In S. Gutwirth, Y. Poulette, P. De Hert, and R. Leenes (eds.), *Computers, Privacy and Data Protection: An Element of Choice*. London: Springer.
- Backman, Christel. 2012. Mandatory Criminal Record Checks in Sweden: Explaining Function Creep through Scandals and Moral Position Taking. Unpublished manuscript.
- Becker, Peter. 2001. The Standardized Gaze: The Standardization of the Search Warrant in Nineteenth-Century Germany. In J. Caplan and J. C. Torpey (eds.), *Documenting Individual Identity*. Princeton: Princeton University Press.
- Bergenheim, Åsa. 2005. *Brottet, offret och förövaren. Vetenskapens och det svenska rättsväsendets syn på sexuella övergrepp mot kvinnor och barn 1850–2000*. [The crime, the victim, and the perpetrator: Sexual abuse against women and children in scholarship and the criminal justice system, 1850–2000]. Stockholm: Carlsson Bokförlag.
- Blum, Alan F., and Peter McHugh. 1971. The Social Ascription of Motives. *American Sociological Review* 36 (1):98–109.
- Blumer, Herbert 1986. *Symbolic Interactionism: Perspective and Method*. Berkeley: University of California Press.
- Boone, Miranda. 2011. Judicial Rehabilitation in the Netherlands: Balancing between Safety and Privacy. *European Journal of Probation* 3 (1):63–78.
- Brown, Mark. 2000. Calculations of Risk in Contemporary Penal Practice. In M. Brown and J. Pratt (eds.), *Dangerous Offenders: Punishment and Social Order*. London: Routledge.
- Bryant, Antony. 2002. Re-grounding Grounded Theory. *Journal of Information Technology Theory and Application* 4 (1):25–42.
- Bryant, Antony. 2003. Constructive/ist Response to Glaser. *Forum: Qualitative Social Research* 4 (1):Art. 15.
- Bryant, Antony, and Kathy Charmaz. 2007a. Grounded Theory Research: Methods and Practices. In A. Bryant and K. Charmaz (eds.), *The Sage Handbook of Grounded Theory*. Thousand Oaks: Sage.

CRIMINAL RECORDS IN SWEDEN

- Bryant, Antony, and Kathy Charmaz (eds.). 2007b. *The Sage Handbook of Grounded Theory*. Thousand Oaks: Sage.
- Burke, Kenneth. 1984 [1935]. *Permanence and Change*. Berkley: University of California Press.
- Bushway, Shawn D. 2004. Labor Market Effects of Permitting Employer Access to Criminal History Records. *Journal of Contemporary Criminal Justice* 20 (3):276–291.
- Charmaz, Kathy. 2000. Constructivist and Objectivist Grounded Theory. In N. K. Denzin and Y. Lincoln (eds.), *Handbook of Qualitative Research*. Thousand Oaks: Sage.
- Charmaz, Kathy 2003. Qualitative Interviewing and Grounded Theory Analysis. In J. A. Holstein and J. F. Gubrium (eds.), *Inside Interviewing: New Lenses, New Concerns*. Thousand Oaks: Sage.
- Charmaz, Kathy. 2006. *Constructing Grounded Theory: A Practical Guide through Qualitative Analysis*. Los Angeles: Sage.
- Charmaz, Kathy. 2008. Constructionism and the Grounded Theory. In J. A. Holstein and J. F. Gubrium (eds.), *Handbook of Constructionist Research*. Thousand Oaks: Sage.
- Clarke, Adele E. 2003. Situational Analyses: Grounded Theory Mapping after the Postmodern Turn. *Symbolic Interaction* 26 (4):553–576.
- Commission Report. 1892. *Förslag till förordning angående straffregister* [Proposal for an ordinance concerning the criminal register]. Stockholm: n/a.
- Dahl, Johanne Yttri, and Ann Rudinow Sætnan. 2009. "It All Happened So Slowly": On Controlling Function Creep in Forensic DNA Databases. *International Journal of Law, Crime and Justice* 37 (3):83–103.
- Deleuze, Gilles. 1992. Postscript on the Societies of Control. *October* 59:3–7.
- Demker, Marie, and Göran Duus-Otterström. 2009. Realigning Criminal Policy: Offender and Victim in the Swedish Party System Over Time. *International Review of Sociology* 19 (2):273–296.
- Ds Ju 1981:6. De registerades rätt till insyn i kriminal- och polisregistren. [The right to subject access to criminal and police registers]. Stockholm: Ministry of Justice.
- Durkheim, Emile. 1995 [1912]. *The Elementary Forms of Religious Life*. New York: The Free Press.
- Durkheim, Emile. 1986. Individualism and Political Freedom. In A. Giddens (ed.), *Durkheim and the Politics of the State*. Stanford: Stanford University Press.
- Editorial UNT. 1986. Skandalen växer [The scandal just keeps growing]. *Uppsala Nya Tidning*, February 12.
- Entman, Robert M. 1993. Framing: Toward Clarification of a Fractured Paradigm. *Journal of Communication* 43 (4):51–58.
- Ericson, Richard V., Patricia M. Baranek, and Janet B. L. Chan. 1991. *Representing Order: Crime, Law, and Justice in the News Media*. Toronto: University of Toronto Press.
- Eriksson, Bengt Erik, and Per Månson. 1991. *Den goda tanken. Om etik och moral i forskning med människor* [The Well-Meaning Thought: Ethics and morality in research with humans]. Stockholm: Allmänna förlaget.
- Feeley, Malcolm M., and Jonathan Simon. 1992. The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications. *Criminology* 30 (4):449–474.
- Finn, Peter. 1997. Sex Offender Community Notification. Washington D.C.: National Institute of Justice.
- Flaherty, David H. 1989. *Protecting Privacy in Surveillance Societies*. Chapel Hill: University of North Carolina Press.
- Flyghed, Janne. 2002. Normalising the Exceptional: The Case of Political Violence. *Policing and Society* 13 (1):23–41.

- Foucault, Michael. 1979. *Discipline and Punish: The Birth of the Prison*. Harmondsworth: Penguin.
- Foucault, Michael. 1990. *The Birth of Sexuality, Vol. 1: The Will to Knowledge*. Harmondsworth: Penguin.
- Fox, James. 2001. Someone to Watch Over Us: Back to the Panopticon? *Criminology & Criminal Justice* 1 (3):251–276.
- Fürstenberg, Claes. 1979. Datorn sällrar vid gränsen [Computer screening at border crossings]. *Sydsvenskan*, October 4.
- Gamson, William A. 1988. Political Discourse and Collective Action. *International Social Movement Research* 1:219–244.
- Garland, David. 2001. *The Culture of Control*. Chicago: University of Chicago Press.
- Garland, David. 2003. The Rise of Risk. In R. V. Ericson and A. Doyle (eds.), *Risk and Morality*. Toronto: University of Toronto Press.
- Garland, David. 2004. Beyond the Culture of Control. *Critical Review of International Social and Political Philosophy* 7 (2):160–189.
- Garland, David. 2006. Concepts of Culture in the Sociology of Punishment. *Theoretical Criminology* 10 (4):419–447.
- Giguere, Rachele, and Lauren Dundes. 2002. Help Wanted: A Survey of Employer Concerns About Hiring Ex-Convicts. *Criminal Justice Policy Review* 13 (4):396–408.
- Glaser, Barney G., and Anselm L. Strauss. 1967. *The Discovery of Grounded Theory: Strategies for Qualitative Research, Observations*. Chicago: Aldine.
- Goffman, Erving. 1990 *Stigma: Notes on the Management of Spoiled Identity*. Harmondsworth: Penguin.
- Gøtze, Michael. 2010. Arbejdsgiveres brug af straffeattester [Employers' use of criminal records]. *Juristen* (5):144–152.
- Gøtze, Michael. 2011. Retlige grænser for brug af straffeattester på arbejdsmarkedet [Employers' use of criminal records in a legal perspective]. *Nordisk Tidsskrift for Kriminalvidenskab* 98 (1):17–36.
- Greer, Chris. 2004. Crime, Media and Community: Grief and Virtual Engagement in Late Modernity. In J. Ferrell, K. Hayward, W Morrison and M. Presdee (eds.), *Cultural Criminology Unleashed*. London: Glasshouse Press.
- Haggerty, Kevin D. 2003. From Risk to Precaution: The Rationalities of Personal Crime Prevention. In R. V. Ericson and A. Doyle (eds.), *Risk and Morality*. Toronto: University of Toronto Press.
- Haggerty, Kevin D., and Richard V. Ericson. 2006. *The New Politics of Surveillance and Visibility*. Toronto: University of Toronto Press.
- Hebenton, Bill, and Terry Thomas. 1993. *Criminal Records: State, Citizen and the Politics of Protection*. Aldershot: Avebury.
- Henry, Jessica S., and James B. Jacobs. 2007. Ban the Box to Promote Ex-Offender Employment. *Criminology & Public Policy* 6 (4):755–762.
- Holstein, James A., and Jaber F. Gubrium. 2003. Inside Interviewing: New Lenses, New Concerns. In J. A. Holstein and J. F. Gubrium (eds.), *Inside Interviewing: New Lenses, New Concerns*. Thousand Oaks: Sage.
- Holzer, Harry J., Steven Raphael, and Michael A. Stoll. 2004. Will Employers Hire Former Offenders? Employer Preferences, Background Checks, and Their Determinants. In M. Pattillo, D. F. Weiman, and B. Western (eds.), *Imprisoning America: Employer Preferences, Background Checks, and Their Determinants*. New York: Russell Sage Foundation.
- Holzer, Harry J., Steven Raphael, and Michael A. Stoll. 2006. Perceived Criminality, Criminal Background Checks, and the Racial Hiring Practices of Employers. *The Journal of Law and Economics* 49 (2):451–480.

