

Jersey Heritage

Jersey Archive - Closed Records Policy

Background

The Jersey Archive holds a number of records series that are closed to public access for a specified number of years under the Public Records (Jersey) Law 2002. This policy seeks to clarify the procedures that Jersey Heritage staff and the Records Advisory Panel should follow when closing a series of records for longer than the standard 30 year closure period specified in the Law.

General Principles

- 1) Jersey Heritage will conform with any legal requirements placed on it by the Public Records (Jersey) Law 2002 and the Data Protection (Jersey) Law 2005.
- 2) Jersey Heritage will monitor developments in the Draft Freedom of Information (Jersey) Law and update this policy accordingly.
- 3) Under the Public Records (Jersey) Law 2002 a record is in the open access period if it has reached 30 years of age. Or if it has been previously available to members of the Public.
- 4) The age of a record is calculated from the last date that data was added to that record.
- 5) Jersey Heritage seeks to protect individuals whilst ensuring that records are open to public access as soon as the current legislation allows.
- 6) Jersey Heritage staff with responsibility for cataloguing Public Records should ensure that they are fully cognisant with the exemptions to access stated in part 5 article 31 of the Public Records (Jersey) Law.
- 7) Jersey Heritage will ensure that no records series are closed for an unspecified amount of time and that no series will be closed for longer than 100 years.

Procedure

Under the Public Records (Jersey) Law 2002 the Records Advisory Panel or the States of Jersey have the right to approve a different open access period on a specific series of public records with the consent of the depositing Institution's Public Records Officer.

Jersey Heritage Staff should adopt the following procedure when cataloguing Public Records.

- 1) When cataloguing a collection of Public Records members of staff should assess the record series against the exemptions to access stated in part 5 article 31 of the Public Records (Jersey) Law 2002
- 2) If staff believe that one or more of the record series within the collection should be closed to public access for longer than the 30 year period specified within the Public Records (Jersey) Law 2002 they should consult with the Head of Archives and Collections stating:
 - a. details of the record series,
 - b. type of exemption e.g. Part 5 of the Public Records (Jersey) Law 2002, Article 31, Section (b)
 - c. reasons to support the exemption to public access after 30 years.
- 3) The Head of Archives and Collections, if she/he agrees with the exemption to access, will consult with the Public Records Officer (PRO) of the Institution and recommend a closure period of longer than 30 years.
- 4) With the agreement of the PRO the Head of Archives and Collections will ask the Records Advisory Panel to agree and approve a different open access period for the specified series of records.

Review

- 5) Before any record that falls within a longer than 30 year open access period is opened to the public the Head of Archives and Collections will review the record and consult with the PRO.
- 6) If the Head of Archives and Collections and PRO agree that the record should be subject to an additional closure period the Head of Archives and Collections will ask the Records Advisory Panel to approve the additional closure.

Dispute Resolution

Any disputes under the above procedure may be referred by the Minister for Education Sport and Culture, Jersey Heritage, the Archivist, the Panel or a public institution to the Bailiff for resolution if it is a dispute involving any 2 or more of those parties.

Opening of Closed Records

Each November the Head of Archives and Collections will check which records are due to be opened the following year. He/she will review the records and contact the relevant PRO to agree that the records can be opened to public access.

The records will then be opened to public access on the 2nd January.

Public Rights to View Closed Material

Part 5, article 29 of the Public Records (Jersey) Law 2002 allows an individual to view a public record that is not in the open access period or is exempt from access if they have the consent of the PRO of the institution who created the record.

Jersey Heritage will allow an individual access to records under this article provided that:

- 1) The PRO sends a signed letter to the Head of Archives and Collections specifying the name of the individual who has the right to view the record(s) and the record(s) covered by the permission letter.
- 2) If the individual has the right to have a copy made of the records this should be specified in the permission letter.
- 3) Jersey Heritage reserves the right, in the case of a document that contains references to a number of individuals, to extract the specific information requested under part 5 article 29 and present it in a surrogate format.

Private Records

Jersey Heritage recognises that any private records within its care, whilst they are not subject to the Public Records (Jersey) Law 2002, are subject to the Data Protection (Jersey) Law 2005. Jersey Heritage will undertake to follow the Data Protection (Jersey) Law 2005 to ensure that the interests and rights of any individuals mentioned in records deposited by a private body are treated appropriately.

This Policy should be read in conjunction with the following documents;

Closed Records – Guidelines for Staff

Agreed by the Jersey Heritage Board 13/12/2007