

Bristol Archives

Restricted records policy



Contents		Page
1	Items classed as 'unfit for production'	2
2	Surrogates	2
3	Unlisted collections	2
4	Depositor restrictions	2
5	Collections for which we are not the data controller	3
6	Information legislation	3
	6.1 Court records	4
	6.2 Prison records	4
	6.3 Police records	5
	6.4 School records	5
	6.5 Medical records	6
	6.6 Poor Law / workhouse records	6
7	Registers of electors	6
8	Coroners' records	7
9	Adoption records	7
10	Subject access requests	7

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Collections acquired by Bristol Archives are accepted only on the basis that they will become accessible to the public in due course, subject to current information legislation (see 4.1.13 Bristol Archives Acquisition Policy), and Bristol Archives is committed to providing access to the records it holds wherever possible. In a small number of cases, however, access to items may be restricted:

1. Items classed as 'unfit for production'

We hold many fragile documents within our collections. Unfortunately some of them are too fragile or damaged to allow them to be produced for public inspection and handling. These are classed as 'Unfit for production' or 'UFP' and this will be noted in the 'PhysDesc' field of the online catalogue. The exact nature of damage varies and could relate to loose covers and spines on volumes, or torn, water damaged, brittle or flaking paper or parchment. When an item has been classed as UFP, we may have been able to create a facsimile or surrogate and where possible this will be produced instead. Due to the variable nature of the form that UFP items take, if you have a legitimate need to consult a UFP document, we may be able to carry out an appraisal of its condition or extract specific information on your behalf.

2. Surrogates

If a facsimile copy has been made of a UFP document, a fragile document has been transcribed, items are available on microfiche/microfilm or the item has been published in book form, we will produce or direct users to the surrogate copy rather than the original. This is to prevent any further wear and tear or deterioration of the original item. If you have a legitimate need to view the original, please inform us of this and we can decide on access to the original on a case-by-case basis.

3. Unlisted collections

Until we have catalogued a collection, we have no way to tell what materials it contains, whether any of these items are sensitive or confidential, or whether they relate to what they claim to relate to. As we have no list of contents, we also have no way to keep track of which items are produced or viewed, and therefore we do not allow access to collections which are unlisted. If you are aware of a specific unlisted collection you wish to access, please consult us, as there may be a brief overview of contents available which could make parts of it suitable for consultation.

Please note however that as with any archival repository we have a backlog of historical collections which have not been catalogued yet, some of which are extremely large, as well as regular new deposits of material which we may not be able to catalogue straight away.

4. Depositor restrictions

Sometimes the depositor of a collection will ask for some or all of that collection to be closed to public access for a specific number of years. Where we feel this is appropriate, or it has been historically agreed with the depositor, we will enforce this. However, as a public authority, requests for specific information from these collections might be possible via a formal Freedom of Information request.

5. Collections for which we are not the data controller

In some cases we are the holders of the material but not the owners of the material, and in some of these cases the owners of the material are responsible for allowing or denying access to the collection. Examples of these collections are Kingswood Reformatory (28776) and Stoke Park Hospital Group (40686).

6. Information legislation

Although our aim is to make as much of our holdings available as possible, there are restrictions under specific acts of legislation which apply to particular categories of material which we must comply with. These are referred to in the rest of part 6 of this access statement:

Public Records Act 1958 (PRA)

Records transferred from certain public bodies (e.g. courts and hospitals) shall not be made available for public inspection until the expiration of 50 years (this was reduced to 30 years by the Public Records Act 1967).

Data Protection Act 1998 (DPA)

This regulates the processing of information relating to individuals and restricts access to the personal data of third parties. The Act restricts access to sensitive data for the lifetime of a person. If this is not known, the Act allows us to assume this to be 100 years. Once an individual is deceased, their data is no longer covered by the Data Protection Act, however the information may still be damaging to living relatives, and exemptions under the Freedom of Information Act may still apply instead. Please remember that the Data Protection Act covers all of the individuals and personal data present in a volume or on a page, and therefore we are required to protect this data even if you are looking for a specific person or entry.

