



*West Yorkshire
Archive Service*

Access to Records Policy

November 2006

West Yorkshire Archive Service (WYAS) collects, preserves and makes available the sub-region's documentary heritage, for legal purposes and historical research. The Service is funded by, and works on behalf of, the five Metropolitan District Councils of Bradford, Calderdale, Kirklees, Leeds and Wakefield, as part of a larger organisation, West Yorkshire Joint Services. West Yorkshire Archive Service incorporates the following repositories:

WYAS Bradford

Bradford Central Library
Prince's Way
Bradford BD1 1NN
t. +44 (0)1274 435099
e. bradford@wyjs.org.uk

WYAS Calderdale

Central Library
Northgate House
Northgate
Halifax HX1 1UN
t. +44 (0)1422 392636
f. +44 (0)1422 341083
e. calderdale@wyjs.org.uk

WYAS Kirklees

Central Library
Princess Alexandra Walk
Huddersfield HD1 2SU
t. +44 (0)1484 221966
f. +44 (0)1484 542297
e. kirklees@wyjs.org.uk

WYAS Leeds

2, Chapeltown Road
Sheepscar
Leeds LS7 3AP
t. +44 (0)113 214 5814
f. +44 (0)113 214 5815
e. leeds@wyjs.org.uk

WYAS Wakefield

Registry of Deeds
Newstead Road
Wakefield WF1 2DE
t. +44 (0)1924 305980
f. +44 (0)1924 305983
e. wakefield@wyjs.org.uk



Access to Records Policy

West Yorkshire Archive Service will make all of the records (or the information they contain) that it holds routinely available for public consultation and research unless access is:

- Prevented by statutory exemption (see below)
- Against the wishes of a private depositor
- Likely to risk loss of a depositor's property
- Likely to cause physical damage to an item
- Provided for by a surrogate copy (with the aim of preserving the original)

The restrictions outlined above may be waived:

- For depositors consulting their own records subject to adequate identification and preferably with advance notice
- For researchers authorised (in writing) by the depositor, preferably with advance notice
- For Government security or law enforcement agencies, in line with the provisions of the Freedom of Information Act.

The statutory framework for access to records held by West Yorkshire Archive Service is provided principally by the following:

- Local Government (Records) Act 1962
- Local Government Act 1972 (s.224)
- Public Records Acts 1958 & 1967
- Data Protection Act 1998 (hereafter "DPA")
- Freedom of Information Act 2000 (hereafter "FOIA")
- Representation of the People Act 2002
- Environmental Regulations 2004
- Church of England Parochial Registers and Records Measure 1978, amended 1998
- Manorial and Tithe Documents Rules issued under the Law of Property Acts 1922 & 1924 and the Tithe Act 1936

Exemptions (Closure Periods)

Court Records (Quarter Sessions, Petty Sessions, Magistrates Courts, County Courts), FOIA s.32, Sexual Offences (Amendment) Act 1992 s.1

Exempt for 30 years, except in relation to sensitive personal data (e.g. record identifies the victim of a sexual offence) – 100 years. Certain categories of people, including ex-offenders, are allowed access to some information in exempt court registers. Anyone requiring access to records less than 30 years old should obtain authorisation from the appropriate court.

Adoption Registers may include exempt information under DPA and the Adoption and Children Act 2002. For access to information in adoption registers less than 100 years old, please apply in the first instance to the Head of Archives for access. Please note that we may need to contact the appropriate court for their permission to release any data from the archives.

Coroners' Records, FOIA s. 32

Exempt for 30 years. Coroners' records are treated as Court records under FOIA and are covered by an absolute exemption until they are 30 years old. For access to information in coroners' records between 30 and 75 years old, please apply in the first instance to the Head of Archives for access. Please note that we may need to contact the depositing body for their permission to release any data from the archives.