CRIMINAL RECORDS IN SWEDEN

- Holzer, Harry J., Steven Raphael, and Michael A. Stoll. 2007. The Effect of an Applicant's Criminal History on Employer Hiring Decisions and Screening Practises: Evidence from Los Angeles. In S. Bushway, M. Stoll and D. F. Weiman (eds.), *Barriers to Reentry? The Labor Market for Released Prisoners in Post-Industrial America*. New York: Russell Sage Foundation.
- Hood, Jane C. 2007. Orthodoxy vs. Power: The Defining Traits of Grounded Theory. In A. Bryant and K. Charmaz (eds.), *The Sage Handbook of Grounded Theory*. Thousand Oaks: Sage.
- Innes, Martin. 2001. Control Creep. *Sociological Research Online* 6 (3). <http://www.socresonline.org.uk/6/3/innes.html%3E>
- Jacobs, James B. 2006. Mass Incarceration and the Proliferation of Criminal Records. *University of St. Thomas Law Journal* 3 (3):387–420.
- Jacobsson, Cecilia. 2010. Slogs i kö – får 100 000 [Fights outside club, gets SEK 100,000 for It]. *Dagens Nyheter*, October 13.
- Jacobsson, Kerstin, and Erik Löfmarck. 2008. A Sociology of Scandal and Moral Transgression. *Acta Sociologica* 51 (3):203–213.
- Jenks, Chris. 1996. *Childhood*. London: Routledge.
- Johannsen, Martin, and Elisabet Andersson. 2010. Arbetskraftsundersökningarna [Labour force surveys]. In *Beskrivning av statistiken* [Descriptions of the statistics]. Stockholm: Statistiska Centralbyrån.
- Johansson, Lennart G. 1986a. 15 000 hemligt granskade i 20 år [15,000 get scrutinized for 20 years, unawares]. *Dagens Nyheter*, February 10.
- Johansson, Lennart G. 1986b. Oro för abortregistret [Concerns about the abort registry]. *Dagens Nyheter*, February 13.
- Johansson, Lennart G. 1986c. Ärligheten på undantag [Honesty set aside]. *Dagens Nyheter*, February 12.
- Katz, Jack. 1987. What Makes Crime 'News'? *Media, Culture and Society* 9 (1):47–75.
- Kirkegaard, Niklas. 1986. Hemliga register läcker som ett såll [Secret databases leaking like a sieve]. *Sjdsvenska dagbladet*, February 20.
- Kyvsgaard, B. 1989. –og fængslet ta'r de sidste. Om kriminalitet, straf og levevilkår. [...and the prison takes the last one: Criminality, punishment, and living conditions]. Copenhagen: Jurist- og Økonomforbundets Forlag.
- Lam, Helen, and Mark Harcourt. 2003. The Use of Criminal Record in Employment Decisions: The Rights of Ex-offenders, Employers and the Public. *Journal of Business Ethics* 47 (3):237–252.
- Larrauri, Elena. 2011. Conviction Records in Spain: Obstacles to Reintegration of Offenders? *European Journal of Probation* 3 (1):50–62.
- Lext, Gösta. 1984. *Studier i svensk kyrkobokföring 1600-1946* [Swedish Parish Registers, 1600–1946]. Gothenburg: Department of Economic History, University of Gothenburg.
- Logan, Wayne A. 2009. *Knowledge as Power: Criminal Registration and Community Notification Laws in America*. Stanford: Stanford University Press.
- Logan, Wayne A. 2011. Megan's Laws as a Case Study in Political Stasis. *Syracuse Law Review* 61 (3):371–411.
- Loseke, Donileen R. 2003. “We Hold These Truths to be Self-evident”: Problems in Pondering the Pedophile Priest Problem. *Sexualities* 6 (1):6–14.
- Luhmann, Niklas. 1979. *Trust and Power: Two Works*. Chichester: John Wiley & Sons.
- Luhmann, Niklas. 2000. *The Reality of the Mass Media*. Stanford: Stanford University Press.
- Lukies, John, Joseph Graffam, and Alison J. Shinkfield. 2011. The Effect of Organisational Context Variables on Employer Attitudes toward Employability of

- Ex-Offenders. *International Journal of Offender Therapy and Comparative Criminology* 55 (3):460–475.
- Lyon, David. 2001. *Surveillance Society: Monitoring Everyday Life*. Buckingham: Open University Press.
- Lyon, David. 2003. Surveillance as Social Sorting: Computer Codes and Mobile Bodies. In D. Lyon (ed.), *Surveillance as Social Sorting: Privacy, Risk, and Digital Discrimination*. London: Routledge.
- Löfgren, Claes J. B. 1986. Mängder av fel från Metropolit [Lots goes wrong with Metropolit]. *Dagens Nyheter*, May 22.
- Magnusson Sjöberg, Cecilia. 2008. Constitutional Rights and New Technologies in Sweden. In R. Leenes, B.-J. Koops, P. De Hert, and S. W. Brenner (eds.), *Constitutional Rights and New Technologies: A Comparative Study*. The Hague: T.M.C. Asser Press.
- Martin, Patricia Y., and Barry A. Turner. 1986. Grounded Theory and Organizational Research. *The Journal of Applied Behavioral Science* 22 (2):141–157.
- Mariner, Wendy K. 2007. Mission Creep: Public Health Surveillance and Medical Privacy. *Boston University Law Review*. 87:347–396.
- Marx, Gary T. 1988. *Undercover: Police Surveillance in America*. Berkely: University of California Press.
- Merton, Robert K. 1936. The Unanticipated Consequences of Purposive Social Action. *American Sociological Review*. 1 (6):894–904.
- Meyer, Anneke. 2007a. *The Child at Risk*. Manchester: Manchester University Press.
- Meyer, Anneke. 2007b. The Moral Rethoric of Childhood. *Childhood* 14 (1):85–104.
- Michanek, Bengt. 1986. Här är hemliga registret [Here's the secret database]. *Aftonbladet*, February 11.
- Miller, Peter, and Nikolas Rose. 2008. *Governing the Present: Administating Economic, Social and Personal Life*. Cambridge, UK: Polity Press.
- Mills, Charles Wright. 1940. Situated Actions and Vocabularies of Motive. *American Sociological Review* 5 (6):904–913.
- Mishler, Elliot G. 1986. *Research Interviewing: Context and Narrative*. Cambridge, MA: Harvard University Press.
- Monahan, Torin. 2009. The Murky World of 'Fusion Centres'. *Criminal Justice Matters* 75 (1):20–21.
- Morgenstern, Christine. 2011. Judicial Rehabilitation in Germany: The Use of Criminal Records and the Removal of Recorded Convictions. *European Journal of Probation* 3 (1):20–35.
- Naylor, Bronwyn, Moira Paterson, and Marilyn Pittard. 2008. In the Shadow of a Criminal Record: Proposing a Just Model of Criminal Record Employment Checks. *Melbourne University Law Review* 32:171–198.
- Notarie vid tingsrätten fick sparken efter misshandel [Law clerk fired for fighting]. 2009. *Göteborgs Posten*, March 07.
- O'Malley, Pat. 1996. Risk and Responsibility. In A. Barry, T. Osborn, and N. Rose (eds.), *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government*. Chicago: University of Chicago Press.
- Olsson, Anders R. 1985. *Spekrum. Om data och makt i Sverige* [Playroom: Computers and power in Sweden]. Stockholm: Askelin och Hägglund.
- Padfield, Nicky. 2011. Judicial Rehabilitation? A View from England. *European Journal of Probation* 3 (1):36–49.
- Pager, Devah. 2003. The Mark of a Criminal Record. *American Journal of Sociology* 108 (5):937–975.
- Pager, Devah. 2007. *Marked*. Chicago: University of Chicago Press.

CRIMINAL RECORDS IN SWEDEN

- Pager, Devah, and Lincoln Quillian. 2005. Walking the Talk? What Employers Say versus What They Do. *American Sociological Review* 70 (3):355–380.
- Pratt, John. 2000. Dangerousness and Modern Society. In M. Brown and J. Pratt (eds.), *Dangerous Offenders: Punishment & Social Order*. London: Routledge.
- prop. 1978/79:179. Om ändring i tryckfrihetsförordningen m.m. [On amending the Freedom of the Press Act].
- prop. 1987/88:122. Förslag till lag om ändring i lagen (1963:197) om allmänt kriminalregister [Proposal for an act to amend Act 1963:197 on General Criminal Registry].
- prop. 1993/94:168. Ökad tillsyn av den yrkesmässiga trafiken [Improved supervision of commercial road traffic].
- prop. 1997/98:97. Polisens register [Police databanks].
- prop. 1999/00:123. Lämplighetsprövning av personal inom förskoleverksamhet, skola och skolbarnomsorg [Fitness determination of employess working within the preschool, elementary school, and after-school care system].
- prop. 2004/05:133. Försäkringsförmedling [Insurance intermediaries].
- prop. 2007/08:31. Ändrade regler om gallring av åtalsunderlåtelse för unga lagöverträdare. [New regulations for expungement of information on abstention from prosecution in the case of young offenders].
- prop. 2009/10:191. Gallring ur belastningsregistret av uppgifter om unga lagöverträdare [Expungement of information on juvenile offenders from the criminal records register].
- Qwerin, Gunilla. 1987. *Metropolit i massmedia* [Metropolit in the mass media]. Stockholm: Brottsförebygganderådet.
- Raiend, Kersti. 2008. Besiktningsman fälld för mutbrott [Motor vehicle inspector convicted for bribery]. *Göteborgs-Posten*, July 11.
- Richardson, Laurel. 1990. Narrative and Sociology. *Journal of Contemporary Ethnograph* 19 (1):116–135.
- Riksidrottsförbundet [Swedish Sports Confederation]. 2005. *Riksidrottsförbundets policy mot sexuella övergrepp inom idrotten med vägledning* [The policy of the Swedish Sports Confederation to prevent sexual abuse in sports, with practical guidelines]. Stockholm: Riksidrottsförbundet.
- Rikspolisstyrelsen [National Police Board]. 2004. *Framställning om en översyn av den enskildes rätt att ta del av uppgifter om sig själv i belastningsregistret* [Memorandum on overhauling the regulation regarding an individual's right of access to criminal record information]. Stockholm: Rikspolisstyrelsen, Rättssekretariatet.
- Rose, Nikolas. 1999. *Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge University Press.
- Rose, Nikolas. 2000. Government and Control. *British Journal of Criminology* 40 (2):321–339.
- Rule, James B. 1973. *Private Lives and Public Surveillance: Social Control in the Computer Age*. New York: Schocken Books.
- Röda Korset [The Swedish Red Cross]. 2010. *Frivillig handbok för Svenska Röda Korset* [Swedish Red Cross volunteer handbook]. Stockholm: Röda Korset.
- Scott, Marvin B., and Stanford M. Lyman. 1968. Accounts. *American Sociological Review* 33 (1):46–62.
- Skardhamar, Torbjørn, and Kjetil Telle. 2009. *Life After Prison: The Relationship between Employment and Re-incarceration*. Kongsvinger: Statistics Norway.
- Skolverket [The Swedish National Agency for Education]. 2003. *Uppföljning av lagstiftningen om registerkontroll av personal inom förskoleverksamhet, skola och barnomsorg* [Follow-up study

- of the effects of the new legislation on criminal record checks of staff employed at preschools, schools, or in after-school care]. Stockholm: Skolverket.
- Smith, Philip. 2008. *Punishment and Culture*. Chicago: University of Chicago Press.
- Stockholms Handelskammare [Stockholm Chamber of Commerce]. 2011. *Har företagen koll på vilka de rekryterar?* [Do employers know whom they hire?]. Stockholm: Stockholm Handelskammare.
- Stoll, Michael, and Shawn Bushway. 2008. The Effect of Criminal Background Checks on Hiring Ex-Offenders. *Criminology & Public Policy* 7 (3):371–404.
- Strauss, Anselm L., and Juliet Corbin. 1990. *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*. Newbury Park: Sage.
- Surveillance Studies Network. 2006. *A Report on the Surveillance Society*. London: Office of the Information Commissioner.
- SOU 1935:60. *Promemoria angående avskaffande av påföljd enligt 2 kap. 19 ° strafflagen jämte vissa andra straffpåföljder* [Memorandum on the abolition of punishments and penalties according to chapter 2, § 19 of Swedish penal code and certain other punishments]. Stockholm: Isaac Marcus Boktryckeri-Aktiebolag. Swedish Government Official Reports.
- SOU 1961:11. *Den allmänna brottsregistreringen* [The general criminal registry]. Swedish Government Official Reports. Stockholm: Ministry of Justice.
- SOU 1997:65. *Polisens register: slutbetänkande* [The police registers: Final report]. Swedish Government Official Reports. Stockholm: Fritze.
- SOU 2007:22. *Skyddet för den personliga integriteten – kartläggning och analys* [Protecting the right to privacy: Problem mapping and analysis]. Swedish Government Official Reports. Stockholm: Fritzes.
- SOU 2009:44. *Integritetsskydd i arbetslivet* [Personal privacy in the working life]. Swedish Government Official Reports. Stockholm: Fritzes.
- Sverige allt mer sårbart [Sweden becomes increasingly vulnerable]. 1986. *Uppsala Nya Tidning*, March 21.
- Sykes, Gresham M., and David Matza. 1957. Techniques of Neutralization: A Theory of Delinquency. *American Sociological Review* 22 (6):664–670.
- Så slipper du undan [How to get out of it]. 1986. *Dagens Nyheter*, February 11.
- Söderlind, Åsa. 2009. *Personlig integritet som informationspolitik* [Privacy as information policy – debate and discussion concerning the first Swedish data protection law]. Borås/Göteborg: Valfrid.
- Thomas, Terry. 1986. The Exchange of Information Between the Police and Social Services Departments. *The Journal of Social Welfare Law* 8 (4):215–225.
- Thomas, Terry. 2002. Employment Screening and the Criminal Records Bureau. *Industrial Law Journal* 31 (1):55–70.
- Thomas, Terry. 2007. *Criminal Records: A Database for the Criminal Justice System and Beyond*. Basingstoke: Palgrave Macmillan.
- Topplistor dagspress [Top ten: Newspapers]. 2011. *TS-tidningen*. 7(1):7.
- Tranberg, Charlotte Bagger. 2007. *Nødvendig behandling af personoplysninger* [Legitimate processing of personal data]. Copenhagen: Forlaget Thomson.
- TT. 2000. 50 svenska lärare lagförda för sexbrott [50 Swedish teachers charged with sex crimes]. *Aftonbladet*, February 28.
- Turner, Barry A. 1981. Some Practical Aspects of Qualitative Data Analysis: One Way of Organising the Cognitive Processes Associated with the Generation of Grounded Theory. *Quality and Quantity* 15 (3):225–247.
- Töllborg, Dennis. 1986. *Personalkontroll. En ideologiskritisk studie kring den svenska personalkontrollkungörelsen* [Employee screening in Sweden: An ideological critique]. Stockholm/Lund: Symposion.

