

Document Closure Periods and Access to Restricted Records

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1. General Guidelines

The Gwent Record Office (GRO) Access Policy details the legislative framework within which the GRO operates. It is an objective of the service to make the records it holds as freely available as possible.

1.1 Statutory Conditions of Access

Records governed by the Public Records Act become historic records thirty years after their creation. Under the Freedom of Information Act, 2000 (Fol) information from them may be released when they are less than 30 years old unless an absolute exemption applies under section 32 of the Act. This applies to court records and access is only available to data subjects.

1.2 Sensitive Information

Access to personal information contained in records older than 30 years must also take into account the Data Protection Act (DPA) and its tests of data sensitivity. Period of restricted access of up to 100 years may apply to certain records.

Under the DPA personally sensitive data is defined as that which shows

- a) The racial or ethnic origin of a data subject
- b) His/her political opinions
- c) His/her religious belief or other beliefs of a similar nature
- d) Whether he/she is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
- e) His/her physical or mental health condition
- f) His/her sexual life
- g) The commission or alleged commission by him/her of any offence
- h) Any proceeding for an offence committed or alleged to have been committed by him/her, the disposal such proceedings or the sentence of any court in any such proceedings

1.3 Access to Information in Restricted Records

Where access to a record is restricted consideration will be given to the release of information only after a written request for access to the data controller or the County Archivist. For third party requests written consent from the data subject or proof of the death of the data subject may be required. Where for instance access is restricted for 100 years this period may be calculated in relation to the known or given age of the data subject in addition to the date of the register that contains the information. Thus a record of 50 years old may contain information on a person who was 50 years of age at the time of its compilation thus totalling 100 years. Although in principle information may be released in relation to a deceased person under the DPA issues of sensitivity may extend to those connected with the deceased.

Under the DPA persons who wish to undertake research on any personal data must abide by the following conditions:-

- a) That the data is not processed to support measures or decisions with respect to particular individuals

- b) That the data is not processed in such a way that substantial damage or distress is or is likely to be caused to any individual

The following access policy will apply to records held at the GRO. Records subject to restricted access will generally become open on 1st January in the year following the termination of the stated closure period.

2. Public Records

2.1 Magistrates and Quarter Sessions Courts

- Court registers: 60 years
- Court minute books: 60 years
- Juvenile Court registers: 100 years
- Juvenile Court minute books: 100 years
- Indictments: 60 years
- Adoption records: 100 years
- Licensing registers: 30 years
- Lunacy returns: 100 years
- Police personnel files: 75 years (see also 5.4 Police Authority Records)

Court records less than 30 years old are subject to an absolute exemption under s.32 of the Freedom of Information Act whereby access to information is restricted to data subject requests. Data subject requests for information in records less than 30 years old should be submitted in writing to the Clerk to the Magistrates' Court as data controller. Requests for access to information from restricted records outside 30 years should be submitted in writing to the County Archivist.

Where registers contain information of a greater sensitivity, e.g. identification of juvenile victims of offences or victims of sexual offences, the closure period is 100 years.

For adoption records persons with a bona fide interest, e.g. adopted children, should apply in the first instance to the adoptions liaison officer for the relevant Social Services Department.

2.2 County Courts

- Adoption records: 100 years
- Bankruptcy petitions and proceedings: 60 years
- Summons' minute books: 60 years
- Divorce registers and cause books: 75 years
- Workmen's Compensation Act registers: 60 years
- Claims and awards re injury, contract and maintenance: 75 years
- Judges' and registrars' notebooks: 75 years

Applications for access to restricted records less than 30 years old should be made to the Clerk to the County Court or the County Court Manager. For records outside of 30 years applications should be made in writing to the County Archivist. For adoption enquiries all applications in the first instance should be made to the Social Services Department.

2.3 Coroners' Courts

- Coroners' Inquest files: 75 years
- Inquests held on treasure trove: 30 years

Access requests for closed files must be made in writing to the County Coroner as data controller. Although the DPA in principle does not restrict access to information on deceased persons its provisions may extend issues of sensitivity to the next of kin or immediate relatives. Access may be granted only with the written permission of the county coroner.

