



Doncaster Archives

Access to Records Policy

March 2012

Access to Records Policy

1. Introduction

- 1.2 Doncaster Archives is part of Doncaster Council's Library and Information Services, which itself forms part of the Customer Service and ICT division.
- 1.2 Doncaster Archives collects, preserves and provides access to a wide range of historical sources relating to Doncaster and its district, both for legal purposes and historical research.
- 1.3 Doncaster Archives' contact details are as follows:

Doncaster Archives
King Edward Road
Balby
Doncaster
DN4 0NA
Tel: 01302 859811
Email: doncaster.archives@doncaster.gov.uk

2. Legislation and Standards

- 2.1 The statutory framework for access to records held by Doncaster Archives is provided principally by the following:
 - Local Government (Records) Act, 1962
 - Local Government Act, 1972 (s.224)
 - Public Records Acts, 1958 & 1967
 - Data Protection Act, 1998 (hereafter "DPA")
 - Freedom of Information Act, 2000 (hereafter "FOIA")
 - Representation of the People Act, 2002
 - Environmental Information Regulations, 2004 (hereafter "EIR")
 - Church of England Parochial Registers and Records Measure, 1978, amended 1998
 - Manorial and Tithe Documents Rules issued under the Law of Property Acts, 1922 & 1924 and the Tithe Act, 1936

- 2.2 Doncaster Archives is measured against a number of policies and standards:
- Standard for Record Repositories, 2004 (The National Archives)
 - Standard for Access to Archives, 2003 (National Council on Archives)
 - BS5454: 2000 Recommendations for the Storage and Exhibition of Archival Documents (British Standards Institution)
 - Self Assessment for Local Authority Archives, 2007 (The National Archives)
- 2.3 This policy should also be read in conjunction with Doncaster Council's Customer Service Charter, 2012 and Data Protection Policy, 2012.
- 2.4 Doncaster Archives will also respond to guidance issued by The National Archives, and disclosure decisions made in due course by the Information Commissioner, if they affect access to records.

3. Restrictions on Access to Information

- 3.1 Doncaster Archives will make all of the records (or the information they contain) that it holds routinely available for public consultation and research unless access is:
- Prevented by statutory exemption (see the Exemptions section below)
 - Against the wishes of a private depositor
 - Likely to risk loss of a depositor's property
 - Likely to cause physical damage to an item
 - Provided for by a surrogate copy (with the aim of preserving the original)
- 3.2 The restrictions outlined above may be waived:
- For depositors consulting their own records subject to adequate identification and preferably with advance notice
 - For researchers authorised (in writing) by the depositor, preferably with advance notice
 - For Government security or law enforcement agencies, in line with the provisions of FOIA

4. Exemptions (Closure Periods)

- 4.1 **Court Records (Quarter Sessions, Petty Sessions, Magistrates Courts, County Courts)**, FOIA s.32, Sexual Offences (Amendment) Act 1992 s.1

Exempt for 30 years, except in relation to sensitive personal data (e.g. record identifies the victim of a sexual offence or names a party in a court case) – Exempt for 100 years, in accordance with Data Protection and Rehabilitation of Offenders legislation.

Anyone seeking access to exempted court records should, in the first instance, obtain authorisation from Her Majesty's Court Service (the relevant contact details are available from Doncaster Archives).

4.2 **Coroners' Records**, FOIA s. 32

Exempt for 30 years. Coroners' records are treated as Court records under FOIA and are covered by an absolute exemption until they are 30 years old. For access to information in coroners' records between 30 and 75 years old, please apply in the first instance to:

Her Majesty's Coroner
Union Street
Doncaster
South Yorkshire
DN1 3AE

4.3 **National Health Service records**, FOIA s.38, s.40, s.41, s.44, DPA and SI 2000 No.413

Records containing sensitive personal data (except Registers of Deaths which are open) - Exempt for 100 years.

Under DPA, individuals are entitled to apply for access to health information about themselves, and should, in the first instance, submit a Subject Access Request to the Archives Manager (Please note that the timescale for responses, under DPA, is 40 calendar days). A decision with regards to access will then be made jointly by the Archives Manager and the relevant NHS Trust.

Individuals are also entitled to apply for third party access to exempted health records under FOIA and EIR, and should, in the first instance, submit a request in writing to the Archives Manager (Please note that the timescale for responses, under FOIA, is 30 working days). As with Subject Access Requests, a decision with regards to access will then be made jointly by the Archives Manager and the relevant NHS Trust.

