



# Buckinghamshire County Council

Libraries and Heritage

Centre for Buckinghamshire Studies

[Access Policy](#)

January 2005

## SECTION 1 – Access to the Centre for Buckinghamshire Studies

1. The Centre for Buckinghamshire Studies is part of Buckinghamshire County Council, and as such is a publicly funded facility. The Centre preserves records for the purposes of public consultation and research. The Centre aims to provide access to anyone wishing to visit its public search-rooms and to respond promptly to enquiries received by telephone, letter, fax or email. Any member of the public, irrespective of ethnic group, sex, religious or political affiliation, or any similar differentiation, has the right to use the Centre and to see the documents and other sources within it.

### 1.1 Legislation and Standards

The statutory framework for access to the records held by the Centre is provided principally by the following:

Local Government (Records) Act 1962

Local Government Act 1972 (s.224)

Public Records Acts 1958 & 1967

Data Protection Act 1998

Freedom of Information Act 2000

Church of England Parochial Registers and Records Measure 1978, amended 1992

Manorial and Tithe Documents Rules issued under the Law of Property Acts 1922 and 1924 and the Tithe Act 1936

Library Bye-Laws for the County of Buckinghamshire (under Section 19 of the Public Libraries and Museums Act 1964)

The standards against which the archive service is measured are:

A Standard for Record Repositories 2004 (The National Archives)

Standard for Access to Archives 2003 (National Council on Archives, Public Services Quality Group)

BS5454: 2000

Beyond the PRO 1994

## 2. **On-site access**

- a) Access to the Centre for Buckinghamshire Studies is free of charge.
- b) Members of the public have the right of access during the Centre's stated opening hours. These opening hours will be published in the Centre's leaflets and on the Council's website. It may on occasion be necessary to change these hours because of staff shortages or similar problems. Any temporary changes will be published in the Centre and on the website as soon as possible.
- c) Opening hours will change on and around Bank Holidays and public holidays. Notices stating the revised opening hours for these periods will be displayed in the Centre and advertised on the website.
- d) The Centre may close without notice in the event of an incident in or around the building, which (in the opinion of the County Archivist or senior staff member) may cause the public, staff or documents to be at risk.
- e) The Centre for Buckinghamshire Studies will ensure that access is available to all, in accordance with the Disability Discrimination Act 1995.
- f) Any members of the public visiting the Centre under the influence of alcohol or drugs, or whose actions may reasonably be held to be distracting or dangerous to other members of the public or staff, will be asked to leave the premises. In addition, any member of the public who deliberately damages any document or other source, who refuses to abide by the rules of the Centre, or whose conduct is openly offensive to other members of the public or staff, will be asked to leave.
- g) The Centre has 64 research stations, and is unable to accommodate more people than this at any one time. Priority will be given to those who have booked in advance. Please see the Centre's leaflets and website for details on how to book.
- h) For entrance to the Archives search-room, a valid County Archives Research Network (CARN) ticket should be produced, or else another form of identification with name, address and signature, with which a CARN ticket can be issued. (CARN tickets can be obtained for free in the Archives search-room when visiting the Centre.) No member of the public has the right to see any original document without producing or obtaining a CARN ticket or showing other valid identification, unless (s)he is the owner of the document.
- i) The Centre has the right to refuse public access to any document which, in the

opinion of the staff, is in a condition such that it will be damaged by being produced. The decision of the staff on duty is final.

**3. Remote access**

a) The Centre for Buckinghamshire Studies will respond to all enquiries by telephone, letter, fax or email. Enquiries are defined as questions in which information is requested or advice is sought.

b) The Centre provides information and advice on its holdings for free. The Centre will not undertake lengthy research on behalf of others. Any research requested will be referred to the list of independent search agents (available by post, email or on the Centre's website).

c) Every attempt will be made to answer the telephone within five rings to meet the Libraries and Heritage Charter Mark commitment. Staff will try to answer questions as fully as possible over the telephone, or else will ask the enquirer to write in with their request.

d) All written enquiries (including letter, fax and email) will be acknowledged within 3 working days and answered fully within 10 working days.

e) Statistics of the numbers of, and response times to, enquiries will be published by the Centre for quality control purposes.

**SECTION 2 – Access to Records**

**4. General access to records**

a) The Centre for Buckinghamshire Studies will make all of the records that it holds available for public consultation and research unless access is

- prevented by statutory exemption (see Appendix A)

- liable to breach Data Protection legislation, or a known confidentiality agreement

- against the wishes of a private depositor

- likely to risk loss of a depositor's property

- likely to cause damage to an item

- provided for by an identical substitute copy (with the aim of preserving the original)

b) The restrictions outlined above may be waived

- for depositors consulting their own records subject to adequate identification and preferably with advance notice

- for researchers authorised (in writing) by the depositor, preferably with advance notice
- for Government security or law enforcement agencies in the normal pursuit of their business
- in exceptional circumstances, only at the discretion of the County Archivist on receipt of a letter of application outlining reasons for the request, and subject to any restrictions required.

5. **Closures**

Any classes of records that are subject to closure periods are listed more fully in Appendix A.

6. **Uncatalogued records**

The Centre for Buckinghamshire Studies endeavours to provide access to as wide a range of its collections as possible, including those that have not yet been catalogued. Where possible, collections are given a preliminary list on accession and this can be used to identify and locate specific items.

