

## **Jersey Heritage**

### **Jersey Archive – Closed/Exempt Records Policy**

#### **Background**

The Jersey Archive holds a number of records series that are closed to/exempt from public access for a specified number of years under the Public Records (Jersey) Law 2002 and the Freedom of Information (Jersey) Law 2011.

This policy seeks to clarify the procedures that Jersey Heritage staff follow when closing a series of records.

#### **General Principles**

- 1) Jersey Heritage will conform with any legal requirements placed on it by the Public Records (Jersey) Law 2002, the Data Protection (Jersey) Law 2005 and the Freedom of Information (Jersey) Law 2011.
- 2) Under the Public Records (Jersey) Law 2002 a record is in the open access period if it has reached 30 years of age. Records transferred to the Archive before 31<sup>st</sup> December 2014 are still subject to these closure periods under FOI Regulations.
- 3) Records transferred to Jersey Archive after 1<sup>st</sup> January 2015 are open to the public or non-exempt unless a public authority applies an exemption under the FOI law.
- 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 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**

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

- 1) When cataloguing a collection of Public Records members of staff should follow the exemptions provided by departments when records are transferred to Jersey Archive.
- 2) If the collection was transferred on or prior to 31<sup>st</sup> December 2014 staff should close all records not already available to the public for 30 years under regulations.
- 3) In the course of cataloguing, if staff believe that one or more of the record series within the collection should be exempt from public access but the

public authority has not requested an exemption they should consult with the Archives and Collections Director stating:

- a. details of the record series,
  - b. type of exemption they believe applies
  - c. reasons to support the exemption to public access
- 4) The Archives and Collections Director, if she/he agrees with the exemption to access, will consult with the Public Records Officer (PRO) of the Institution.

### **Opening of Closed Records**

Each November the Archives and Collections Director 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 2<sup>nd</sup> January.

### **Public Rights to View Closed or Exempt Material**

Members of the Public can contact a public authority to request access, under Freedom of Information, to a record(s) that has been catalogued as exempt or closed.

It is the responsibility of the public authority to review the relevant record(s) and to respond to the FOI request.

Jersey Heritage will allow an individual access to records that are exempt or closed provided that:

- 1) The PRO sends a signed letter to the Archives and Collections Director 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 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 or Freedom of Information (Jersey) Law 2011, 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, Reviewed December 2014, September 2020