

Jersey Heritage

Takedown and Reclosure Policy

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Takedown and Reclosure Policy

This policy sets out the circumstances under which material is taken down from our website, and/or information previously available in transferred records is reclosed.

Scope of the policy

The takedown policy applies to material on our own website.

The reclosure policy describes the circumstances in which information in open records may be subsequently closed by the creator. It applies to records (including digital records) that have been transferred to Jersey Heritage for preservation as archives.

Guiding Principles

Takedown

As a general rule, information including copies of original documents, published on the website will be considered to be in the public domain and will be removed from the website only in exceptional circumstances, at the discretion of Jersey Heritage.

The information will be regarded as having been removed temporarily and may be restored at a date decided by Jersey Heritage.

In what circumstances might material be taken down from the website?

Material will be taken down temporarily, where possible, on receipt of a request from a member of the public or a government department.

Public Records

If the material is a public record the request will be referred to the public institution that transferred that record to Jersey Archive.

If there is a Takedown request, to remove information from our website concerning records received from Public Inquiries and other short-term bodies such as Independent Inquiries, information may not always be immediately removed from public access as part of a Takedown Request. This is due to the high-profile nature and content of Inquiry records which have been selected by the Inquiry chair to be made available at Jersey Archive as part of the transparent record of the Inquiry.

A Takedown request concerning records received from Public Inquiries will be referred to the Government of Jersey Department or institution that instigated the Inquiry.

In the case of public records the institution that created the record shall decide whether to uphold the Takedown request.

Private Records/Museum Collections

If the material is a private record or museum collection the case will then be considered by the Jersey Archive Strategic Team and/or Collections Management Team with external advice as appropriate.

In the case of private records or museum collections the following will be considered:

- The material is personal information about someone who is still alive and continued online access would be unlawful or unfair to them under data protection legislation, would breach their or their family's right to a private and family life under the Human Rights (Jersey) Law 2000

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- Making the material available online is an infringement of copyright
- The material is defamatory or obscene
- Continued online access would cause an administration serious and real administrative difficulties and it has requested takedown for a specified and limited period of time
- The material was released in error and removal is required to rectify a mistake
- The age of the material, how long it has been in the public domain, whether the material is likely to be available elsewhere and the public interest.

Should the member of public disagree with a decision not to takedown information, then they have the right to appeal to the Archives, Collections and Ethics Committee of the Jersey Heritage Board of Trustees.

The removal of online material for reasons of Data Protection or sensitivity will be considered temporary and may be restored at a date when Jersey Heritage considers its sensitivity has subsided.

The removal of material for reasons of copyright will be treated as lasting until copyright in the material expires or the rights-holder agrees that the material can be reinstated.

Reclosure

Paper/original formats of any online material taken down under Takedown policy will be reviewed by the public institution or the Jersey Archive in the case of a private collection, to assess whether the material should be subject to reclosure.

Assessment will be triggered by a request from a member of the public, a government department, a referral from a Takedown request, or a member of staff at Jersey Heritage. When such a request is received the record will be temporarily removed from the public domain whilst assessment takes place.

Access to records received from Public Inquiries and other short-term bodies such as Independent Inquiries, may not always be temporarily restricted whilst a decision is taken on reclosure. This is due to the high-profile nature and content of Inquiry records which have been selected by the Inquiry chair to be made available at Jersey Archive as part of the transparent record of the Inquiry. Once a decision has been made, the access status of the record will be amended appropriately.

This policy does not affect the statutory rights of members of the public to request access to a closed record by making a request under the FOI Law.

Should the member of public disagree with a decision not to reclose information, then they have the right to appeal to the Archives, Collections and Ethics Committee of the Jersey Heritage Board of Trustees.

Making a Request

Requests for reclosure or takedown must be submitted in writing to:

Jersey Archive
Clarence Road
St Helier
JE2 4JY
Email: archives@jerseyheritage.org

Your request should include your full name and contact details and full details of the material concerned including the unique catalogue reference number and/or web URL. You should also set out clearly the reason for the request.

We will provide a written response to your request within 30 working days, which will provide the rationale for the decision.