2.4 Prison Records

- Registers of admissions and discharges: 50 years (100 years where information of greater sensitivity is noted e.g. information on mental or physical health)
- Registers of juveniles admissions and discharges: 100 years
- Calendars of prisoners: 50 years (100 years where these identify juvenile cases or victims of sexual offences)
- Plans: If the prison is still in use plans may be inspected only with the written permission of the Home Office
- Governors' journals and prison minute books: 50 years (100 years where any information of greater sensitivity is noted)
- Medical officers' reports and chaplains' records: 100 years

Application for access to information from restricted records should be made in the first instance to the County Archivist. Disclosure of information is ultimately at the discretion of the prison authorities/Home Office

2.5 Advisory Committee on Justices of the Peace

- All records: 75 years

Requests under Fol should be made in the first instance to the County Archivist

2.6 NHS and other Hospital Records

- Admission and discharge registers: 100 years
- Patients' index books: 100 years
- Patients' case files: 100 years
- Registers of deaths (if not containing any individual medical details): 30 years
- Hospital minute books and other administrative records (if not containing personally sensitive information): 30 years

Poor Law Union medical and hospital records listed under Local Authority Records are subject to the same restriction as Public Records.

Data subject and third party requests for access to information should be made to the Health Authority or local Health Records Manager as data controllers. The consent in writing of the data subject, or proof that the subject is deceased, may be required as a condition of access for third party requests. However, although in principle information may be released in relation to deceased persons issues of sensitivity may extend to the next of kin or living relations of deceased persons; an individual's record may therefore contain information on more than one data subject in its overall context. Where a record is restricted for 100 years this period may be calculated in relation to the known or given age of the data subject in addition to the actual age of the archival record.

2.7 Territorial and Auxiliary Forces Association

- All records: 30 years

2.8 Colliery Accident and Compensation Records

- Registers containing personal medical information: 100 years

All requests for information within 100 years should be made in writing to the County Archivist. Redacted, or anonymised/statistical information may be supplied from registers over 30 years

2.9 Cwmbran Development Corporation

- Printed reports: Open
- Unpublished reports: 30 years
- Correspondence files, financial records, plans, photographs: 30 years

Written enquiries for restricted records less than 30 years old may be made under FOI to the County Archivist as data controller; records outside of 30 years are on open access subject to appropriate data protection checks. The National Regeneration Agency 'English Partnerships' reserves the right to levy a reproduction fee for any copyright material intended for commercial publication. All enquiries concerning copyright should be referred to the Access and Information Officer/or Head of Legal Services for 'English Partnerships'.

3. Local Authority Records

3.1 County/County Borough Council

- Committee minute books, agendas and reports: Open

The Local Government Act 1972 (s. 28) and the Local Government (Access to Information Act) 1985 make provision for the public inspection of the minutes, proceedings and background papers of local authority committees, for varying time periods, and includes an entitlement for any member of the public to make a copy or extract from the minutes and other papers; these provisions were consolidated by local agreement of 1991 to cover minutes and proceedings irrespective of dates.

Exceptions: some proceedings of the council are marked 'Exempt', these papers (usually to be found among agenda papers) are restricted for 30 years, but access to information may be requested under the FOI Act 2000.

Social Services and Children's Committee minutes, may contain information of a personally sensitive nature about named individuals. Access to personally sensitive information obtained under guarantee of confidentiality should be restricted for 100 years.

- Departmental correspondence files: 30 years

Requests for access to information within 30 years may be made under FOI. Files containing Social Services Departmental correspondence of a sensitive nature should be restricted for 100 years.

- Published annual accounts and reports: Open
- Registers of electors: (see 3.3 records of Unitary Authorities for the preserved Administrative County of Gwent below for details of photocopying restrictions)
- Schools and FE examination results: 50 years

Data subject requests for examination records less than 50 years old should be made in the first instance to the relevant Examination Board as data controllers. For pre 1974 Monmouthshire and Newport School Certificates application should be made directly to the County Archivist.

3.2 District and Borough Councils (pre 1996)

- Committee minute books: Open (as provisions for County Council minutes and reports above)
- Correspondence files, 30 years (except for sensitive information on named individuals)

For minutes and correspondence containing sensitive personal information about named individuals including Housing and Personnel Committees regarding council tenants and staff, access is restricted for 100 years. Requests may be made under FOI for any restricted records.