Freedom of Information Act 2000 (Fol)

This Act allows members of the public to request access to information held by public authorities by making a formal request. We do not require researchers to make a formal request, however we use the various exemptions to producing information contained within the Act as guidance for maintaining access restrictions in addition to, or in place of, the Data Protection Act. The exemptions we base our restriction periods on are section 32 (absolute closure on court records), section 40 (information which constitutes sensitive personal data as defined in the Data Protection Act), section 41 (information provided in confidence) and section 44 (information which would breach another act of legislation).

With this legislation in mind, we apply the following restriction periods to the following classes of documents. **If you identify a document you wish to view which is marked as restricted, please contact us with the reference number and as much information as possible as to why you wish to view it and/or who you are researching.** Depending on whether we are able to find the information, we may either allow access to specific pages or parts of the document, or extract the relevant information from the document, protecting the personal data of the other persons recorded in the document.

6.1 Court records

JMag/J/1: Magistrates' Court records less than 30 years old
Closed under Fol 2000

Section 32 of the Freedom of Information Act provides an absolute exemption of access to court records under 30 years old.

JMag/J/1: Magistrates' Court records over 30 years old.
Restricted for 100 years under DPA 1998 and Fol 2000

Although adult court registers over 30 years old are accessible after the 30 year restriction, entries involving juveniles are restricted for 100 years under DPA 1998 (or an Fol s40 personal information exemption if the subject is deceased) as well as the Children's Act 2004 (an Fol s44 exemption for breach of another Act). In addition, cases identifying victims of sexual offences are restricted for 100 years under DPA 1998 and the Sexual Offences Act 2003 (Fol s40 and 44 exemptions as before). As these entries are included throughout the registers rather than separately, we must therefore restrict access to the entire series of registers for the full period.

JQS/D: Quarter Sessions docket/record books
Open

Section 32 of Fol provides an absolute exemption for court records under 30 years old, however as the Quarter Sessions were abolished in 1971, all items are now over 30 years old. The nature of the offences recorded also means these registers will not contain the types of information that requires the magistrates' registers to be restricted.

JQS/B: Quarter Sessions bundles
Restricted for 100 years under DPA 1998

Many of these case papers include information which was not provided in open court or released to the press and public, so are considered separately from the registers/docket books. Even if a data subject is deceased, Fol 2000 sections 40 (personal information) and potentially section 44 (breach of another act) as above would still apply.

JQS/P: Quarter Sessions papers
Open

Although these contain similar material to the bundles, they are over 100 years old.

6.2 Prison records

41405/Mgt/NM: Horfield Prison nominal registers
41405/Mgt/Cp: Horfield Prison calendars of prisoners
Restricted for 100 years under DPA 1998 and Fol 2000

These registers include juveniles, sensitive medical information and crimes of a sexual nature scattered throughout. Even if a data subject is deceased, Fol sections 40 (personal information) and potentially section 44 (breach of another act) would still apply.

6.3 Police records

Pol/

Mixed, depending on date and the information recorded

In 2003 the police records were re-catalogued and many items were marked as restricted under the Data Protection Act. Records are subject to restricted access as they contain information including names and addresses of those subject to sensitive crimes, involved third parties, named juveniles, and allegations which would not have been reported on as a matter of public record.

Access may be allowed to restricted records on a case-by-case basis, or we may be able to search them to see if specific information could be released. Please note that as the majority of items are chronological and unindexed, however, we would require a full name and fairly specific date.

6.4 School records

Admission registers (21131/SC/xxx/A)

Restricted for 100 years under DPA 1998

These contain personal data and can potentially contain sensitive personal data relating to pupils and parents, and each page of the register will contain information relating to many other third parties. However we are able to extract information from individual entries on request when provided with a name, date, and (in cases where the entry relates to the individual asking for access) proof of identity.