CRIMINAL RECORDS IN SWEDEN

- Uggen, Christopher. 2000. Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment, and Recidivism. *American Sociological Review* 65 (4):529–546.
- Ullgren, Sven. 2005. Rätten friade fyra besiktningsmän [Four of the motor vehicle inspectors acquitted by High Court]. *Göteborgs-Posten*, June 1.
- Watson, Tony J. 2009. Narrative, Life Story and Manager Identity: A Case Study in Autobiographical Identity Work. *Human Relations* 62 (3):425–452.
- Witten, Marsha. 1993. Narrative and the Culture of Obedience at the Workplace. In D. K. Mumby (ed.), *Narrative & Social Control: Critical Perspectives*. Newbury Park: SAGE.
- Wykes, Maggie;. 2001. *News, Crime and Culture*. London: Pluto Press.
- Young, Jock. 1999. *The Exclusive Society*. London: Sage.
- Young, Jock. 2002. Searching for a New Criminology of Everyday Life. *British Journal of Criminology* 42 (1):228–243.
- Zedner, Lucia. 2009. Fixing the Future? The Pre-emptive Turn in Criminal Justice. In B. McSherry, A. Norrie and S. Bronitt (eds.), *Regulating Deviance: The Redirection of Criminalisation and the Futures of Criminal Law*. Oxford: Hart Publishing.
- Zelizer, Viviana A. 1985. *Pricing the Priceless Child: The Changing Social Value of Children*. New York: Basic Books.
- Zibarras, Lara D., and Stephen A. Woods. 2010. A Survey of UK Selection Practices across Different Organization Sizes and Industry Sectors. *Journal of Occupational and Organizational Psychology* 83 (2):499–511.

Svensk sammanfattning

Under 2000-talet har användningen av utdrag ur belastningsregistret ökat kraftigt i Sverige. Noteringarna i belastningsregistret är känsliga uppgifter som, om de skulle spridas i samhället, kan leda till negativa konsekvenser för berörda personer. Det kan exempelvis vara svårt för en person att få arbete eller bostad ifall det är känt att personen har blivit dömd för misshandel. Dessutom är tillgång till både bostad och arbete viktiga faktorer för att förebygga återfall i brott efter ett fängelsestraff. Det är ett av skälen till att belastningsregistret är sekretessbelagt och att endast myndigheter och organisationer med tillstånd från regeringen eller riksdagen får ta del av uppgifterna. Samtidigt anses uppgifter om ett brottsligt förflutet många gånger utgöra viktig information om en individ, exempelvis när en domstol ska utdöma straff eller när socialtjänsten ska bevilja adoption. Arbetsgivare har också i alla tider varit intresserade av den här typen av uppgifter om arbetssökande. Det finns å ena sidan en tydlig motsättning mellan intressena av att hålla uppgifterna hemliga, minska risken för diskriminering av tidigare dömda och öka deras möjlighet till återsocialisering och å andra sidan intressena av att ta del av uppgifterna för att kunna göra tillförlitliga person- eller riskbedömningar. I denna avhandling studerar jag spänningsförhållandet mellan dessa olika intressen och den ökning av användningen av belastningsregisteruppgifter som skett under senare år.

Den kraftiga ökningen av utdrag ur belastningsregistret innefattar två delar. För det första införandet av obligatoriska registerkontroller av personer som söker vissa tjänster, exempelvis den som söker arbete inom barnomsorgen eller grundskolan. För det andra en ökning av så kallade ”§9-utdrag”, det vill säga rätten att ta del av uppgifter om sig själv i registret. Detta är en grundläggande princip inom dataskyddslagstiftning och motiveras av att en individ måste ha möjlighet att kontrollera att registrerade uppgifter är korrekta. Det råder sekretess kring uppgifterna i belastningsregistret och registret är inte tillgängligt för andra än de myndigheter och organisationer som fått särskilt tillstånd genom lagstiftningen. Det betyder att endast de arbetsgivare som riksdag eller regering bestämmer ska kontrollera belastningsregisteruppgifter kan få tillgång till dem. I praktiken är dock krav från arbetsgivare den vanligaste anledningen till att personer utnyttjar sin ”§9-rätt”. Rikspolisstyrelsen som administrerar belastnings-

registret har uppskattat att omkring 75 procent av alla utdrag som görs sker på begäran av en arbetsgivare som saknar tillgång till registret. En sådan begäran från en arbetsgivare befinner sig i en gråzon då den varken är i linje med lagstiftningens syfte eller är uttryckligen förbjuden.

I den här avhandlingen undersöker jag hur regleringen och användandet av uppgifter ur belastningsregistret har förändrats i Sverige under 1900-talet med fokus på arbetsgivares bruk. Hur har lagstiftaren motiverat införandet av obligatoriska registerkontroller? Hur rättfärdigar arbetsgivare som inte har tillstånd att ta del av uppgifterna i registret sitt krav om att arbetssökande lämnar in ett §9-utdrag innan anställning? Hur såg diskussionen i media ut innan den första lagen om obligatorisk registerkontroll av personal inom skolan och barnomsorgen infördes? Vilka faktorer i samhället har påverkat utvecklingen?

För att kunna svara på frågorna har jag studerat lagförarbeten och utredningar från slutet av artonhundratalet, då det första nationella straffregistret inrättades, och fram till 2010. Jag har analyserat tidningsartiklar från 1990-talet, då obligatoriska registerkontroller av personal inom förskolan började diskuteras, fram till 2010. Jag har också intervjuat nio arbetsgivare som inte har rätt att ta del av uppgifter ur belastningsregistret men som kräver att arbetssökande lämnar in ett §9-utdrag innan de anställs. Slutligen har jag också intervjuat fem fackförbundsombudsmän och tre arbetsgivarorganisations representanter om deras syn på användningen av §9-utdrag vid anställning.

Avhandlingen består av en engelskspråkig introduktion och fyra artiklar. I introduktionen går jag igenom belastningsregistrets historik, den internationella forskning som finns kring användningen av registeruppgifter, redogör för hur jag gått tillväga när jag har samlat in och analyserat mitt material och lyfter fram några sammanfattande synpunkter. I denna svenska sammanfattning ger jag en översiktlig beskrivning av avhandlingens engelskspråkiga artiklar och mina slutsatser.

Artikel I

I avhandlingens första artikel analyserar jag hur individers rätt att ta del av sina egna uppgifter ur belastningsregistret, arbetsgivares indirekta tillgång till uppgifterna och frågan om rätten till integritet har förståtts av lagstiftaren under belastningsregistrets historia. När belastningsregistret – eller straffregistret som det hette då – infördes 1901 var ett av huvudskälen att man ville komma bort från användningen av ”prästbetyg”. Eftersom det var de lokala församlingarna som ansvarade för register över brottmålsdomar innan det nationella registret upprättades 1901 så kunde prästerna använda uppgifterna i sina omdömen om församlingsbor. I många jobbannonser i tidningarna från slutet av 1800-talet så står det att man kräver att den arbetssökande kan visa upp ett ”vandelsintyg”.

Genom ett sekretessbelagt och nationellt ordnat register över brottmålsdomar vill man komma ifrån användningen av vandelsintyg vid anställning och göra det lättare för dömda personer att få arbete. I början 1900-talet dominerade därmed en ”beskyddande” inställning och riksdag och regering strävade efter att minska spridningen av uppgifter om personers brottsliga förflutna. Som en följd av det var rätten att ta del av uppgifter ur det nyinrättade straffregistret begränsad. I huvudsak var det myndigheter som gavs tillgång till uppgifterna. Enskilda hade inte någon rätt att ta del av sina egna uppgifter eftersom man bedömde att risken att arbetsgivare skulle utnyttja det för att pressa arbetssökande att lämna in ett intyg var för stor.

Vid mitten av 1900-talet var det den dömdes rehabilitering som stod i centrum för uppmärksamheten. Nu problematiserades även myndigheternas bruk av belastningsregisteruppgifter och man införde regler som begränsade hur länge uppgifterna fanns registrerade. Allt i syfte att minska ”stämplingen” av den dömda och öka personens chans till återsocialisering i samhället.

Mot slutet av 1900-talet ersattes rehabiliteringsdiskussionen av ett fokus på den enskildes rätt vis-a-vis staten och behovet av ett fullgott dataskydd även för belastningsregistret. Fram till 1989 hade riksdag och regering undvikit att införa en rätt för enskilda att ta del av sina uppgifter ur belastningsregistret, trots att en allmän rätt alltid ta del av sina egna uppgifter i ett register fanns inskrivet i Sveriges första datalag från 1973. Man hänvisade till att en sådan rätt vad gäller belastningsregistret skulle kunna missbrukas av arbetsgivare. Under 1980-talet svängde regeringen och riksdagen i sin bedömning och menade att det måste vara svårt för den enskilda personen att förstå varför hon eller han inte får se sina egna uppgifter i registret. Man menade vidare att det inte gick att upprätthålla ett undantag eftersom rätten till insyn är en sådan viktig princip inom dataskyddslagstiftning. Resultatet av införandet av §9-utdragen blev så småningom att arbetsgivare i allt större utsträckning ställde krav på arbetssökande att hämta ut ett utdrag för att bevisa sin straffrihet för arbetsgivaren. I praktiken kom införandet av formellt dataskydd i belastningsregisterlagstiftningen därmed att innebära ett försämrat skydd för den enskilde.

Artikel 2

I den andra artikeln har jag samlat analyser av intervjuer med nio arbetsgivare och åtta representanter för fackförbund och arbetsgivarorganisationer. Arbetsgivare som utan lagstöd kräver att arbetssökande ska visa upp ett utdrag ur belastningsregistret innan anställning menar å ena sidan att de är tvungna att göra så på grund av de risker som det skulle innebära att ha en anställd med ett brottsligt förflutet. Å andra sidan hänvisar de också till individens rätt till in-

tegritet. För att göra sin användning av registerutdrag i rekryteringssammanhang *moraliskt acceptabel* behöver de diskutera hur de gör för att säkerställa att den arbetssökande har *kontroll* över processen. Det gör arbetsgivarna genom att informera tidigt i processen om att de kommer kräva ett registerutdrag. På så sätt menar de att den arbetssökande kan välja om hon vill stanna kvar i processen och visa upp sitt utdrag eller om hon vill säga att hon inte längre är intresserad av tjänsten. Genom att man inte tvingar arbetssökande att visa upp ett utdrag och heller inte tvingar den arbetssökande att avslöja att det är på grund av att man har uppgifter i registret som man väljer att hoppa av rekryteringsprocessen så menar man att man inte kränker den arbetssökandes rätt till integritet.

