



Bromley Historic Collections

Statement on access to restricted records

Introduction

Bromley Historic Collections is committed to making the records in our care accessible to as wide an audience as possible.

However, in some cases we are restricted from making records widely available for research due to restrictions set out in legislation, due to the physical condition of the record or because the collection is uncatalogued.

This statement is intended to inform about some of the reasons why records might have restrictions to access, the closure periods that might apply and how to apply for access to restricted access records.

This statement will be reviewed annually to take into consideration changes to legislation and developments in case law.

Statutory position and obligations

A variety of legislation governs the care and access to archives held by Bromley Historic Collections.

Public Records Acts, 1958 and 1967. In section 4.1 the Public Records Act provides for the storage of public records (the records created by central government or government bodies) over 30 years in an appointed place of deposit outside the Public Record Office (now The National Archives). We are a designated place of deposit for public records.

Data Protection Act 1998. The Data Protection Act 1998 (DPA) regulates the processing of information relating to individuals and restricts access to personal data. Section 33 of the DPA permits personal data to be processed for research purposes, including statistical or historical purposes, in compliance with the relevant conditions, and to be kept indefinitely. DPA also grants a right of access to an individual, to any information held about them (known as a Data Subject Access Request) and to request a copy of this information in a permanent legible form.

The Freedom of Information Act (FOI), 2000. FOI applies to all information held by or behalf of a public authority.

Access restrictions to uncatalogued collections

Bromley Historic Collections do not generally allow access to uncatalogued collections.

An uncatalogued archive collection is known as an accession. Some of our archive accessions are accessible on our online archive catalogue. These records will appear on the catalogue with the level 'Not fully listed, please contact for assistance'.

Requests for access to uncatalogued archive collections will be dealt with on a case by case basis.

Details of newly received collections are published annually via The National Archives and can be viewed here: <http://www.nationalarchives.gov.uk/accessions/>

Access restrictions due to physical condition

At times a record may be under restricted access due to its condition. If this is the case the 'access status' field on our online catalogue will state 'unfit for production. Please seek assistance for access conditions'.

Where possible we will endeavour to assist you to view these records under staff supervision. Alternatively it may be possible for staff to access the material on your behalf if you have a specific enquiry.

Access restrictions due to legislation

The Data Protection Act restricts access to records which contain sensitive personal information for the lifetime of a person. A lifetime is assumed to be 100 years therefore the following closures apply;

- if the record relates to an adult, a closure period of 84 years will be applied (assumed age of 16 to be classed an adult),
- if the record relates to a child a closure period of 96 years will be applied (assumed age of 4 to be classed a child) and
- if the record relates to an infant (assumed age of 0), or if the record contains a mixture of adults, children and infants a 100 year closure period will be applied.

Once an individual is deceased, their personal data is no longer covered by the Data Protection Act. However, the impact on living relatives will be considered prior to disclosure.

Under the Data Protection Act sensitive personal data is information which provides details on: racial or ethnic origin, political opinions, religious beliefs, membership of a trade union, a physical or mental health condition, their sexual life, committing or alleged committing by them of any offence or any proceedings detailing that offence.

Applying for access to restricted records

In certain circumstances it is possible to provide access to restricted material.

Records concerning living named individuals

The Data Protection Act grants the right of access to an individual's personal information, and we are required to provide a permanent copy of this information.

On occasion information on many different individuals will be found in the same archive record and our staff will have to extract or redact the relevant information in order to maintain the confidentiality of third parties.

To obtain copies of information, a data subject access request needs to be submitted in writing with current proof of identity. Copies of the data subject access request form are available to download from:

http://www.bromley.gov.uk/downloads/file/451/personal_data_request_form, or a physical copy is available from staff at Bromley Historic Collections.

Historical or statistical research

Section 33 of the Data Protection Act permits use of personal data for research purposes, including statistical or historical purposes, providing that the data is not used to support decisions with respect to particular individuals and will not cause substantial damage or distress to any data subject.

A researcher may request in writing access to closed records for the purpose of historical research. Each application will be accessed on a case-by-case basis, depending upon the subject matter, research topic and outcome. If access is granted a data access form for historical research needs to be completed, and the researcher will have to undertake to comply with section 33 of the Data Protection Act and anonymise all personal data. Forms are available by contacting staff at Bromley Historic Collections.

Records concerning deceased persons

Although the Data Protection Act does not apply to deceased persons, at times information concerning a deceased will be contained in a restricted archive record which also contains information on living individuals.

To access these records a data access form for deceased individuals will need to be completed and proof of death, such as a copy death certificate, obituary or burial record, needs to be provided. Forms are available by contacting staff at Bromley Historic Collections.

Where possible we will allow the researcher to view the record, but at times our staff will need to extract this information to maintain confidentiality of third party information. This will be charged at the usual hourly research rate.

Bromley Magistrate Court records

Court records less than 20 years old are subject to an absolute closure under section 32 of the Freedom of Information Act 2000. No access to records less than 20 years old will be given.

Due to the mixed nature of court registers (information about adults and juveniles may be held in the same register), Bromley Magistrates Court have applied a 100 year closure period to their registers.

Any requests for access to registers under 100 years old should be made directly to the Magistrates Court who may be contacted via: 020 8437 3585 or gl-bromleymcenq@hmcts.gsi.gov.uk

Registers over 100 years old can be accessed at Bromley Historic Collections as no access restrictions apply.

Data collected by us

We abide by the Data Protection Act, 1998 in relation to information which we collect for the purposes of administration and statistical analysis. We will never disclose or transfer your details to third parties without your explicit consent.

Definitions

Closure period: The number of years during which access to the record is restricted. During the closure period, the record will not be available to the public for research in the searchroom, although information may be extracted on request in accordance with legislation.

Data Subject Access Request: A request by an individual for personal data held about them. The request can also be made by a third party, with permission from the individual concerned.

Personal data: Information about any living individual who can be identified from the data itself.

Sensitive personal data: As defined by the Data Protection Act 1998 sensitive personal data is information which provides details on racial or ethnic origin, political opinions, religious belief, trade union membership, physical or mental health, sexual life, offences committed or alleged to have been committed.