Prison Records, Prison Service Order 1251 (this guidance is currently being re-written and this section may therefore be subject to alteration in due course)

Exempt for 30 years except for:

40 years - execution registers and registers of officers

70 years - governors' journals; chaplains' journals; medical officers' journals, visiting committee rota and minutes books; condemned cell occurrence books

100 years - medical records and prisoners' calendars which identify victims of sexual offences

Indefinitely - prison plans

National Health Service records, FOIA s.38, s.40, s.41, s.44, DPA and SI 2000 No.413

Exempt for 100 years for records containing sensitive personal data (except Registers of Deaths which are open). If it is unclear when an individual was born, make the following assumptions, following Best Practice Guidelines developed by Colin Gale and Catherine Redfern, *After the Hundred Year Rule*, Health Archives Group, 2004:

84 years medical records of adults

93 years medical records of children

100 years medical records of infants

Local Authority records (including West Riding County Council, West Yorkshire Metropolitan County Council, Metropolitan District and Borough Councils, Rural and Urban District Councils, Civil Parishes and Townships) come under the jurisdiction of FOIA and will generally be presumed to be open except for: Records relating to legal actions or investigations, exempt s.30 (1), 30 years and where DPA and other legislation applies in relation to personal data (e.g. minutes giving case details of children in care) – 100 years.

Specific categories of local authority records are exempt for longer periods:

Adoption Records, Children's Homes, Reformatory Schools and other Social Services records containing personal data, FOIA s.40, s.41, DPA, SI 2000 No.415, Adoption and Children Act 2002

For access to information in social services records less than 100 years old, those with a *bona fide* interest, such as adopted children, should apply in the first instance to the relevant Social Services department. Please note that we usually require the permission of the depositing body before releasing any data from the archives.

School records, FOIA s.40, DPA and SI 2000 No.414

In the absence of national guidelines on third party access to school records, the West Yorkshire Archive Service will apply the following guidelines;

Exempt for 30 years - Log Books and Admission Registers

Exempt for 30 years - Managers' and Governors' minutes

Exempt for 75 years - Punishment Books

Individuals are entitled to information about themselves, and should in the first instance apply to the Head of Archives for access to records less than 30 years old (75 years for punishment books). Please note that we may need to contact the depositing body for their permission to release any data from the archives.

Poor Law and Public Assistance Institutions, FOIA s.40 and DPA

Exempt for 100 years - sensitive medical records and creed registers

Electoral Registers, Representation of the People Act, 2000 and SI 2006 no.752

The current electoral register is available primarily for electoral purposes alone and enquirers should apply to the office of electoral registration for the relevant Metropolitan Council.

From 2002 there have been two versions of the electoral register produced: the full version and an edited version of the full register.

Non-current electoral registers are open (both edited and full versions for post-2002 registers) but there are restrictions on copying the full version.

Police records, West Yorkshire Police Force Policy on Archives

Exempt 100 years - personnel information

Exempt 100 years - disciplinary or complaint records

Exempt 30 years - general policing issues

Access to Other Records Containing Personal Information

Certain records which contain personal information about living individuals may be exempt under DPA. Individuals are entitled to information about themselves, and should in the first instance apply to the Head of Archives for access. Please note that we may need to contact the depositing body for their permission to release any data from the archives.

Third party requests for information on other individuals: enquirers should apply to the Head of Archives for access, including relevant details such as the date of death of the person in question. Please note that we may need to contact the depositing body for their permission to release any data from the archives. The request will then be assessed against the interest of the individuals and the records.

Privately Deposited Records

Some of these records may be subject to exemption periods agreed between West Yorkshire Archive Service and the depositing body. The principal types of privately deposited records which may be exempted are:

- Church records
- Charity records
- Business records
- Personal records

West Yorkshire Archive Service may apply specific exemption periods in consultation with the depositing body of any privately deposited collection. These exemptions include:

Methodist records

Minutes - exempt for 30 years

Confidential material – exempt for 75 years (complaints, disciplinary records, assessment files)

Roman Catholic records

Exempt for 100 years – registers of baptisms, marriages and deaths