Vidare gjorde arbetsgivarna sin användning av uppgifter från belastningsregistret moralisk genom att hävda att det endast är uppgifter som är *relevanta* för arbetsutövningen som skulle ha betydelse för beslutet att anställa eller inte. Mot bakgrund av att ingen av de intervjuade arbetsgivarna hade stött på en arbetssökande med några uppgifter i sitt registerutdrag så är diskussionen kring acceptabla uppgifter hypotetisk. Vad som räknades som en relevant uppgift var i slutändan heller inte givet. För en chaufförstjänst kunde exempelvis uppges att det är trafikbrott som är av relevans men i en fortsatt diskussion blev även våldsbrott intressanta eftersom den fiktiva chauffören kanske skulle ha kundkontakt. Uppgifter ur belastningsregistret används därmed inte bara som underlag för riskbedömningar utan är även del av en mer allmän bedömning av den arbetssökandes karaktär.

Representanterna från arbetsgivarorganisationerna och fackförbunden använde sig av samma argument som arbetsgivarna, det vill säga det kretsade runt spänningsförhållandet mellan arbetsgivarnas behov av att förebygga brott inom organisationen eller mot kunder och den arbetssökandes rätt till integritet och att få en ny chans efter avtjänat straff. Arbetsgivarorganisationerna var noga med att arbetsgivarna skulle utföra kontrollerna på ett "snyggt sätt" vilket innebar att inte använda kontrollerna slentrianmässigt utan endast då det kan motiveras på grund av tjänstens innehåll. Det innebar också att inte skylta för mycket med vad de gjorde och att inte dra till sig lagstiftarens uppmärksamhet i onödan eftersom det skulle kunna leda till att det blev förbjudet med registerkontroller. Fackförbundens representanter hade i liten utsträckning fått frågor om registerkontroller från sina medlemmar och ansåg att frågan var problematisk eftersom frågor som rör rekrytering ligger utanför fackförbundens förhandlingsmandat. De använde dock samma resonemang som arbetsgivare och arbetsgivarorganisationer och menade att det är försvarbart med registerkontroller för vissa tjänster så som ekonomifunktioner med tillgång till kassaflöden.

Artikel 3

Den tredje artikeln är en teoretisk artikel där jag utmanar det rationellt inriktade governmentality-perspektivet inom kriminologin och det sätt som ökningen av användningen av belastningsregisterkontroller skulle förklaras utifrån perspektivet. Jag argumenterar för att det behövs en förståelse av utvecklingen som också tar hänsyn till de symboliska betydelser som vi lägger i sådana ord som ”brottsling”, ”integritet” och ”dataregister” och att ett neo-durkheimianskt perspektiv därför är lämpligare. Ur ett neo-durkheimianskt perspektiv handlar lagstiftningsförändringar alltid om att staten försöker styra hur invånarna uppfattar och tolkar lagstiftning och dess användning. Införandet av §9-utdrag innebar exempelvis att staten försökte mildra den oro som uppkom i och med datoriseringen. De som hade tillgång till databaser ansågs få för stor makt över andra eftersom databaser gjorde en annan typ av informationsbearbetning och spridning möjlig än vad som var fallet när register utgjordes av kartotek och andra former av pappersbaserade samlingar. Genom att ge enskilda rätt till insyn i de databaser som fanns ville man öka känslan av kontroll hos de registrerade och på samma gång göra förekomsten av databaser legitim.

Ett neo-durkheimianskt synsätt kan också hjälpa oss förstå varför det blev obligatoriskt med registerkontroller av arbetssökande till skola och barnomsorg 2001. Under 1990-talet inträffade två uppmärksammade ”pedofilskandaler” på två olika förskolor i Sverige. Den nya lagen infördes trots att regeringen bedömde det som ytterst ovanligt och osannolikt att barn utsätts för sexuella övergrepp när de är i skolan eller förskolan, att registerkontroller av många beskrevs som ineffektivt eftersom endast det fåtal personer som dömts för sexuella övergrepp mot barn kan upptäckas genom kontrollen och att registerkontroller ansågs integritetskränkande. Från ett mer rationellt inriktat governmentality-perspektiv är det svårt att förklara varför något som utgör en låg risk ändå blir föremål för omfattande åtgärder. Från ett neo-durkheimianskt synsätt där hänsyn tas till de symboliska och känslomässiga betydelser som vi tillskriver exempelvis barn så blir det lättare att förstå utvecklingen. I vårt samhälle där barn ses som både oskyldiga, värnlösa och beroende av vuxna, där förskolan och skolan är en del av statens ansvarstagande och fostran av barnen och där sexuella övergrepp anses vara den värsta formen av kränkning så går det att förstå att rationellt grundade riskbedömningar inte blir betydelsefulla. För att motivera införandet av en integritetskränkande åtgärd som obligatorisk kontroll av belastningsregistret av arbetssökande argumenterade regeringen att det räcker med vetskapen att barn *kan* utsättas och att konsekvenserna för de enskilda barn som drabbas, även om de är få, är djupgående.

Artikel 4

I artikel fyra analyserar jag införandet av lagen om registerkontroll inom skola och barnomsorg 2001 och den utveckling som skett därefter med fler liknande lagar. Lagen om registerkontroll inom skola och barnomsorg var den första lag som gjorde registerkontroller *obligatoriska* för tjänster som inte hade med rikets säkerhet att göra. De pedofilskandalerna som skedde under 1990-talet både utomlands och i Sverige hade stor betydelse för lagens införande. Händelser fick stor uppmärksamhet och det skapade kraftig oro kring barns utsatthet i förskola och skola.

När förslaget om obligatoriska registerkontroller diskuterades i dagstidningar så förekom också kritiska röster. Man menade exempelvis att det utgjorde en omotiverad integritetskränkning och att det orättvist pekade ut alla män som ville jobba i skola eller förskola som pedofiler. Vidare menade man att registerkontroller är en ineffektiv kontrollmetod eftersom de flesta som begår sexualbrott mot barn inte är dömda sen tidigare och därför inte upptäcks genom registerkontroller. När regeringen la fram sitt lagförslag kunde den dock neutralisera kritiken genom att hänvisa till de svåra konsekvenser som sexualbrott får för barn, att registerkontroller inte innebär en kränkning om den kontrollerade får ha kontroll över situationen genom att det är hon som får begära ut uppgifterna och lämna över dem till arbetsgivaren. Vidare konstaterades att personer som gjort sig skyldiga till viss typ av brottslighet inte ska arbeta inom skola eller förskola och att det därmed är en rättfärdigad integritetskränkning att kontrollera deras belastningsregister.

Efter att lagen om registerkontroll av personal inom skola och barnomsorg infördes 2001 har fler lagar stiftats som gör att fler grupper omfattas av krav på registerkontroll innan anställning, exempelvis personal inom så kallade "Hem för vård och boende" samt domare och notarier. Idag kontrolleras också belastningsregistret innan socialstyrelsen utfärdar legitimation till vårdpersonal. Att en sådan utveckling har kunnat ske kan förklaras dels med att lagstiftaren vad gäller vårdpersonal har kunnat hävda att patienter har så många likheter med barn – att de är sårbara och beroende av vårdpersonal på samma sätt som barn är beroende av lärare – att det är orimligt att inte införa registerkontroller även där, och dels med den "normalisering" som sker när en ny integritetskränkande åtgärd införs. När den väl är på plats tystnar en del av kritiken, människor vänjer sig vid den och börjar ifrågasätta varför den inte används i större utsträckning.

Det är viktigt att uppmärksamma att långt ifrån alla organisationer eller arbetsgivare som begärt att få en laglig rätt att ta del av uppgifter ur belastningsregistret har fått det. Även om Läkarförbundet och andra fick gehör för sitt krav om att göra registerkontroller obligatoriska när det handlar om legitimerad vårdpersonal så har exempelvis inte Scoutförbundet eller Riksidrottsstyrelsen

(ännu) fått gehör för sina krav på att få kontrollera ledare och anställda. Detta gör att det går att dra en skiljelinje mellan de som gets rätt att ta del av uppgifterna, som alla är organisationer som utför verksamheter på uppdrag av staten och där det inte kan beskrivas som fullt ut frivilligt för elever, patienter m.m. att befinna sig, och de som inte gets tillstånd som befinner sig i den privata eller frivilliga sektorn vars verksamheter inte präglas av tvång för personer som tar del av dem.

Slutsatser

Sammanfattningsvis visar denna avhandling att arbetsgivarnas tillgång till uppgifter ur belastningsregistret är beroende av kulturella representationer och sätt att förstå saker som ”integritet”, ”dataskydd”, ”databaser”, ”känslig information”, ”risk” och ”sårbarhet”. Jag menar att förändringar i lagstiftningen är statens sätt att försöka styra dessa tolkningar. 1989-års införandet av en rätt för enskilda att ta del av sina egna uppgifter i belastningsregistret var ett sätt för staten att utjämna maktobalansen mellan den enskilde registrerade individen och staten som databas-innehavare. De så kallade §9-utdragen möjliggör för enskilda att kontrollera så att uppgifterna i registret är korrekta och att de faktiskt stryks när de ska strykas.

§9-utdragen är en förutsättning för att arbetsgivare som inte har laglig rätt att ta del av uppgifter från belastningsregistret trots allt kan komma över uppgifterna. Införandet av §9 i belastningsregistret 1989 kan dock inte ensam förklara utvecklingen eftersom det är först under 2000-talet som den kraftiga ökningen av §9-utdrag sker. Utvecklingen behöver istället ses mot bakgrund av införandet av obligatoriska registerkontroller av arbetssökande inom skola och barnomsorg år 2001. Införandet av den nya lagen föregicks av mycket diskussion i media och registerkontroller framhölls som en *brottspreventiv metod* genom att dömda personer hålls borta från eventuella frestelser och inte ges tillfälle att begå brott igen. Detta har bidragit till en mer allmän medvetenhet om registrets förekomst och möjligheten att använda uppgifterna som en del av rekryteringsprocessens kontrollförfarande.

Införandet av lagen om registerkontroller av arbetssökande till skola och barnomsorg var ett resultat av de pedofilskandaler som inträffade i förskolor under 1990-talet i Sverige och som tidigare hade skett i bland annat Norge. Jag menar att skandaler som belyser omoraliska handlingar mot utsatta personer kan förändra rådande uppfattningar om integritetsgränser och göra det försvarbart att inför kontroller som tidigare ansetts alltför integritetskränkande. Avslutningsvis hävdar jag också att införandet av sådana metoder skapar en normalisering av metoden ifråga som leder till att den tillämpas i fler och fler sammanhang. I Sverige har vi, på samma sätt som i exempelvis England, sett hur allt fler

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personalgrupper som arbetar med personer som kan beskrivas som ”sårbara” och i beroendeställning också har blivit föremål för obligatoriska kontroller. Normaliseringen av metoden och acceptansen för den integritetskränkning som den medför har därmed inneburit att det lagstadgade användandet av belastningsregisterutdrag så väl som det oregerade användandet har ökat.

A

Appendix A

Terms of Reference

- Dir. 1997:69 Lämplighetsprövning av personal inom förskoleverksamhet, skola och skolbarnomsorg. Stockholm, Utbildningsdepartementet.
- Dir. 2004:83 Behov av bestämmelser om obligatorisk registerkontroll av personal vid hem för vård eller boende. Stockholm, Socialdepartementet.
- Dir. 2004:107 Översyn av personlig assistans för vissa personer med funktionshinder. Stockholm, Socialdepartementet.
- Dir. 2006:55 Personlig integritet i arbetslivet. Stockholm, Näringsdepartementet.
- Dir. 2007:57 Patientsäkerhet och tillsyn m.m. Stockholm, Socialdepartementet.