Collections are added to a cataloguing programme, which should indicate when the full catalogue will be available. The cataloguing programme is subject to change according to the exigencies and demands of the service.



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## [Access Policy – Appendix A](#)

January 2005

### **SECTION 1 - Closure Periods - General Guidance**

1. Closure periods are calculated from the latest outside date (i.e. x years from the end of the latest year).
2. Closure periods will not be applied automatically to all documents of the same date in a collection which is partly closed. They will only apply to those whose content justifies them.

### **SECTION 2 – Records subject to closure**

#### **1. Public Records**

Public records are designated under the Public Records Act 1958 by the Lord Chancellor and until the implementation of the Freedom of Information Act 2000 in January 2005 were generally closed for 30 years from the date of creation. The Centre for Buckinghamshire Studies acts as an appointed place of deposit by the National Archives for some locally held and locally created public records. The Centre does not, in general, accept public records that are less than 30 years old, but in exceptional cases where the County Archivist accepts such records they will be treated as if they had remained with their creating bodies.

Records subject to closure periods are listed as follows:

#### **1.1 Quarter Sessions, Petty Sessions and County Courts**

Court records are exempt under section 32 of the Freedom of Information Act 2000, until they become historical records as defined by the Act.

Closed for 30 years. Certain categories of people, including ex-offenders, are allowed access to certain information in court registers. Anyone requiring access to records less than 30 years old should obtain authorisation from the Clerk to the appropriate court.

#### **1.2 Coroner's Courts**

Coroners' records are treated as Court records under the Freedom of Information Act 2000. Records of witness statements, etc. may be subject to the Data Protection Act 1998. For access to this information, please apply in writing to the County Archivist who will then consult the relevant Coroner for permission.

Closed for 30 years.

### **1.3 Prison records**

Closed for 30 years.

100 years for medical records of prisoners calculated from the date of birth of the individual in question

### **1.4 National Health Service Institutions**

100 years for records containing sensitive personal data (except registers of death, which are open) calculated from the date of birth of the individual in question

## **2. Local authority records**

Local authority records come within the jurisdiction of the Freedom of Information Act 2000 (Fol). They will generally be presumed to be open unless covered by one of the Act's exemptions.

### **2.1 Principal Councils** (Buckinghamshire County Council, Milton Keynes Council)

Closure will apply to:

Records relating to legal actions or investigations: (exempt under Fol s.30(1)) 30 years

### **2.2 District Councils and Borough Councils**

Closure will apply to

Records relating to legal actions or investigations: (exempt under Fol s.30(1)) 30 years

### **2.3 Civil parishes**

Closure will apply to

Records relating to legal actions or investigations: (exempt under Fol s.30(1)) 30 years

### **2.4 Poor Law records (Guardians) and Public Assistance Institutions**

Closure will apply to:

Records including medical data about named individuals: 100 years calculated from the date of birth of the individual in question

### **2.5 Registers of Electors**

Under the Representation of the People Act 2002 regulations, full versions of registers of electors are available only for electoral purposes. The Centre will therefore not release these records for public consultation. Enquirers should apply to the office of electoral registration for the relevant district council. Pre-2002 electoral registers are

open to public consultation, though there are restrictions on photocopying.

### **3. Privately deposited records**

The principal types of privately deposited record which may be subject to closure are:

Church records

Charity records

Business records

Personal records

Some of these, for example records of the Methodist church, are governed by standing orders of that body. Otherwise closure is negotiated on the basis of content.

These records are not local authority records under the Freedom of Information Act 2000. The Centre will apply general guidelines for closure as set out above, and in consultation with the depositing body.

### **4. Other closures**

The following classes of records may be subject to closure under the Data Protection Act 1998. The subject of the record is entitled to their own information, and should apply in writing to the County Archivist for access. Please note that we may need to apply to the originating body for their permission to release any data from the records.

For access to information of people other than themselves from within the last 100 years, enquirers should apply to the County Archivist including relevant details such as the date of death of the person in question. Their request will then be assessed against the interest of the individuals and the records.

This includes:

4.1 Adoption and probation records. Those with a bona fide interest, such as adopted children, should apply in the first instance to the relevant Social Service department. The Centre for Buckinghamshire Studies requires the permission of the court before releasing the information.

4.2 Police or court personnel records.

4.3 Journals of Prison governors, chaplains and medical officers where they include sensitive personal data about individual prisoners

4.4 Records of identifiable prisoners, including where these would identify victims of offences

4.5 General administrative records of any organisation (including councils, businesses, charities, etc.) that contain personal data about staff

4.6 Advisory Committees on Justices of the Peace

4.7 Council records (including minutes and agendas) containing personal information about named individuals. Examples of these are minutes of the Social Services Committee and its predecessors, and Personnel Sub-Committee

4.8 Council records and files containing information obtained under a guarantee of (either explicit or implicit) confidentiality. Examples of these are Social Services clients' files and mental health records.

4.9 Poor Law records (including Public Assistance Institutions) of named individuals which include sensitive personal data (with the exception of registers of deaths, which are open)

#### 4.10 **School records**

In the absence of general national guidelines on access to school records, the Centre for Buckinghamshire Studies will apply the following guidelines:

- Log books and admission registers: closed for 30 years
- Punishment books: closed for 75 years
- Managers'/Governors' minutes: 30 years where these records contain personal information.

Enquirers who are interested in information included within records that are generally closed should apply in writing to the County Archivist who may release the information. Each request will be assessed individually.