

Takedown and reclosure policy

1. Policy statement

Explore is committed to making our collections as open and as accessible as possible, and we are continually looking at ways to expand engagement with our holdings both in-person and online. This aligns with our organisational Strategic Action Plan, which includes the following key activities:

- inspiring opportunities for people to learn, imagine, create and share ideas
- Inspiring people of all ages to learn, imagine, create and share ideas
- Engaging people with the culture and heritage of our City

We recognise however that another of our key activities, the custodianship of the city archives, comes with legal, ethical, and professional responsibilities that may result in the removal of material from public access in some circumstances (as per Section 6 of this policy).

2. Policy context

The policy aligns with current best practice in the archives sector and is informed by the following legislation:

- 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
- Freedom of Information Act 2000 (hereafter FOIA)
- Environmental Information Regulations (EIR) 2004
- Human Rights Act 1998
- Copyright, Designs and Patents Act 1988 and subsequent legislation

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

- Explore Archives Collections Development and Information Policy
- Explore Archives Access Policy

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

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

3. Key terms

Open records: when archive material is made available to the public either online or in our Reading Room

Takedown: when archive material and associated metadata made online is removed from the internet.

Reclosure: when previously 'open' archive material is reclosed and not available to researchers

Digitised records: digital copies of physical records. Also known as digital surrogates.

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

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

'Personal data' means any information relating to an identified or identifiable living individual (otherwise known as a data subject)

Metadata: information about other data, such as catalogue descriptions of archive material

4. Scope and purpose

This policy applies to:

- All formats of records, both digital and physical, that have been transferred or gifted to the archive service for permanent preservation.
- Born digital or digitised archive material and associated metadata published online, including but not limited to:
 - the Explore York Libraries and Archives website
 - the archives online catalogue
 - the digital archives public portal
 - Explore's social media accounts
 - archive material made available on websites of our commercial partners

The policy does not apply to archive material that is already closed at the request of the depositor or in accordance with Information Governance legislation.

This policy provides a framework for our separate Takedown and Reclosure Procedures, and gives staff, users, and affected individuals transparent and accessible guidelines.

5. Introduction

The archive service makes every effort to assess, catalogue, and make publicly available the collections in accordance with Copyright and Information Governance legislation. When we make material available in our Reading Room and online, we endeavour to check for any possible risks of damage to third parties that may result from this public access. Where digital material is available to users, we provide clear terms and conditions of use at the point of access. We do however recognise that there may be some legitimate situations where it may be necessary to review decisions. This review process may result in the takedown of online material or the reclosure of material. The archive service is also undertaking a comprehensive internal review of historical access decisions as part of our **Setting the Record Straight Project**, but this will take some years to complete.

6. Criteria for takedown and reclosure

The decision to takedown or reclose material is unusual and will be guided by legal obligations, public interest, and archival best practice. Further, one of the following criteria (as specified by The National Archives) must have been met:

- Material made available in good faith is now considered to be subject to an exemption under FOIA or the Environmental Information Regulations (EIR) 2004 owing to changed circumstances, and the public interest lies in withholding it from public access.
- The material was made available in good faith but has subsequently been found to contain personal or sensitive personal information and continued access would be unlawful or unfair under DPA or Human Rights Act 1998.
- Material was made available in error and reclosure or takedown is required to rectify a mistake.
- Making the material available online is an infringement of copyright.
- The online material is defamatory or obscene.
- The material has acquired sensitivity by virtue of being made available online.

7. Procedures

Information on submitting a takedown or reclosure request are available on our website.

8. 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. Explore acknowledges the guidance published by The National Archives relating to Takedown and Reclosure.

If you would like to provide feedback on this policy, please contact archives@explore.org.uk

Document control	
Author: JA Vickers, Head of Archives	
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Approval body: Explore Board, City of York Council	
Version: 1.1	Date Approved: 27/10/2025
Date for review: March 2027 and thereafter every three years, or as required.	

Version control		
Version	Date	Summary
1.0	20/06/2025	New policy created to meet best practice
1.1	30/08/2025	Minor wording and layout changes