Ministry Publication Series

- Ds Ju 1981:6 De registrerades rätt till insyn i kriminal- och polisregistren. Stockholm, Justitiedepartementet.
- Ds Ju 1985:8 Lag om brottsregister m.m. Stockholm, Justitiedepartementet.
- Ds 1989:24 Datatekniken och den personliga integriteten i arbetet: en kartläggning. Stockholm, Allmänna förlaget.
- Ds 2004:42 Registerkontroll inom förskoleverksamhet, skola och skolbarnomsorg. Stockholm, Utbildningsdepartementet.
- Ds 2009:9 Förbättrad utslussning från sluten ungdomsvård och ändrade gallringsregler i belastningsregistret. Stockholm, Justitiedepartementet.

Government Bills

- prop. 1896 No 23 förslag till ändrad lydelse af 2 § 4:o och 3 § 10:o tryckfrihetsförordningen.
- prop. 1899 no. 18 Kongl. Maj:ts nådiga proposition till Riksdagen med förslag till lag om straffregister; given Stockholms slott den 22 december 1899.
- prop. 1963:39 Kungl. Maj:ts proposition till riksdagen med förslag till lag om allmänt kriminalregister m.m.
- prop. 1965 Nr 18 förslag till lag om polisregister m.m.
- prop. 1979/80:2 Förslag till ny sekretesslag.
- prop. 1982/83:163 med förslag till vissa bestämmelser om larmanläggningar m.m.
- prop. 1986/87:112 Om anhållande och häktning m.m.
- prop. 1987/88:122 Förslag till lag om ändring i lagen (1963:197) om allmänt kriminalregister.
- prop. 1994/95:144 Riktlinjer för registrering av påföljder m.m.
- prop. 1995/96:129 Säkerhetsskydd.
- prop. 1997/98:97 Polisens register.
- prop. 1999/00:123 Lämplighetsprövning av personal inom förskoleverksamhet, skola och skolbarnomsorg.
- prop. 2004/05:133 Försäkringsförmedling.
- prop. 2006/07:37 Registerkontroll av personal vid sådana hem för vård eller boende som tar emot barn.

- prop. 2007/08:28 Utvidgad registerkontroll inom förskoleverksamhet, skola och skolbarnomsorg.
- prop. 2007/08:31 Ändrade regler om gallring av åtalsunderlåtelse för unga lagöverträdare.
- prop. 2009/10:165 Den nya skollagen.
- prop. 2009/10:176 Personlig assistans och andra insatser - åtgärder för ökad kvalitet och trygghet.
- prop. 2009/10:191 Gallring ur belastningsregistret av uppgifter om unga lagöverträdare.
- prop. 2009/10:210 Patientsäkerhet och tillsyn.

Swedish Government Official Reports

- SOU 1935:60 Promemoria angående avskaffande av påföljd enligt 2 kap. 19§ strafflagen jämte vissa andra straffpåföljder. Stockholm, Isaac Marcus Boktryckeri-Aktiebolag.
- SOU 1949:6 Kriminalvård i Frihet. Stockholm, Justitiedepartementet.
- SOU 1953:17. Enhetligt frihetsstraff. Stockholm, Justitiedepartementet.
- SOU 1955:17 Betänkande angående sekretessen vid förundersökningar. Stockholm, Justitiedepartementet.
- SOU 1959:37 Betänkande om Ungdomsbrottslighet. Stockholm., Justitiedepartementet
- SOU 1961:11. Den allmänna brottsregistreringen. Stockholm, Justitiedepartementet.
- SOU 1961:16. Kriminalvård i frihet. Stockholm, Justitiedepartementet
- SOU 1966:60. Offentlighet och sekretess. Stockholm, Justitiedepartementet.
- SOU 1972:47. Data och integritet. Stockholm, Justitiedepartementet.
- SOU 1997:65. Polisens register: slutbetänkande. Stockholm, Fritzes.
- SOU 1998:69 Lämplighetsprövning av personal inom förskoleverksamhet, skola och skolbarnomsorg. Utbildningsdepartementet. Stockholm, Fritzes.
- SOU 2002:18 (2002). Personlig integritet i arbetslivet : betänkande. Stockholm, Fritzes
- SOU 2005:65 Registerkontroll av personal vid hem för vård eller boende som tar emot barn eller unga. Stockholm, Fritzes.
- SOU 2005:72. Alkolås – nyckeln till nollvisionen. Stockholm, Fritzes.
- SOU 2007:22. Skyddet för den personliga integriteten – kartläggning och analys. Stockholm, Fritzes.
- SOU 2008:77 Möjlighet att leva som andra. Ny lag om stöd och service till vissa personer med funktionsnedsättning. Stockholm, Fritzes.
- SOU 2008:117 Patientsäkerhet. Stockholm, Fritzes.
- SOU 2009:44. Integritetsskydd i arbetslivet. Stockholm, Fritzes.

B

Appendix B

Appendix B I

- Alfredsson, L. (1997) Rapportskyldighet skrevs bort. *Dagens Nyheter*. 970917
- Andersson, K. (1997) "Testa alla som vill arbeta i barnomsorgen". *Nerikes Allehanda*. 970916
- Andréasson, M. (2007) Ingen titel. *Nerikes Allehanda*. 070424
- Aschberg, S. (1996) Ska de övervakas? "Kränkande att utpeka oss som möjliga pedofiler". *Aftonbladet*. 960914
- Bankel, A.-K., B. Ewenfeldt, et al. (2007) Svårt för morddömd att få läkarjobb. *Aftonbladet*. 071108
- Bergström, H. (1997) Skandalerna - och eftertanken. *Dagens Nyheter*. 971218
- Brattberg, L. (1997) Barnomsorgen: Ensamarbete kan stoppas. *Dagens Nyheter*. 970919
- Brattberg, L. (2007) Socialministern vill stoppa morddömda från att bli läkare. *Dagens Nyheter*. 071108
- Brattberg, L. (2007) Läkare kontrolleras sämre än barnskötare. *Dagens Nyheter*. 071107
- Brundin, O. 1997. "Jag mobbade en lärarinna i skolan". *Aftonbladet*, 971006.
- Buskas, E. (2006) Pedofil jobbade på dagis. *Aftonbladet*. 060309
- By, U. (1999) Söndagsreportaget: Örebro försöker förstå vad som hänt. *Dagens Nyheter*. 990307
- Cantwell, O. (1999) Barnskötare i pedofilhärva. *Aftonbladet*. 990301
- Cantwell, O. (2000) Polisen: Vi vet vem pedofilen är. *Aftonbladet*. 000226
- Castelius, O. (2003) Pedofil vill slippa straff för sexbrott. *Aftonbladet*. 030930
- Ledare Aftonbladet (1997) Skydda barnen och rättssäkerheten. *Aftonbladet*. 970425
- Ledare Dagens Nyheter (2007) Fel väg. *Dagens Nyheter*. 070720
- Ledare Dagens Nyheter (2007) Fråga om förtroende. *Dagens Nyheter*. 071121
- Ledare Dagens Nyheter (2009) Att ge och ta liv. *Dagens Nyheter*. 090119
- Ledare dagens Nyheter (2009) Ett straff för mycket. *Dagens Nyheter*. 090423
- Ledare Nerikes Allehanda (1997) Misstänksamheten trasar sönder. *Nerikes Allehanda*. 970919
- Ledare Nerikes Allehanda (2002) Stela könsroller. *Nerikes Allehanda*. 020703
- Ledare Nerikes Allehanda (2004) No Title. *Nerikes Allehanda*. 040926
- Eldh, G. (2008) Olika typer av pedofili. *Dagens Nyheter*. 080625
- Eric (2006) Kommunstyrelsens ordförande. *Nerikes Allehanda*. 060301
- Ericson, S. (2007) No title. *Nerikes Allehanda*. 070314
- Falkkloo, B. (1997) Pedofil åtalas för sex brott. *Dagens Nyheter*. 971220
- Falkkloo, B. (2001) Många vil ta del av brottsregistret. *Dagens Nyheter*. 010421
- Flores, J. (1997) Pedofil undersöks extra noga. *Dagens Nyheter*. 970930
- Fredén, J. and A. Hamrud (2006) Lag löser inte alla problem. *Dagens Nyheter*. 060517
- Förälder/förskolelärare (1997) Passar inte bland barn. *Nerikes Allehanda*. 971126.
- Insändare.
- Glanshammar, P. A. (1999) Hur kunde det hända? *Nerikes Allehanda*. 990312
- Guillou, J. (2004) Medierna gillar inte oskyldiga pedofiler. *Aftonbladet*. 040222
- Gunér, F. (2005) Mer än 200 som dömts för grova brott har upptäckts. *Nerikes Allehanda*. 050202

- Gunér, F. and G. Sjögren (2009) Förskollärare häktad för sexövergrepp. *Nerikes Allebanda*. 091203
- Gustavsson, C. (1995) Granska alla blivande fritidsledare och lärare. Så vill psykoterapeuterna skydda barnen mot pedofilerna. *Aftonbladet*. 950330
- Götell, P. (1997) Att "vädra pedofil". *Nerikes Allebanda*. 971003
- Hallengren, L. and T. Östros (2004) Så vill vi stärka barnens säkerhet. *Aftonbladet*. 040223. Debattartikel.
- Hamberg, T. T. (2009) Morddömd får inte bli läkare. *Dagens Nyheter*. 090120
- Hamrud, A. (2007) Ministrar varnar för hetsjakt. *Dagens Nyheter*. 070720
- Hansson, A. (1997) Allt färre män orkar jobba på dagis. *Aftonbladet*. 971002
- Hansson, A. (1999) Ministern skakad av skandalen. *Aftonbladet*. 990304
- Hansson, W. (1998) Barn 2000 Pedofilernas offer - här får de hjälp. *Aftonbladet*. 981006
- Harne, A. (2003) Han våldtog dagisbarnen. *Aftonbladet*. 030515
- Hedström, I. (1997) Pedofilskandalen i Karlstad: När sorgen drabbade Glädjen. *Dagens Nyheter*. 970921
- Helin, J. and J. Karlsson (1997) DAGISPEDOFILEN: Krisernas Karlstad. *Aftonbladet*. 970916
- Hellberg, A. and L. Alfredsson (1997) Register ska stoppa pedofiler. *Dagens Nyheter*. 970425
- Hellden, S. and C. Renström (1998) Pedofil slog till på dagis i Stockholm. *Aftonbladet*. 980303
- Holender, R. (2009) Morddömd nazist kan få läsa till läkare. *Dagens Nyheter*. 090118
- Holmberg, B. (2004) Barnens säkerhet bör ALLTID gå först. *Aftonbladet*. 040218
- Håård, L. (1999) Barnen sov - då slog han till. *Aftonbladet*. 990304
- Häggroth, U. (1997) Dagens i Karlstad ska inte läggas ner. *Aftonbladet*. 970919
- Ivarsson, M. (1996) Fråga Marlena. *Aftonbladet*. 961027
- Johansson, A. (1999) "Tystlåtna - och avvikande" Pedofil-skandalen. *Aftonbladet*. 990304
- Johansson, A. (2005) Han gömde barnporren i sin stereo. *Aftonbladet*. 050906
- Johansson, A. (2008) Ministern om pedofilen som bor vid dagis. *Aftonbladet*. 081007
- Johansson, L. (2005) Dyrare bilförsäkring ska betala trafikskador. *Dagens Nyheter*. 050818
- Karlsson, B. (2000) M säger nej till kontroll. *Dagens Nyheter*. 000630
- Kihlström, S. (2008) Dömda sexförbrytare arbetar på daghem. *Dagens Nyheter*. 080310
- Kihlström, S. (2008) Friad läkarstudent ifrågasätts på nytt. *Dagens Nyheter*. 081115
- Kärrman, J. (2003) Ny lärare ville ragga skolflickor. *Aftonbladet*. 031019
- Landberg, M. (2006) No title. *Nerikes Allebanda*. 061205
- Lingvide, A. and R. Lingvide (1997) DN debatt: "Sexövergrepp på dagis tystades ner". *Dagens Nyheter*. 970720. Debattartikel.
- Ljungberg, J. (2006) Även vi måste få älska barn. *Aftonbladet*. 060418
- Lundqvist, A. (2008) Idrotten kräver ostraffade ledare. *Dagens Nyheter*. 081223
- Mattsson, Å. (1996) Drabbad av pedofilvirus? *Aftonbladet*. 961005
- Mårtensson, M. (1997) Hon blev syndabock i pedofilskandalen. *Aftonbladet*. 971119
- Mårtensson, M. (1997) Nu tvingas hon stänga daghemmet. *Aftonbladet*. 971114
- Mårtensson, M. (2004) "Han våldtog mina döttrar". *Aftonbladet*. 040217

