

# Restricted records policy

## 1. Policy statement

Explore strives to provide the widest possible access to the archives in our care. We recognise that archives gain value and relevance when they are used by as many people as possible. Our Strategic Action Plan 2024-2027 outlines the following as key organisational activities:

- Inspiring people of all ages to learn, imagine, create and share ideas
- Engaging people with the culture and heritage of our City
- Supporting individual and community wellbeing

In some instances, however, it is necessary to restrict access to certain records in line with our duties as custodians of the city archives and in order to:

- protect the records
- protect our users
- comply with relevant legislation
- comply with the owner's wishes

## 2. Policy context

Below is a list of the principal legislation that governs access to information in our collections:

- Local Government (Records) Act 1962
- Local Government Act 1972 (s.224)
- Public Records Acts 1958 & 1967
- General Data Protection Regulation 2016 (hereafter GDPR) and the Data Protection Act 2018 (hereafter DPA). UK GDPR 2021 and the DPA together form data protection law in the UK
- Sexual Offences (Amendment) Act 1992
- Children's Act 2004
- Freedom of Information Act 2000 (hereafter FOIA)
- Constitutional Reform and Governance Act 2010
- Representation of the People Act 2002
- Environmental Information Regulations (2004)
- Prison Services Instructions (PSIs) 04/2018

Explore York Libraries and Archives is a Mutual Society and therefore not subject to the Freedom of Information Act. However, the archives in our care remain the legal property of the City of York Council (CYC) and are therefore subject to relevant information legislation.

This policy should be read in conjunction with the following policies:

- Explore Archives Access Policy
- Explore Archives Collections Care and Preservation Policy
- Explore Archives Collections Development and Information Policy
- CYC Records Retention Schedules

This policy supports the key organisational priorities outlined in the Explore York Libraries and Archives Strategic Action Plan 2024-2027:

- Getting the Basics Right
- Engaging our Communities
- Building the Future

### 3. Key terms

**Born-digital records:** those records that have been created, in the first instance, in a digital format (e.g. a Word document)

**Digitised records/digital surrogates:** digital copies of physical records

**Personal data** (as defined by the DPA 2018):

‘Personal data’ means any information relating to an identified or identifiable living individual

**ICO:** Information Commissioner’s Office

### 4. Scope and purpose

This policy applies to all the archival records in our care. This includes paper/parchment records, born-digital records, digital surrogates, photographs, and audio-visual material regardless of format.

The policy provides a standardised and transparent access framework for our users, stakeholders, and staff. It is designed to benefit those who wish to access information, while also mitigating any risks to the long-term preservation of the archives, or from non-compliance with the legislation that governs access to our collections.

### 5. Introduction

We may restrict access to records for the following reasons:

- The records are fragile or need conservation and may be damaged by handling or may pose a risk to the person handling them (e.g. mould-damaged records)
- The item is a born-digital record and is in a format that cannot be made available as a hard-copy
- Material is uncatalogued and access would risk non-compliance with legislation
- To comply with the legislative framework that governs access to information in our collections

We record information on access conditions on our online catalogue in the **Conditions Governing Access** area of our archive descriptions. There is a large programme of work in place to update all our catalogue entries to ensure this information is current and to let our users know how long any restrictions will apply. This will take a number of years to complete. In the meantime, we ask visitors to our Reading Room to pre-book items wherever possible as this allows us time to assess any restrictions.

For the purposes of DPA, Explore Archives adopts the following ICO recommendations regarding calculations of lifespan where the age of the subject is not known:

- Assume a lifespan of 100 years
- If the age of an adult is not known, assume that they were 16 at the time of the records
- If the age of a child is not known, assume they were less than 1 at the time of the record

## 6. Access to records restricted for non-legislative reasons

### 6.1 Fragile, dirty, or damaged records

Access to these records will be based on the following assessment of risk:

- Is there a risk of further damage to the record
- Does the record pose a potential risk to the user (e.g. mould-damaged records)

Wherever possible we will put in place measures to reduce this risk and provide access by cleaning the item and/or asking researchers to wear PPE. We may decide to provide access by supplying a digital copy.

### 6.2 Uncatalogued records

Uncatalogued collections can be very unstructured and chaotic, making it difficult for us to comply with legislation, particularly GDPR. For this reason, it may not be possible to provide access to these collections.