This restriction period also applies to items which were previously available on microfiche, however indexes remain available where possible.

Log books (21131/SC/xxx/L)

Restricted for 100 years under DPA 1998

Under the Public Records Act these were previously restricted for 30 years; however log books can contain sensitive medical and personal information relating to pupils, parents and staff, and are therefore covered by the Data Protection Act. Log books less than 100 years old may be requested, however a member of Bristol Archives staff will need to assess its contents. If the log book contains no sensitive information the restriction will be reduced to 30 years and noted on the catalogue entry for the reference of future searchers. If the log book does contain sensitive information, we may either restrict access to certain sections of the book or maintain the 100 years restriction on the entire volume.

Punishment books and other records relating to identified individual pupils.

Restricted for 100 years under DPA 1998

Even if a data subject is deceased, Fol 2000 section 40 (personal information) will still apply. In addition the volumes will contain information on numerous third parties (i.e. other pupils and staff).

6.5 Medical records

Registers and records containing clinical information

Restricted for 100 years under DPA 1998

Even if a data subject is deceased, Fol exemptions under sections 40 (personal information) and 41 (information provided in confidence) will still apply.

Registers of deaths containing clinical information

Restricted for 100 years under Fol 2000

Sections 40 (personal information) and 41 (information provided in confidence) apply, as well as the risk of potential damage and distress to surviving relatives.

Maternity registers

Restricted for 100 years under DPA 1998

Even if a data subject is deceased, Fol 2000 exemptions under sections 40 (personal information) and 41 (information provided in confidence) will still apply. Please note that maternity records are classed as being records relating to the mother, not to the child.

Asylum records

Restricted for 100 years under DPA 1998

Even if a data subject is deceased, Fol 2000 sections 40 (personal information) and 41 (information provided in confidence) will still apply. The volumes will also contain information on numerous third parties, and there is also potential for the information to cause distress to surviving relatives.

6.6 Poor Law / workhouse records

Open as all of the extant workhouse records are more than 100 years old. Please note that large numbers of workhouse records were destroyed during World War II.

7. Registers of electors

Under section 109A of the Representation of the People (England and Wales) Regulations 2001 (amended 2006), registers less than 10 years old can only be consulted in the Bristol Archives searchroom under supervision, and only hand written notes can be taken. No form of photographic, mechanical or electronic copying is permitted by law until ten years after their publication. The regulations also prohibit Bristol Archives from disclosing any information from these registers over the phone or in writing until 10 years after their publication. Data in the register can only be used for research purposes, and not for commercial activities such as mailshots.

8. Coroners' records

These are held by our Modern Records Unit on behalf of the coroner. All requests for information or access must be made to the coroner. Please note that all records 1835-1936 were destroyed by the coroner in 1936, however most inquests were reported in the local newspapers, which are held at Bristol Reference Library.

9. Adoption records

Adoption registers (1927-) and case files (1935-) are held by Bristol Magistrates' Court (Family Proceedings). Please note that before 1975 there was an understanding that no details of parents would be given out to adopted children. There was no formal system of adoption prior to the Adoption Act of 1927 and therefore adoptions before this date would have been a privately arranged matter. You may also wish to contact the Mullers charity, who operated a large orphanage in Bristol. Requests for access to any adoption records held at Bristol Archives must be made to the Children and Young People's Services (CYPS) department of Bristol City Council, which owns the records.

10. Subject access requests

You are entitled to request information relating to yourself held in records that would be restricted under the Data Protection Act. Before releasing any information however, we will require proof of identity (passport or driving licence) and proof of address (recent utility bill) to ensure that we are not releasing the information to an unauthorised individual. Please also note that information relating to third parties in the documents will still need to be redacted.

To comment on this policy or for further information, please contact the City Archivist:

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