- n/a (1997) Per utpekades som pedofil. *Nerikes Allebanda*. 971006
- n/a (1997) Privat daghem i Karlstad stänger. *Dagens Nyheter*. 971002
- n/a (1997) Inga anmälningar mot misstänkt pedofil. *Nerikes Allebanda*. 970917
- n/a (1997) DAGISPEDOFILEN Flera fall av övergrepp mot barn under de senaste fyra åren. *Aftonbladet*. 970915
- n/a (1997) "Anställ fler män på dagis". *Aftonbladet*. 970915
- n/a (1998) Pedofil överföll flickor på Lidingö. *Aftonbladet*. 980220
- n/a (1999) Greps efter lång spaning - pedofil-skandalen. *Aftonbladet*. 990304
- n/a (1999) Varför upptäckte ingen hur barnen hade det? *Nerikes Allebanda*. 991030
- n/a (2000) Kontroll för att få jobb med barn. *Nerikes Allebanda*. 000224
- n/a (2000) 50 sexbrottslingar jobbar med barn. *Dagens Nyheter*. 000228
- n/a (2001) "Alla anställda borde kollas". *Nerikes Allebanda*. 010324
- n/a (2004) Just nu pågår flera polisutredningar mot förskolepersonal. *Aftonbladet*. 040216
- n/a (2006) Förskola skyddar sig med hjälp av referenser, bad med byxorna på och fönsterörrar. *Dagens Nyheter*. 060516
- n/a (2006) No title. *Nerikes Allebanda*. 061222
- n/a (2006) No title. *Nerikes Allebanda*. 061216
- n/a (2007) No title. *Nerikes Allebanda*. 071213
- n/a (2008) No title. *Nerikes Allebanda*. 080219
- n/a (2007) No title. *Nerikes Allebanda*. 070424
- Nilsson, K. (1999) Bebis våldtogs av pedofilen i Örebro. *Aftonbladet*. 990612
- Nordström, J. B. (1998) Barnfamiljer på Söder lever i skräck för en kidnappare. *Aftonbladet*. 980220
- Ohlsson, P-O. (2003) Politiker begärd häktad – misstänks för att ha barnsex. *Aftonbladet*. 031128
- Palmgren, N. (2003) Kompakt nej till personalkontroll. *Dagens Nyheter*. 030614
- Persson, A. (1996) Krönikan: Fler män på dagis. *Dagens Nyheter*. 960915
- Persson, A. (2004) Låg lön och fördomar skrämmar bort män. *Dagens Nyheter*. 041204
- Pettersson, P. (2003) "Visa intresse för ditt barns vardag". *Aftonbladet*. 031211
- pg (1999) Rädslan är en farlig kraft. *Nerikes Allebanda*. 990311. Insändare.
- Pilkvist, K. (2006) Örebro. Förskräckligt. *Nerikes Allebanda*. 060317
- Ranstorp, M. (2006) Debatt: Vem lät honom jobba med barn? *Aftonbladet*. 060208. Debattartikel.
- Reberg, L. (1999) Hur ser en pedofil ut? *Aftonbladet*. 990328
- Renström, Christer. (1997) Regeringen vill granska lärare i jakt på pedofiler. *Aftonbladet*. 970424
- Sandberg, M. (2009) Dagens nya granne: en dömd pedofil. *Aftonbladet*. 090909
- Sander, L. (2008) Rektorer slarvar - anställer pedofiler. *Aftonbladet*. 080316
- Sjöblom, A. (1999) Misstänkt pedofil var barnskötare. *Dagens Nyheter*. 990302
- Sjöblom, A. (1999) Pedofil åtalad på 105 punkter. *Dagens Nyheter*. 990612
- Sjöblom, A. (1999) Pedofilen i Örebro. Forskare oense om pedofili. *Dagens Nyheter*. 990304
- Sjöblom, A. (1999) 22-åringen åtalas för övergrepp. *Dagens Nyheter*. 990522

- Stenberg, E. (2000) Daghem och skolor: "Tryggt på dagis med ny kontroll". *Dagens Nyheter*. 001026
- Strid, J. and C. Grundberg-Sandell (2007) DN Debatt: Kontrollera scoutledare i aktuella brottsregister. *Dagens Nyheter*. 070719. Debattartikel.
- Sundbaum Melin, A. (1997) 55 krönikor - nu lägger jag av. *Aftonbladet*. 971205
- Sundbaum Melin, A. (1999) Skydda ditt barn mot pedofiler. *Aftonbladet*. 990328
- Sundbaum Melin, A. (1999) Alla är skyldiga när barn far illa. *Aftonbladet*. 990324
- Sundbaum Melin, A. (1999) När blir jag för intim med mina barn? *Aftonbladet*. 990328
- Sundholm, M. (2008) Avslöjade – av ett klick på datorn. *Aftonbladet*. 081009
- Svantesson, E. (2008) Morddömd sparkas ut från läkarlinjen. *Dagens Nyheter*. 080125
- Svarstad, A. and L. Söderberg (1999) Våldtog och hivsmittade 15-årig pojke. *Aftonbladet*. 990110
- Svärdkrona, Z. (2001) Nya lagen dränker polisen i papper. *Aftonbladet*. 010122
- Söderberg, L. (1998) Jag pekades felaktigt ut som pedofil. *Aftonbladet*. 980310
- Tagesson, E. (2006) Rymde från rättspsyk. *Aftonbladet*. 060501
- Thelenius, C. (2001) Registerkontroll: Sexdömda nekas arbete. *Dagens Nyheter*. 011004
- Trägårdh, M. and K. Weigl (1997) En pedofil ser sig som barnens vän. *Aftonbladet*. 970916
- TT (1997) Dagiset i Karlstad stänger. *Nerikes Allehanda*. 971002
- TT (1997) Glädjen får finnas kvar. *Nerikes Allehanda* 970919
- TT (1997) Föräldrar överklagar pedofilätal. *Dagens Nyheter*. 971222
- TT (1998) Misstänkt pedofil på dagis häktad. *Dagens Nyheter*. 980223
- TT (1999) Psykiatrisk vård för pedofil. *Dagens Nyheter*. 990818
- TT (2000) 50 svenska lärare lagförda för sexbrott. *Aftonbladet*. 000228
- TT (2002) 40 fick inte jobb i skolan. *Aftonbladet*. 020413
- TT (2003) Sexhäktad politiker hoppar av. *Aftonbladet*. 031129
- TT (2004) Dagiskoopertativ kräver straffria föräldrar. *Nerikes Allehanda*. 040627
- TT (2004) Fakta Lagen om registerkontroll. *Nerikes Allehanda*. 040224
- TT (2004) Registerkontroll ska skärpas. *Nerikes Allehanda*. 040224
- TT (2004) No title. *Nerikes Allehanda*. 040326
- TT (2004) Kontroll av dagispersonal skärps. *Nerikes Allehanda*. 040907
- TT (2007) No title. *Nerikes Allehanda*. 070221
- Uhlin, J. (2009) Dömda för sexbrott kan jobba i skolan. *Nerikes Allehanda*. 091214
- Victorzon, A. (2008) Ministern upprörd: Skolchefer bryter mot lagen. *Aftonbladet*. 080310
- Vinterhed, K. (1999) Pedofili - ett stort livsproblem. *Dagens Nyheter*. 990324
- Von Essen, E. (1999) - Vi kan bara hoppas att våra barn klarat sig. *Aftonbladet*. 990304
- Waarander, I. (1997) Dokumentär sänds som planerat. *Dagens Nyheter*. 970916
- Weigl, K. (1999) Livet efter pedofilen - finns det? Pedofilskandalen. *Aftonbladet*. 990304
- Weirup, L. (2003) Största barnporrhärvan i Sverige. *Dagens Nyheter*. 030516
- Wärnelid, G. (2007) No title. *Nerikes Allehanda*. 070206
- Österholm, U. L. (2000) - Ge män på dagis högre lön. *Aftonbladet*. 000409
- Östman, K. (2008) Han hade sex med 13 pojkar. *Aftonbladet*. 080614

Appendix B2

- Alfredsson, H. O. (1980) Obehöriga kan ej utnyttja registren. *Svenska Dagbladet*. 800405
- Andersson, H. (1986) Medborgarna ovetande pjäser i myndigheters stora dataspel. *Nerikes Allehanda*. 860129. Bokrecension.
- Andersson, I. (1983) Du kan själv kolla personregister. *Dagens Nyheter*. 831231
- Artsman, M. (1985) Patienter på data gjordes anonyma. *Göteborgs Posten*. 851019
- Bergman, O. (1987) 300 databaser i kartläggning. *Dagens Nyheter*. 870217
- Bergstrand, M. (1988) Datan kan vara ett hot mot mänskligheten. *Sydsvenska Dagbladet*. 880322
- Bergström, B. (1980) Myndigheternas intresse ökar för dataregistren. *Svenska Dagbladet*. 800808
- Bergström, S., T. T:son Segerstedt, M. Holmdahl, K. Härnquist, L. Beckman, S. Erlander, S. Helmfrid, H. Westling, B. Samuelsson, S. Johansson (1986) UPPROP till stöd för empirisk forskning med datorn som hjälpmedel. *Dagens Nyheter*. 860306. Annons.
- Braw, M. (1986) Japan debatterar personnummer. *Svenska Dagbladet*. 860320
- Brikeback, D. (1988) Datorn kontrollerar allt och alla! *Dagen*. 880526. Debattartikel.
- Bäcklund, A.-K. (1986) Staten som förälder. *Sydsvenska Dagbladet*. 860910 Bokrecension.
- Bøe, S. (1988) Vi är sämst på dataskydd. *Dagens Nyheter*. 880208
- Bøe, S. (1988) Dataskydd dyr affär. *Dagens Nyheter*. 881109
- Bøe, S. (1990) Sveriges känsligaste register. *Dagens Nyheter*. 901207
- Börjesson, M. (1986) Mer kontroll behövs! *Dagens Nyheter*. 860909. Debattartikel.
- Carlberg, P. (1987) Skärpta regler för dataregister. *Svenska Dagbladet*. 870523
- Carlberg, P. (1989) Lämnade ut datauppgifter. *Svenska Dagbladet*. 890427
- Carlbon, M. (1988) Många register strider mot lagen. *Dagens Nyheter*. 880427
- Carlsson, L. (1987) Massmedias roll. *Svenska Dagbladet*. 871028
- Christensen, A. (1986) Vetenskapens blinda fläck. *Dagens Nyheter*. 860313. Debattartikel
- Christensen, A. (1986) Tilltron blev misstro. *Sydsvenska dagbladet*. 860318. Debattartikel.
- Creutzer, A. (1988) 35 000 i hemligt register. *Aftonbladet*. 880209
- Dahlström, M. (1990) Olagliga dataregister hos forskare. *Dagens Nyheter*. 900512
- Dahlström, M. (1988) Polisregister möter protester. *Dagens Nyheter*. 880522
- Dahlström, M. (1988) "Stoppa polisens register". *Dagens Nyheter*. 880526
- Dahlström, M. (1988) Sovjet har skaffat all data. *Dagens Nyheter*. 880601
- Dahlström, M. (1989) Forskarregistren blir mörklagda. *Dagens Nyheter*. 891118
- Dahlström, M. (1991) Uppgifter läcker från personregister. *Dagens Nyheter*. 910826
- Danielsson, P.-E. and E. Sandewall (1979) Människan och hennes maskiner. *Svenska Dagbladet*. 791105. Bokrecension.
- Dyring, E. (1985) Elektroniken hotar integriteten. *Dagens Nyheter*. 851111
- Edgren, M. (1988) När rättas register frivilligt? *Dagens Nyheter*. 880807. Debattartikel
- Ledare, Arbetet (1986) Ge forskarna rätt att snoka. *Arbetet*. 860212
- Ledare, Arbetet (1986) Kampen mot kunskapen. *Arbetet*. 860306
- Ledare, Arbetet (1986) Vem får söka kunskapen? *Arbetet*. 861204
- Ledare, DN (1986) Ingen har skadats. *Dagens Nyheter*. 860225

