

## OFFALY ARCHIVES

### ACCESS POLICY 2021

*This policy was formulated by the Local Government Archivists and Records Managers Group. Email [localarchivists@gmail.com](mailto:localarchivists@gmail.com)*

1. Offaly Archives is committed to providing access to its archives. While access is a right, it must always be balanced with the need to protect the rights of individuals and confidentiality of organisations whose activities are reflected in the archives, and with preserving the archives themselves. Access will be facilitated in line with relevant laws and regulations, and according to best archival practice.

2. Offaly Archives implements the thirty-year rule in accordance with section 80 of the Local Government Act, 2001. This means that all archives under thirty years old are closed to the public.

3. In addition, all archives containing ‘personal data’ as defined in the Data Protection Acts 1988-2018 and ‘special categories’ of personal data,<sup>1</sup> as defined in the General Data Protection Regulation (EU 2016/679), are subject to closure periods of up to 100 years. These closure periods apply where individuals are named in relation to such data or where the information given would allow their identity or circumstances to be established.

*Any access granted to closed archives will be subject to specific limitations on the use to which information within them can be put.*

3.1 For the purpose of this policy, ‘closed archives’ include archives relating to local authority functions (past and present) and private archives, which contain ‘special category’ data. Examples include:

- Health and public assistance, e.g. registers of manager’s orders; hospital records including admission registers; and case files;
- Housing, e.g. files on tenancies; rent books; housing applications; housing surveys; and housing needs assessments;
- Human resources, e.g. registers of officers and personnel files;
- National school registers and roll books;
- Some business archives.

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<sup>1</sup> See appendix for definitions.

3.2 Please note:

- The aforementioned are *examples* and other material will come within the scope of this policy.
- There are archives containing personal data (e.g. names and addresses), which are not within 'special categories', e.g. electoral registers. In such cases, access will be permitted under the thirty-year-rule.

3.3 In the case of 'closed archives', access will be permitted, on completion of an application form and production of proof of identity, to defined categories of user as follows:

- a person who is referred to in the archives;
- a person acting on behalf of someone mentioned in the archives, who is incapacitated (i.e. with 'power of attorney');
- the nominated next-of-kin of a person mentioned in the archives;
- a professional working on behalf of a client (e.g. solicitor or social worker);
- a researcher engaged in *bona fide* research.

3.4 Applicants are required to inform the archivist of the purpose of their research and its intended outcome. Applications will be considered on a case-by-case basis and the decision to grant access will be made solely by the Archivist.

3.5 Users must undertake not to identify individuals, but to anonymise the information they glean from the archives. The method of anonymisation should be discussed with the archivist.

3.6. Applicants must also undertake not to use any of this information to contact individuals referred to in the 'closed archives'.

3.7 Where the nature of the research, and/or the use of the data, changes, a user must notify Offaly Archives of this fact.

4. Offaly Archives reserves the right to close archives for periods of 50 or 100 years where access would:

- breach legal rights or statutory obligations;
- breach good faith where information was supplied in confidence;
- compromise the work/position of the local authority or any organisation or individual mentioned.

5. Offaly Archives reserves the right to provide redacted copies of 'closed archives' to a user, rather than providing direct access to the original(s). Furthermore, the Archives Service reserves the right to provide redacted copies to a user who has seen the originals.

6. Access to archives will be facilitated in accordance with the requirements of preservation (i.e. the prevention of damage to, or destruction of, items). In this regard, the Archives Service reserves the right to close items until they have undergone conservation work or until surrogates (e.g. microfilm or digital images) are available. It also reserves the right to supervise access to fragile items.

7. Offaly Archives reserves the right to verify the information given by applicants and reserves the right to withhold access from an applicant.

*In the case of a breach of the terms of access, as set out in this policy, Offaly Archives will refuse future access to 'closed archives' to the applicant concerned. It will also inform other archives services in Ireland of the breach.*

## **APPENDIX**

### **Definitions**

#### **Personal data:**

The term ‘personal data’ means any information relating to a living person who is identified or identifiable (such a person is referred to as a ‘data subject’). If the information can be used on its own or in combination with other information to identify a specific person, then it counts as personal data.