### 6.3 Born-digital records

The archive service is in the process of developing and improving access to our born-digital records in our Reading Room and online. In the meantime, we will provide access – where legislation and record format permits – by printing out a hard-copy of the record for consultation in our Reading Room.

### 6.4 Depositor restrictions

Some private archive collections may be deposited with specific access restrictions requested by the depositor. Where we think the request is reasonable and have agreed to these conditions, we will uphold the restrictions. This type of restriction applies to very few of our records. If you have a particular research interest it may be possible for us to negotiate access with depositor.

Some of our collections are subject to historic depositor restrictions. In these cases, we will review the restriction to decide if it still applies. This may involve consultation with the depositor or their heirs, where this is possible.

## 7. Access to records restricted under legislation

The restrictions to be applied in accordance with legislation are outlined below. Where legislation permits, we may be able to provide access to original records, however, some records contain highly sensitive information about unrelated cases/individuals on the same page. In these instances, and where legislation allows, we will endeavour to provide the requested information as an extracted copy or a redacted copy.

### 7.1 Court records

**Magistrates Court records less than 20 years old**

[Absolute exemption from access](#) [FOIA, s. 32]

Anyone wishing to access records less than 20 years will need to direct their enquiry to the appropriate court.

**Court Records between 20 to 100 years old** (including Quarter Sessions, Magistrates Court, Police Court, and Petty Sessions)

[Restricted for 100 years](#) [DPA, FOIA s. 40, Children's Act 2004, Sexual Offences (Amendment) Act 1992 s.1]

These records may contain highly sensitive information on individuals, including juveniles and victims of sexual offences. Information in these records is typically entered chronologically, with multiple cases appearing on one page. For this reason, it is necessary to restrict access to some series of records for the full 100-year period.

Researchers wishing to access these records will need to complete an Access to Restricted Records form, which will be reviewed by an archivist. It may be necessary to refer access requests to the courts.

## 7.2 Coroners records

**Coroners inquests less than 20 years old**

[Absolute exemption from access](#) [FOIA s. 32, s.38]

Anyone wishing to access records less than 20 years old will need to direct their enquiry to the [North Yorkshire and York Coroner's Office](#).

**Coroners' inquests 20 to 75 years old**

[Restricted for 75 years](#) [DPA and FOIA s.38]

[Access reviewed by Coroner's Service](#)

These records may contain sensitive personal data relating to individuals involved in the inquest process, as well as distressing details (e.g. witness statements, images).

All requests to view inquest files between 20 and 75 years old must be directed in the first instance to the [North Yorkshire and York Coroner's Office](#).

**Coroners' inquests between 75 and 100 years old**

[Restricted for 100 years](#) [DPA and FOIA s. 40]

[Access reviewed by Explore Archives](#)

These records may contain sensitive personal data relating to individuals involved in the inquest process (e.g. witness statements). Anyone wishing to access these records will be asked to complete an Access to Restricted Records form and the request will be reviewed by an archivist.

**Other Coroners records 100 years old or less**

[Restricted for 100 years](#) [DPA and FOIA s. 38 and s.40]

Non-inquest coroners records may contain sensitive information on individuals, and information on multiple unrelated cases may be displayed on the same page. Anyone wishing to access these records, may be asked to complete an Access to Restricted Records form, which will be reviewed by an archivist.

## 7.3 Prison records

**Prison records less than 20 years old**

[Absolute exemption from access](#) [FOIA, s. 32]

Anyone wishing to access records less than 20 years will need to direct their enquiry to the appropriate prison.

#### **Prison records between 20 and 100 years old**

[Restricted for 100 years](#) [DPA, FOIA s. 31 and 40, PSI 04/2018, and Sexual Offences (Amendment) Act 1992 s.1]

These records contain highly sensitive information on individuals and may contain information on victims of sexual offences.

Anyone wishing to access these records will be asked to complete an Access to Restricted Records form and the request will be reviewed by an archivist. It may be necessary to refer access to the depositing body.

#### **7.4 Police records**

[Restricted for 100 years](#) [DPA and FOIA s. 40]

These records may contain sensitive information on individuals who are victims of or have been involved in crimes. Anyone wishing to access these records will be asked to complete an Access to Restricted Records form and the request will be reviewed by an archivist.