- Ledare, DN (1986) Till forskningens försvar? *Dagens Nyheter*. 860307
- Ledare, DN (1988) Att vaka över personregistren. *Dagens Nyheter*. 881125
- Ledare, Expressen (1986) Åsiktsregistreringen. *Expressen*. 860221
- Ledare, Expressen (1986) Även forskare måste förstå. *Expressen*. 860307
- Ledare, Expressen (1987) Datorn är omätlig. *Expressen*. 871111
- Ledare, GP (1986) Datainspektionen gör rätt. *Göteborgs Posten*. 860307
- Ledare, GP (1988) Oklar datapolitik. *Göteborgs Posten*. 880508
- Ledare, NWT (1986) Slutet för Metropolit. *Nya Wermlands-Tidningen*. 860307
- Ledare, S.D.S (1986) Seger för integriteten. *Sydsvenska Dagbladet*. 860307
- Ledare, S.D.S. (1988) Leijons oklara besked. *Sydsvenska Dagbladet*. 880325
- Ledare, S.D.S. (1990) FAS 90 – en fasa. *Sydsvenska Dagbladet*. 901130
- Ledare, SvD (1986) 1953 års män och kvinnor. *Svenska Dagbladet*. 860211
- Ledare, SvD (1986) Vår rätt till integritet. *Svenska Dagbladet*. 860223
- Ledare, SvD (1986) Metropolit. *Svenska Dagbladet*. 860307
- Ledare, UNT (1986) Skandalen växer. *Uppsala Nya Tidning*. 860212
- Ledare, UNT (1986) Metropolitbyrån. *Uppsala Nya Tidning*. 860221
- Ledare, UNT (1986) Mer från Metropolit. *Uppsala Nya Tidning*. 860301
- Ledare, UNT (1986) Slutet för Metropolit? *Uppsala Nya Tidning*. 860306
- Ledare, UNT (1986) Född den femte. *Uppsala Nya Tidning*. 861204
- Ledare, UNT (1986) Förstör registret! *Uppsala Nya Tidning*. 860211
- Ekelund, J. (1985) Data från FoB får inte lämnas ut. *Dagens Nyheter*. 851211.
Debattartikel.
- Ekelöf, E. (1990) "Känsligt register bör granskas". *Dagens Nyheter*. 900320
- Eklind, B. (1980) Datalagen försvårar välfärdsanalyser. *Dagens Nyheter*. 800130.
Debattartikel.
- Embréus, B. and C. Granath (1985) Snart kan alla få insyn i ditt privatliv! *Sydsvenska Dagbladet*. 851025. Debattartikel.
- Engman, T. (1980) Polisen vill öka samkörningen av dataregister. *Dagens Nyheter*. 801015
- Eriksson, I. (1988) "Laglig rätt till försvar". *Dagens Nyheter*. 880511. Debattartikel.
- Eriksson, R. (1986) Lös förtroendekrisen! *Dagens Nyheter*. 860226. Debattartikel.
- Evers, J. (1985) Olagliga dataregister. *Sydsvenska Dagbladet*. 850904. Debattartikel.
- Evers, J. (1986) Begår forskarna databrott? *Sydsvenska Dagbladet*. 860220
- Forskningsrådsnämnden (1986) Ändra datalagen! *Dagens Nyheter*. 860301. Debattartikel.
- Fredriksson, I. (1989) "Ett olagligt grävande". *Dagens Nyheter*. 891118. Debattartikel.
- Freese, J. (1985) "Förenklade deklARATIONEN" hotar vår integritet. *Göteborgs Posten*. 850307.
Debattartikel.
- Freese, J. (1985) Mest psykologi bakom kritiken. *Svenska Dagbladet*. 850713. Debattartikel.
- Freese, J. (1986) Vi har gjort fel. *Svenska Dagbladet*. 860301. Debattartikel.
- Frejhagen, B. (1987) Skärp dataskyddet! *Aftonbladet*. 870410. Debattartikel.
- Friggebo, B. (1988) Datanät stärker insyn i myndigheters beslut. *Dagens Nyheter*. 880312.
Debattartikel.
- Gustafsson, N. (1986) Dataregistren avidentifieras. *Sydsvenska Dagbladet*. 860306
- Hedlund, I. (1986) Professorns "tjallare". SCB:s chef skickade uppgifter till Metropolit.

Expressen. 860306

Hedlund, I. (1986) 53:orna andas ut: "Vi har vunnit första ronden mot storebror".

Expressen. 860306

Henriksson, K. (1986) Få fakta i belgiska register. *Svenska Dagbladet*. 860320

Hinnemo, T. (1985) Skärpt ID-kontroll för datoranvändare. *Svenska Dagbladet*. 851210

Hinnemo, T. (1986) Strid om känsligt register. *Svenska Dagbladet*. 860211

Hinnemo, T. (1986) Beslut om omstritt register ödesbesked för fler projekt. *Svenska Dagbladet*. 860212

Hinnemo, T. (1986) 'Metropoliternas' identitet stryks ur forskarregistren. *Svenska Dagbladet*. 860306

Hinnemo, T. (1986) Tre stadsråd i möte om Metropolit. *Svenska Dagbladet*. 860320

Hinnemo, T. (1986) Metropolitmaterial förstört av forskare. *Svenska Dagbladet*. 860422

Hinnemo, T. (1986) Rektor stöder arkivbränning. *Svenska Dagbladet*. 860513

Hinnemo, T. (1986) Metropolit stöds av etikkommitté. *Svenska Dagbladet*. 860517

Hinnemo, T. (1986) 'Hemligstämpeln ger öppenhet'. *Svenska Dagbladet*. 861018

Hinnemo, T. (1986) Dataregistren måste förstöras. *Svenska Dagbladet*. 860321

Hinnemo, T. (1986) SCB-chefen får mothugg av säkerhetsexperter: Våra register dåligt skyddade. *Svenska Dagbladet*. 860427

Hinnemo, T. (1986) Partipolitisering hot mot integriteten. *Svenska Dagbladet*. 860525

Hinnemo, T. (1988) Invandrарverket följer inte direktiv om datasäkerhet. *Svenska Dagbladet*. 880307

Hinnemo, T. (1988) SCB får behålla personregister. *Svenska Dagbladet*. 880312

Hinnemo, T. (1988) Möjlighet till insyn minskar. *Svenska Dagbladet*. 880313

Hinnemo, T. (1988) Anställda kan detaljövervakas. *Svenska Dagbladet*. 880316

Hinnemo, T. (1989) Nya datalagen måste ge bättre skydd. *Svenska Dagbladet*. 890508

Hjertstrand, M. (1986) Därför behövs registret. *Dagens Nyheter*. 860214

Horner, N. (1985) Här registreras all information om dig! *Vestmanlands Läns Tidning*. 850812

Hökmark, G. (1986) Kraftlös datalag. *Svenska Dagbladet*. 860223. Debattartikel.

Hökmark, G. (1988) Datalagen hotar tryckfriheten. *Svenska Dagbladet*. 890410. Debattartikel.

Israel, J. (1986) Meningslös dataforskning. *Dagens Nyheter*. 860303. Debattartikel.

Israel, J. (1986) Tala inte om drömmar! *Sydsvenska Dagbladet*. 860306. Debattartikel.

Jerdén, A. (1986) Metropolitbarn tycker om Amadeus och lokalradion. *Svenska Dagbladet*. 860301

Johanson, K.-O. and H.-E. Holmqvist (1988) Hot mot integriteten. *Dagens Nyheter*. 880219. Debattartikel.

Johansson, L. G. (1986) 15 000 hemligt granskade i 20 år. *Dagens Nyheter*. 860210

Johansson, L. G. (1986) Oro för abortregistret. *Dagens Nyheter*. 860213

Johansson, L. G. (1986) Metropolit rekorddyrt. *Dagens Nyheter*. 860211

Johansson, L. G. (1986) "Vetenskaplig skandal". *Dagens Nyheter*. 860211

Johansson, L. G. (1986) Projektet kan stoppas. *Dagens Nyheter*. 860211

Johansson, L. G. (1986) Våldsamma reaktioner hos de undersökta. *Dagens Nyheter*.