- Social Services adoption files and generic case files: 100 years
- Registers of children's homes: 100 years
- Rating records: 30 years (for records containing details of named individuals, open if the information is impersonal, statistical)
- Building Control Plans: 30 years (extended periods may apply if there are security criteria for particular buildings)

3.3 Records of Unitary Authorities for the preserved Administrative County of Gwent (post 1996)

(Procedures as for County Council and District Councils above)

- Registers of electors: Open

Electoral registers within 10 years of the most recent register may not be photocopied, photographed or scanned into a PC. Handwritten notes may be taken, but no other copies even for 'official' purposes may be obtained without the written permission of the Electoral Registration Officer. The Representation of the People (England and Wales) Regulations 2001, make provision for supplying a copy of information contained in a version of the full electoral register 'where more than ten years have expired'. Copies may be obtained for private research purposes only in compliance with the Data Protection Act 2018, s.33(1). Ten years is calculated from the end of expiry of the period that the register is 'in force' i.e. a register printed on 1 December 1997 can be photocopied as from 1 December 2008.

3.4 **School Records**

- Log books: 50 years (where records are noted to contain information of a personally sensitive nature such as medical details or punishments access to the record is restricted for up to 96 years)
- Admission registers: 50 years (with restriction for 96 years as above)
- Punishment books: 96 years
- Pupil record cards or files: 96 years
- Governors' minutes and other correspondence files: 30 years (except where items of a personally sensitive nature are noted)
- Photographs, plans and printed reports: Open (photographs identifying named individuals are restricted for 30 years)

Requests for access to information from restricted records should be made in writing to the County Archivist.

3.5 **Poor Law Records (Board of Guardians) and Public Assistance Committee Records**

- Registers of admissions and discharges (excepting auxiliary hospital): 75 years (where individual medical details are identified access is restricted for 100 years)
- Auxiliary Military Hospital admissions and discharges: 100 years
- Indoor and Outdoor relief lists: 75 years (where individuals are directly named, open if information is impersonal: 100 years if medical details are included)
- Board of Guardians and Public Assistance Committee minute books: 75 years (open if information is impersonal/anonymised)
- Medical officers' examination and report books, registers of surgical operations, registers of notifications of TB and other diseases: 100 years (excepting lists and reports containing only statistical information)
- Religious creed and chaplains' registers: 75 years

All applications for information in restricted records should be made in writing to the County Archivist.

3.6 **Civil Parish Records**

- Minutes, accounts and reports: Open

4. Church Records

4.1 Parish Records

- Registers of baptism, marriage and burial: Open
- Churchwardens' records and other records regarding church buildings and property: 30 years
- Parochial Church Council (PCC) minutes and financial records: 30 years (75 years if noted to contain sensitive information regarding appointments or disciplinary proceedings)
- Correspondence files regarding clergy selection: 30 years (75 years if noted to contain sensitive information regarding appointments and disciplinary proceedings)

4.2 Methodist Records

- Registers of baptism, marriage and burial: Open
- Circuit plans, published financial records, newsletters and other published material: Open
- Church minute books: 30 years (75 years if noted to contain sensitive personal information on pastoral appointments, disciplinary proceedings legal proceedings or complaints)
- Correspondence files: 30 years (75 years if containing sensitive material regarding appointments, disciplinary proceedings, legal proceedings or complaints)
- Unpublished financial records: 30 years

The Methodist Church Archives and History Committee takes the view that where a record is partly open and partly closed 'the record office may use its judgement as to whether to show the open part, taping up the closed section' EXCEPT where the closed section contains DISCIPLINARY PROCEEDINGS, in such cases the written permission of the Superintendent Minister must be sought before ANY PART of the record may be shown.

4.3 Other Church Denominations

- Generally as provision for parish church and Methodist records above

5. Other Records

5.1 Family, Estate and Private Records

- Generally open unless other closure periods have been specified by the depositor

5.2 **Business Records**

- Generally open unless other closure periods have been specified by the depositor

5.3 **Citizens Advice Bureaux**

- 75 years (unless otherwise specified by an individual bureau)

5.4 **Police Authority**

- Registers of police personnel: 75 years
- Other administrative records not containing personal information: 30 years

5.5 **Political Parties**

- Generally open unless otherwise specified by the depositor, or noted to contain personally sensitive information