#### **7.5 Local Authority Records**

Records of CYC and its predecessor bodies make up a significant part of the archive collections. Any council records containing personal data will be subject to restricted access for 100 years. It may be necessary to refer access to the council.

#### **School records**

[Restricted for 100 years](#) [DPA, FOIA s. 40, ICO s. 50 Decision Notice FS50314844]

Records will be restricted for 100 years where they contain personal data. Some school records include sensitive information, such as pupil medical histories or punishments. The type and level of detail recorded can vary greatly between and within items, particularly in school logbooks. For this reason, it may be necessary to restrict whole series of records. Anyone wishing to access these records may be asked to complete an Access to Restricted Records form and the request will be reviewed by an archivist. The following is a list (not exhaustive) of the types of school records that will be restricted:

- Logbooks that contain personal data
- Admission registers
- Photographs where individuals can be identified
- Minutes that contain personal data

#### **Poor Law Records (including the records of the York Poor Law Union and the Public Assistance Committee)**

[Restricted for 100 years](#) [DPA and FOIA s. 40]

Records will be restricted for 100 years where they contain personal data. Some Poor Law records contain sensitive data on individuals such as medical information, religion, punishments, and details of care. Anyone wishing to access these records will be asked to complete an Access to Restricted Records form and the request will be reviewed by an archivist.

### **Children's and adult care records (including children's homes)**

[Restricted for 100 years](#) [DPA and FOIA s. 40]

Records will be restricted for 100 years where they contain personal data. Some records contain sensitive information on individuals. Anyone wishing to access these records will be asked to complete an Access to Restricted Records form and the request will be reviewed by an archivist.

### **Electoral Registers**

Current Electoral Register

[Restricted](#) [Section 109A of the Representation of the People (England and Wales) Regulations 2001 (amended 2006)]

The archives service provides access to the **current** register on behalf of CYC's Electoral Services.

The following restrictions apply:

- Individuals may consult the current full electoral register for electoral purposes only, namely, to check their own entry or to object to an entry.
- Anyone who fails to observe these conditions is committing a criminal offence and could be fined up to £5000.
- Researchers will be required to sign a form agreeing to the above access restrictions

Registers of electors 10 years old or less (excluding current register)

[Restricted](#) [Section 109A of the Representation of the People (England and Wales) Regulations 2001 (amended 2006)]

The following restrictions apply:

- The register is open to public inspection, under supervision
- Extracts from the register may be recorded only by making handwritten notes (no laptops)
- Photocopying or electronic recording, photography or scanning is not permitted
- Information taken from the register must **not** be used for direct marketing purposes unless the information has been published in the edited (open) version of the register
- Archive/library staff are not permitted to convey information from the register via email or telephone

Anyone who fails to observe these conditions is committing a criminal offence and could be fined up to £5000.

Researchers will be required to sign a form agreeing to the above access restrictions.

Registers of electors over 10 years old, where individuals may still be living

- The register is open to public inspection, under supervision
- Extracts from the register may be recorded by any means
- Photography is permitted on completion of our self-service photography form (charges apply)
- Information taken from the register must **not** be used for direct marketing purposes unless the information has been published in the edited (open) version of the register

- Archive/library staff are permitted to convey information from the register via email or telephone

All researchers accessing these registers will be informed of their responsibilities under DPA.

## 8. Access to other records containing personal information

Any records in our collections that contain personal information about living individuals will be subject to Restricted Access for the lifespan or estimated lifespan of the individual. We will do our best to assist researchers within the framework of the relevant information legislation.

## 9. Subject access requests

Anyone wishing to access personal information on themselves that may be within our collections will need to make a Subject Access Request via the Information Governance team at CYC. Information on how to submit a request is available on the council's website.

## 10. Roles and responsibilities

The Head of Archives has overall responsibility and oversight of this policy. The archives team at Explore have responsibility for the operational implementation of this policy within the service. CYC's Information Governance team support this policy through their records management activities.

If you would like to provide feedback on this policy, please contact [archives@exploreymork.org.uk](mailto:archives@exploreymork.org.uk)

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| 1.0             | 20/06/2025 | Part replaces Archives and Local History Access Policy, (amended 2021) |
| 1.1             | 29/08/2025 | Minor wording and layout changes                                       |
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