4.4 **Local Authority records** (including Doncaster Metropolitan District Council, Doncaster Borough Council, Rural and Urban District Councils, Civil Parishes and Townships) come under the jurisdiction of FOIA and will generally be presumed to be open except for:

Records relating to legal actions or investigations – Exempt for 30 years (exempt s.30 (1)) and where DPA and other legislation applies in relation to personal data (e.g. minutes giving case details of children in care) – Exempt for 100 years.

- 4.5 **School records**, FOIA s.40, DPA and SI 2000 No.414
In the absence of national guidelines on third party access to school records, Doncaster Archives will apply the following guidelines;

Log books, managers' and governors' minutes - Exempt for 30 years

Punishment books and admission registers - Exempt for 75 years

Individuals are entitled to information about themselves, and should in the first instance apply to the Archives Manager for access to records less than 30 years old (75 years for punishment books). Please note that a Subject Access Request may need to be submitted to Doncaster Council's Data Protection Team for their permission to release any data from the archives.

- 4.6 **Poor Law and Public Assistance Institutions**, FOIA s.40 and DPA

Sensitive medical records and creed registers - Exempt for 100 years

- 4.7 **Police records**, South Yorkshire Police Records Management Policy

All records over 100 years old are open.

Personnel information - Exempt 100 years

Disciplinary or complaint records - Exempt 100 years

General policing issues - Exempt 30 years

Permission to view any records subject to the above exemptions must be obtained, in writing, from:

South Yorkshire Police
Information Compliance Unit
Professional Standards Department
Unit 20
Sheffield 35A Business Park
Churchill Way
Sheffield
S35 2PY

- 4.8 **Prison Records**, Prison Service Order 1251 (this guidance is currently being re-written and this section may therefore be subject to alteration in due course)

Exempt for 30 years except for:

Execution registers and registers of officers - 40 years

Governors' journals; chaplains' journals; medical officers' journals, visiting committee rota and minutes books; condemned cell occurrence books - 70 years

Medical records and prisoners' calendars which identify victims of sexual offences - 100 years

Prison plans - Indefinitely

4.9 **Privately Deposited Records**

Some of these records may be subject to exemption periods agreed between Doncaster Archives and the depositing body. The principal types of privately deposited records which may be exempted are:

- Church records
- Charity records
- Business records
- Personal records

These include:

4.9.1 **Methodist records**

The following guidelines were issued by the Archives and History Committee, The Methodist Church

Minutes and records which are not in the public domain - Exempt for 30 years
Records containing sensitive or confidential information (e.g. complaints, disciplinary records, assessment files) – Exempt for 75 years

4.9.2 **Roman Catholic records**

Exempt for 50 years

The Diocese of Hallam has imposed a 50 year restriction on access to its records, including registers of baptism, confirmation, marriage and death/burial. Requests for access within the 50 year period should be referred to the relevant church or, for diocesan material, to the diocese.

4.10 **Uncatalogued Collections**

Collections which are uncatalogued may be exempt, in that they are intended for publication at a future date as part of Doncaster Archives' cataloguing programme. Anyone requiring access to uncatalogued collections should, in the first instance, contact the Archives Manager directly.

5. Access to Other Records Containing Personal Information

- 5.1 Certain records which contain personal information about living individuals may be exempt under DPA. Individuals are entitled to information about themselves, and should in the first instance apply to the Archives Manager for access. Please note that we may need to contact the depositing body for their permission to release any data from the archives.

- 5.2 Third party requests for information on other individuals: enquirers should apply to the Archives Manager for access, including relevant details such as the date of death of the person in question. Please note that we may need to contact the depositing body for their permission to release any data from the archives. The request will then be assessed against the interest of the individuals and the records.
- 5.3 Information requests can also be made through Doncaster Council's Customer Service Performance Team, under the Freedom of Information Act, 2000 and the Data Protection Act, 1998.

Details of how to make a Freedom of Information request can be found on Doncaster Council's website and requests should be sent to:

Freedom of Information Officer
Doncaster Council
Council House
College Road
Doncaster
DN1 3DA
Email: foi@doncaster.gov.uk

Details of how to make a subject access request under the Data Protection Act, 1998 can also be found on Doncaster Council's website and requests should be sent to:

Data Protection Officer
Doncaster Council
Council House
College Road
Doncaster
DN1 3DA
Email: dataprotection@doncaster.gov.uk

6. Review

- 6.1 This policy will be publicly available at Doncaster Archives. It will also be made available to download from Doncaster Archives' website.
- 6.2 This policy will be reviewed as necessary to take into account any changed circumstance or legislation, and will be reviewed after 5 years as standard.