860211

- Johansson, L. G. (1986) Ärligheten på undantag. *Dagens Nyheter*. 860212
- Johansson, L. G. (1986) Sten Wickblom: inga egna lagar för forskarna. *Dagens Nyheter*. 860212
- Johansson, L. G. (1986) Politisk strid om Metropolit. *Dagens Nyheter*. 860212
- Johansson, L. G. (1986) 700 vill strykas ur Metropolit. *Dagens Nyheter*. 860213
- Johansson, L. G. (1986) FN synar Metropolit. *Dagens Nyheter*. 860215
- Johansson, L. G. (1986) Metropolitets datauppgifter ska förstöras. *Dagens Nyheter*. 860306
- Johansson, L. G. (1986) 26 kartonger har bränts upp. *Dagens Nyheter*. 860426
- Johansson, L. G. (1986) Datainspektionen säger nej. *Dagens Nyheter*. 860612
- Johansson, L. G. (1986) Ingen fick veta något. *Dagens Nyheter*. 860212
- Johansson, L. G. (1986) Register mörkläggs. *Dagens Nyheter*. 860213
- Johansson, L. G. (1986) Forskarmöte om integriteten. *Dagens Nyheter*. 860214
- Johansson, L. G. (1986) Riksarkivets chef: Registren bör vara här. *Dagens Nyheter*. 860214
- Johansson, L. G. (1986) SCB-chefen: Folk skräms i onödan. *Dagens Nyheter*. 860214
- Johansson, L. G. (1986) Polisregister över mammor. *Dagens Nyheter*. 860227
- Johansson, L. G. (1986) Gaddarna finns kvar. *Dagens Nyheter*. 860401
- Johansson, L. G. and S.-O. Lööv (1986) Metropolit flyttar efter hot. *Dagens Nyheter*. 860215
- Johansson, S. (1986) Jag hade en mardröm... *Sydsvenska Dagbladet*. 860227. Debattartikel.
- Kirkegaard, N. (1988) Register läggs upp utomlands. *Sydsvenska Dagbladet*. 881011
- Korpi, W. (1986) Vi har tagit första steget in mot Lysenkoismen. *Svenska Dagbladet*. 860222. Debattartikel.
- Lindgren, J. (1989) Datalagen föråldrad. *Arbetet*. 891106
- Lindgren, S. G. (1986) Projekt Metropolit hot mot demokratin? *Nya Wermlands-Tidningen*. 860301. Debattartikel.
- Lindmarker, I. (1986) Britter fruktar "big brother". *Svenska Dagbladet*. 860320
- Ländin Holm, B. (1986) Metropolit får mer pengar. *Svenska Dagbladet*. 860612
- Löfgren, C. B. (1986) "Kampanj i pressen" Forskare försvarar fortsatt datainsamling. *Dagens Nyheter*. 860307
- Löfgren, C. B. (1986) Mängder av fel från Metropolit. *Dagens Nyheter*. 860522
- Lönnaeus, O. (1986) Öst och väst har totala register över svenskar. *Sydsvenska Dagbladet*. 861030
- Magnergård, R. (1988) Invandrarverkets dator använd i flyktingspionage. *Svenska Dagbladet*. 880101
- Marander, E. (1987) Några ser i honom Storebror. *Nerikes Allehanda*. 871029
- Michanek, B. (1986) Här är hemliga registret. *Aftonbladet*. 860211
- Michanek, B. (1987) no title. *Aftonbladet*. 870225
- Mogensen, L. (1990) Nya folkregistret saknar klartecken. *Sydsvenska Dagbladet*. 900822
- Månsson, E. (1986) Regeringen struntar i lagen – därför säger datachefen upp sig. *Expressen*. 860506
- Månsson, E. (1987) Hemliga uppgifter om dig lämnas ut. *Expressen*. 870902
- Möller, M. (1988) "Registret som blev en väckarklocka". *Dagen*. 880503

- n/a (1964) Arvsyndregister? *Dagens Nyheter*. 641103
- n/a (1972) Rent framför egen dörr. *Vestmanlands läns tidning*. 720314
- n/a (1985) Sverige till Salu. *Expressen*. 850605
- n/a (1985) Samkörningsbeslut har ökat oenigheten. *Svenska Dagbladet*. 850713
- n/a (1986) Sverige allt mer sårbart. *Uppsala Nya Tidning*. 860321
- n/a (1986) Formulär för att begära ut uppgifter från Metropolit. *Dagens Nyheter*. 860211
- n/a (1986) Formulär för att begära ut uppgifter ur abortregistret. *Dagens Nyheter*. 860213
- n/a (1986) Hemliga koder – inga namn. *Dagens Nyheter*. 860225
- n/a (1986) Bakläxa för Metropolit. *Nerikes Allehanda*. 860306
- n/a (1986) Här är fakta om Expressens rapportering. *Expressen*. 860307
- n/a (1986) Metropolit får fortsätta. *Svenska Dagbladet*. 860529
- n/a (1986) Formulär för att begära utdrag ur abortregistret. *Dagens Nyheter*. 860213
- n/a (1986) Varje svensk i 100 register. *Dagens Nyheter*. 860213
- n/a (1986) Ge färre insyn i hemliga register. *Sydsvenska Dagbladet*. 860321
- n/a (1986) Trots dom i kammarrätten "Databaser är offentliga". *Svenska Dagbladet*. 860511
- n/a (1986) Integritet och kunskap. *Dagens Nyheter*. 861203
- n/a (1986) SCB-skandalen: här har du ditt liv. *n/a*. 861207
- n/a (1988) Kunduppgifter avslöjade. *Svenska Dagbladet*. 880131
- Nylander, S. (1991) Även mediernas nyhetsarkiv kan skada integriteten. *Dagens Nyheter*. 910506
- Olsson, A. R. (1986) Skapar passiva medborgare. *Dagens Nyheter*. 860225. Debattartikel.
- Olsson, A. R. (1989) Vem granskar datorstaten. *Dagens Nyheter*. 890329. Debattartikel.
- Paulson, P.-A. (1988) Vår tids psykiska tortyr! *Dagens Nyheter*. 880716. Debattartikel.
- Persson, M. (1987) Utvecklingsstörda barn i olagligt dataregister. *Dagens Nyheter*. 870222
- Petersson, O. (1986) Individundersökningarnas metoder. *Uppsala Nya Tidning*. 860224. Debattartikel.
- Petri, C.-A. (1988) "DOK värnar kontroll över datorstaten". *Dagens Nyheter*. 880410. Debattartikel.
- Ribbing, M. (1988) Skyddsklass inrättas av ny myndighet. *Dagens Nyheter*. 880325
- Rinder, L. (1988) "Fel uppgifter i register ska rättas". *Dagens Nyheter*. 880729. Debattartikel.
- Romanus, M. (1986) Sjukvården behöver bara lokala datorer. *Göteborgs Posten*. 860102. Debattartikel.
- Rydén, C.-O. (1979) Kapitalets vapen mot demokratin på jobbet. *Aftonbladet*. 791011. Bokrecension.
- Rydén, D. (1986) Metropolitprojektets "beslut" underkänns. *Sydsvenska Dagbladet*. 860625
- Rydén, D. (1988) Pressens lögnar har skadat vetenskapen. *Sydsvenska dagbladet*. 880312
- Rådström, N. (1986) Fel brott – fel galgbacke. *Dagens Nyheter*. 860525. Debattartikel.
- Sallnäs, N. (1986) Etiska regler bildar norm. *Sydsvenska Dagbladet*. 860216
- Samuelsson, L. (1986) Ikväll invaderar 53-orna TV2. *Expressen*. 860220
- Sandström, L. (1988) Databaser ökar inte insynen. *Sydsvenska Dagbladet*. 881015

- Sellber, L. (1987) Struken programrad kostade över tre milj. *Svenska Dagbladet*. 870223
- Silberstein, W. (1985) Register över skulder blir offentlig handling. *Svenska Dagbladet*. 851024
- Silberstein, W. (1985) Betalda böter i register. *Svenska Dagbladet*. 851025
- Silberstein, W. (1985) "Fortsatt dåligt skydd för den enskildes integritet". *Svenska Dagbladet*. 851218
- Silberstein, W. (1986) Rapport om sårbarhet hemlig. *Svenska Dagbladet*. 860402
- Silberstein, W. (1986) Register synas på plats. *Svenska Dagbladet*. 860903
- Sjögren, P. (1986) Datasårbarheten i staten kartlagd. *Dagens Nyheter*. 860215
- Sterte, R. and P.-G. Vinge (1985) Stoppa handeln med personuppgifter. *Dagens Nyheter*. 850908. Debattartikel.
- Ståhlberg, C. (1990) Får inte veta sin fars namn. *Dagens Nyheter*. 901206
- Sund, L. (1986) Hyckleri skälla på projektet. *Uppsala Nya Tidning*. 860212
- Sunquist, M. (1987) Stormen om Metropolit. *Norrbottnens-Kuriren*. 871028
- Säll, O. (1986) Forskare mordhotade. *Svenska Dagbladet*. 860505
- TT (1986) Allt fler vägrar svara på frågor. *Dagens Nyheter*. 860214
- TT (1989) Var femte databrottsling anställd hos polisen. *Uppsala Nya Tidning*. 890424
- TT (1990) Hacker anhölls för bedrägeri. *Sydsvenska Dagbladet*. 900528
- Tännsjö, T. (1987) Åsiktsregistrering i Nackas barnomsorg. *Dagens Nyheter*. 871015. Debattartikel.
- von Krogh, T., E. Fichtelius, et al. (1990) Datalagen skyddar makten. *Dagens Nyheter*. 901210. Debattartikel.
- von Walter, T. (1990) Risker med FAS 90 mindre än befarat. *Göteborgs Posten*. 910215. Debattartikel.
- Wadström, K. (1990) Snart får chefen se din sjukjournal. *Aftonbladet*. 901128
- Wass, B. (1979) Polisen kan söka oss i femton dataregister! *Nya Wermlands-Tidningen*. 790405
- Westerberg, G. (1987) Uppgifter om register upprör. *Göteborgs Posten*. 870223
- Westmar, B. (1986) Allt fler nobbar SCB. *Dagens Nyheter*. 860612
- Westrin, G. (1989) Efter Metropolit. *Svenska Dagbladet*. 891129
- Wrange, E. (1987) Personregister granskas. *Svenska Dagbladet*. 870615
- Zaar, C. (1986) "Insidan". *Dagens Nyheter*. Debattartikel. 860318
- Åsheden, A.-M. (1979) Fel registrera personer utan TV. *Svenska Dagbladet*. 790523
- Åsheden, A.-M. (1988) Personalkontrollen skärps. *Dagens Nyheter*. 880309
- Öhrström, L. (1986) "Kortsiktiga projekt ger falsk bild". *Dagens Nyheter*. 860225
- Öhrström, L. (1986) Informera de berörda om projektets omfattning. *Dagens Nyheter*. 860520
- Öhrström, L. (1988) Forskning med på nya villkor. *Dagens Nyheter*. 880314
- Öst, L. (1987) Ingen titel. *Uppsala Nya Tidning*. 870307

C

Appendix C

Interviews

2007-01 Interview with manager, Employment service company

2007-01 Interview with two legal advisers, Employer association

2007-01 Interview with representative, Trade union

2007-02 Interview with legal advisor, Employer association

2007-02 Interview with local division manager, Trade union

2007-02 Interview with two managers, Employment service company

2007-10 Interview with representative, Trade union

2007-10 Interview with recruiter, Employment service company

2007-11 Interview with representative, Trade union

2007-11 Interview with representative, Trade union

2007-11 Interview with recruitment manager, Manufacturing company

2007-12 Interview with recruiter, Employment service company

2008-01 Interview with HR-manager, Transport and logistics company

2008-05 Interview with regional HR-manager, Transport and logistics company

2008-06 Interview with manager, Transport and logistics company

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4. Blomquist, Bo: *Förskolebarnets relation till sin familj. Förändrade förutsättningar och föreställningar 1950-1990*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2001.
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7. Rigné, Eva Marie: *Profession, Science, and State – Psychology in Sweden 1968-1990*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2002.
8. Persson, Anders: *I kräftans tecken. En historiesociologisk studie av cancerforskningens samballegliga villkor i Sverige och USA under 1900-talet*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2002.
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11. Sobis, Iwona: *Employment Service in Transition: Adaptation of a Socialist Employment Agency to a Market Economy. A Case Study of Łódź, Poland 1989-1998*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2002.
12. Hellum, Merete: *Förförd av Eros. Kön och moral bland utländska kvinnor på en grekisk ö*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2002.
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14. Hansson, Agneta: *Praktiskt taget. Aktionsforskning som teori och praktik – i spåren på LOM*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2003.
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16. Rolandsson, Bertil: *Facket, informationsteknologin och politiken. Strategier och perspektiv inom LO 1976-1996*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2003.
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20. Wingfors, Stina S: *Socionomyrkets professionalisering*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2004.
21. Tursunovic, Mirzet: *Fostran till demokrati: Tre sociologiska delstudier av bosniska ungdomars politiska socialisering*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2004.
22. Alinia, Minoo: *Spaces of Diasporas: Kurdish Identities, Experiences of Otherness and Politics of Belonging*. Doktorsavhandling. Sociologiska institutionen, Göteborgs universitet 2004.
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29. Eriksson, Ylva Ulfsson: *Yrke, Status & Genus. En sociologisk studie om yrken på en segregerad arbetsmarknad*. Doktorsavhandling, Sociologiska institutionen, Göteborgs universitet 2006.
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