

## Access to Records affected by the Freedom of Information Act 2000 and the Data Protection Act 2018 Guidance

<b>Introduction</b> .....	1
<b>Legislation</b> .....	1
<b>Depositor restrictions</b> .....	2
<b>Items which are fragile</b> .....	2
<b>Access Periods</b> .....	2
<b>Definition of Closure</b> .....	2
<b>Gwent Archives' Access Periods</b> .....	3
1. <b>Local Authority Records</b> .....	3
2. <b>School Records</b> .....	3
3. <b>Health and Social Care Records</b> .....	4
4. <b>Court Records</b> .....	4
5. <b>Prison Records</b> .....	5
6. <b>Police Authority Records</b> .....	5
7. <b>Church Records</b> .....	5
8. <b>Citizens Advice Bureau</b> .....	6

### Introduction

Our aim is to provide access to the collections that we hold; however, this access will be affected by:

### Legislation

The Freedom of Information Act 2000 grants the right of access to information held by public bodies, such as the County (Borough) Councils within the Greater Gwent

area, local Community Councils, hospitals, etc. The Data Protection Act 2018, the UK's implementation of the General Data Protection Regulation (GDPR), aims to protect personal information about living individuals. It also entitles you to copies of information held about you.

Because of the Data Protection Act 2018, access is restricted to certain records held by Gwent Archives. This is mainly to protect the people named within them. It is presumed that a lifetime lasts 100 years.<sup>1</sup> Therefore Gwent Archives restricts access to these records until the end of a person's lifetime.

For example, a school admission register has a 96-year closure, as it is presumed all data subjects are aged 4 and above; whereas school staff records have an 84-year closure period, since it is presumed all data subjects are aged 16 and above. Some very sensitive classes of records, such as Children's Home Admission Registers have a 100-year closure period.

## **Depositor restrictions**

It is also the case that some depositors have requested a closure period on the records which Gwent Archives looks after on their behalf. This may be because the records contain sensitive or personal information.

## **Items which are fragile**

Documents arrive at Gwent Archives in all sorts of conditions, and some are too fragile for continued use by researchers.

If an item cannot be issued, staff will:

- Explain why it cannot be used
- Suggest other suitable sources or alternatives for use
- Where possible, advise on how to apply for permission to view the item

## **Access Periods**

### **Definition of Closure**

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<sup>1</sup> "For personal information and information linked to identifiable living individuals, The National Archives and the Advisory Council advocate a closure period of 'lifetime' of the data subject. This assumes a lifetime of 100 years..." <https://www.nationalarchives.gov.uk/documents/information-management/closure-periods.pdf>

Closure refers to the last date of a record, e.g. a School Log Book, which covers the period 1910-1946 and is closed for 96 years, is therefore under restricted access until 1 January 2043.

## Gwent Archives' Access Periods

The following tables summarise Gwent Archives' access periods. The second column indicates the closure period after the last date in the record.

### 1. Local Authority Records

#### County (Borough) Council Records

Minutes, Agenda, Reports	Open
Departmental Correspondence files	20 years
Published Accounts / Reports	Open
Registers of Electors	Open (NB photographing/photocopying of registers from the last 10 years is not permitted)
Monmouthshire Certificate results	100 years

#### Council Records (County, Borough and Districts pre-1996)

Minutes, Agenda, Reports	Open
Correspondence files	Open
Registers of children's homes	100 years
Rating records	Open
Building Control Plans	Open

### 2. School Records

Admission Registers	96 years
Log Books	96 years
Punishment Books	96 years
Pupil Record Cards	96 years
Staff Records	84 years
Governor's Minutes	30 years (except where minutes contain sensitive data)
Photographs	Open (except where individuals may be identified)
Plans	Open
Printed Reports	Open

### 3. Health and Social Care Records

#### NHS and Hospital Records

Admission / Discharge Registers	100 years
Patients' Index Books	100 years
Patients' Case files	100 years
Registers of Deaths	Open (except where details of next of kin are given)
Hospital Minute Books / Admin records	100 years

#### Boards of Guardians / Public Assistance Committee / Social Welfare Committee Records

Admission / Discharge Registers	100 years
Auxiliary Hospital Admission/Discharge Registers	100 years
Indoor / Outdoor Relief Lists	100 years
BoG/PAC Minute Books	100 years
Medical Officers records	100 years
Medical Officers Records: statistical lists	Open
Creed Registers	100 years
Chaplain Registers	100 years
Registers of Births	100 years
Correspondence	100 years

### 4. Court Records

#### Magistrates/Quarter Sessions

Court Registers (including Petty Sessions) and Minute Books	100 years
Indictments and Presentments	100 years
Juvenile Court Registers and Minute Books	100 years
Adoption Records	100 years
Police Personnel files	84 years
Licensing Registers	20 years
Lunacy Returns	100 years

## County Courts

Summons Minute Books	84 years
Judge's Notebooks	84 years
Bankruptcy Notice Registers	84 years
Compensation Registers	84 years
Divorce Records	84 years

## Coroner's Court

Inquisitions Post-Mortem	75 years
Treasure Inquests	75 years

## 5. Prison Records

Admission Registers (including Juveniles)	100 years
Calendars of Prisoners	100 years
Prison Plans	If the prison is still in use, plans may be inspected only with the written permission of the Home Office
Governor's Journals / Prison Minutes	100 years
Medical Officer's Reports	100 years
Chaplain's Records	100 years
Returning Prisoners	100 years

## 6. Police Authority Records

Personnel records	84 years
Gwent PA Minutes	Open (*except where highlighted in catalogue)
Gwent PACC Signed Decision Logs/Reports	Open (*except where highlighted in catalogue)
Annual Reports	Open
Daily States	100 years
Occurrence Books	100 years
Register of Charges and Summonses	100 years

\* At the request of the depositor

## 7. Church Records

### Church in Wales

Sunday School admissions register	96 years
Any personnel records not with the Diocese	70 years

**Methodist Church**

All unpublished records	30 years
Personnel records	75 years

**Roman Catholic**

All records closed from 1921 onwards at the request of the Archdiocese

**8. Citizens Advice Bureau**

Day Books	100 years
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This Guidance was written in March 2021, updated in June 2022 and will be reviewed annually