The GDPR gives examples of identifiers, including names, identification numbers and location data. A person may also be identifiable by reference to factors which are specific to their identity, such as physical, genetic or cultural factors.

#### **Special categories of personal data:**

Certain types of sensitive personal data are subject to additional protection under the GDPR. These are listed under Article 9 of the GDPR as ‘special categories’ of personal data. The special categories are:

1. personal data revealing racial or ethnic origin,
2. political opinions,
3. religious or philosophical beliefs,
4. trade union membership,
5. genetic data and biometric data processed for the purpose of uniquely identifying a natural person,
6. data concerning health,
7. data concerning a natural person’s sex life or sexual orientation.

Taken from the website of the Data Protection Commissioner, [www.dataprotection.ie](http://www.dataprotection.ie)



## OFFALY ARCHIVES

### Application Form for Access to Closed Archives

Please read the Access Policy before completing this form.

Please note that if, at a later stage, you wish to re-use the information gathered from the research carried out for this project, for a different purpose, you will need to inform the Archives Service.

The Archives Service reserves the right to verify the information you supply.

This form will not be used for any purpose other than that stated. It will be retained securely for 30 years in the case of applications for access for the purpose of producing publications and research projects and will then be destroyed.

Please note that failure to observe the conditions to which you have agreed may result in being refused future access to archives.

Please note that in the case of a breach of the conditions of access, all other archives in Ireland will be informed, with a view to restricting future access to 'closed archives'.

In all requests for access documentary evidence of identity is required.

**Name of applicant:**

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Please give reference number(s), titles and descriptions of archives you wish to gain access to:

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**Category of Researcher please tick as appropriate:**

- A person who is referred to in the archives
- A person acting on behalf of a person mentioned in the archives, who is incapacitated (i.e. having a 'Power of Attorney')
- A nominated next-of-kin of a person mentioned in the archives
- A professional working on behalf of a client (e.g. solicitor, social worker)
- A researcher engaged in *bona fide* research

If you are a professional please state the organisation for which you work, the position you hold within it and the nature of your current enquiry. You may be required to provide proof of your position.

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If you are a researcher engaged in *bona fide* research, you may be required to provide an appropriate reference (e.g. from a research supervisor, an officer of a historical society or a peace commissioner). Please explain in detail:

1. The nature of the proposed publication or production (if you intend to publish or broadcast information found in the archives) or planned outcome of your research:

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2. The institution to which you are attached (if applicable):

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3. Your status at this institution (e.g., whether third level student or academic researcher)

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OA-4

If a third level student, please give the name and title of your Department and Supervisor:

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If you are a third level student, please give the names of two nominees/referees, not related to you, who undertake to vouch for you

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If you are not attached to an institution, please give the names of two nominees/referees, not related to you, who undertake to vouch for you

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### **Declaration**

I have read the Offaly Archives Access Policy and request access to the archives specified above on the understanding that the information contained therein is confidential.

I understand that it is my responsibility under the Data Protection Acts 1988 to 2018 and the GDPR to ensure that the personal data contained in any records or archives to which I am being granted access are used solely in connection with historical research and not for any purpose which could cause damage or distress to the subjects of the data. I undertake not to use personal data to which I have been given access in order to contact any individuals referred to in the archives.

I further understand that the Acts require that the results of my research, or any resulting statistics I publish or use, are not made available in a form that identifies any living individual featured in the data without their consent. The personal data I gain access to will not be disclosed to any other individual. I undertake not to disclose other personal data on individuals seen in the course of obtaining what is necessary for my own work.

I undertake to protect from unauthorised disclosure to any party, any copies of material, or any notes taken during my research, which contain personal data.

I understand that these conditions are designed to protect the privacy of those mentioned in the archives.

OA-4

I understand that breach of the Access Policy or of any of the conditions outlined in this application form will result in future refusal of access to closed archives. I further understand that in the case of a breach of the conditions of access, all other Archives Services in Ireland will be informed with a view to restricting future access to 'closed archives'.

Signed \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Date: \_\_\_\_\_

*For office use only*

Signature of Archivist who provided the records

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Date \_\_\_\_\_