

## Appendix A

It is not unusual for colleagues within the archive sector who manage requests for access to personal data held in archive collections to contact The National Archives (TNA) for advice and / or reassurance on how to tackle the issues raised by such enquiries. The examples below give a flavour of the types of enquiry that we receive. This list is by no means exhaustive but is included to highlight some of the areas that users of the online guidance are likely to want to see covered.

Issue	Details
<p>Archives contain personal data relating to individuals who are potentially still alive. Is it appropriate to provide access to the information in these records?</p> <p>Is the decision different / is the decision-making process different if the records have other sensitivities such as security matters?</p>	<p>A military museum is working through a collection of papers which were donated by an individual serving in Northern Ireland. The museum has an “appropriate person” who has offered to come in and identify any information which needs to be restricted access, but they were hoping for some guidance on how to manage the archive if they do come across anything which needs to be restricted.</p>
<p>Should private address details relating to named individuals who could still be alive be included in a catalogue record?</p> <p>How and when do you carry out a public interest test?</p> <p>Should archive services view access to such data differently if it is their intention to promote these records online?</p>	<p>A question about data protection and cataloguing of letters at item level. So far at [x record office] we have catalogued only 19th-century and early 20th-century letters at item level, and included the writer’s address in the catalogue entry. This is useful for a number of reasons, including that sometimes it’s the [property] owner’s [employee] who has written the letter, and including the address preserves the link with the property.</p> <p>We are now starting a project to catalogue some 20th-century letters at</p>

	<p>item level, and I would like to follow the same format as far as possible. They are mostly pre-1970s but some are 1980s and 1990s, and a few are early 2000s. I am wondering what other institutions do about including addresses in catalogue descriptions. My thinking is to have a cut-off date after which we do not include any addresses, in case an address is not in the public domain and its disclosure might cause substantial harm.</p> <p>The eventual plan is to make the digitised letters available online, where we can clear copyright, so we may need to look at what problems that may give rise to, with the more recent letters.</p>
<p>Online publication of personal data  Queries around using Data Protection legislation to restrict access to personal data that was circulated in paper format prior to the introduction of the legislation.</p>	<p>What are the rules regarding the online publication of pupil names from a particular school? Is there a restriction based on the age of the record? There are many instances where pupil names are featured in yearbooks, school magazines etc. which would have been circulated within the school. I suspect that the fact that the school was an orphanage, and accommodated children from a variety of difficult circumstances, may have some bearing on what may be made available online or not. I am concerned that former pupils may not wish for their names and images to be available in this context. Is there any guidance on how such decisions are to be made?</p>

<p>Formal consultation with record creators or their successors</p> <p>Differences of opinion between record creators and Places of Deposit<sup>1</sup> over interpretation of legislation</p>	<p>We've been having some issues with a local NHS Trust who have taken over ownership of some of the asylum records in our collections, and are now almost entirely refusing access to researchers.</p>
<p>Should decision making today take into account decisions made previously?</p>	<p>X has requested access to a coroner's inquest file. A member of X's family was given access to the same file a number of years ago. Does / should that earlier decision influence the new request?</p>
<p>Should requests for access to personal data from someone carrying out academic research be treated differently to other requests for the same data?</p>	<p>X is performing research on human migration in East Asia during the 1990's and would appreciate access to the following record [record is dated 1990s and is marked in the catalogue as closed until 2089].</p>
<p>Subject access requests – what process should be followed?</p> <p>What happens if the record contains personal data about other living individuals, such as the defendants in a criminal court case ?</p>	<p>My name is John Smith and I was the victim of a crime in 1990. I would like to receive a copy of my information from the relevant magistrate's court record held in your repository.</p>
<p>Does potential libel impact on decisions around access to information in archives?</p>	<p>We hold a series of personal diaries written by a famous playwright who died in the 1960s. He makes disparaging and potentially distressing remarks about a number of his contemporary</p>

<sup>1</sup> <https://www.nationalarchives.gov.uk/archives-sector/legislation/approved-places-of-deposit/>

	actors and directors, some of whom may still be alive. Should we be allowing people to access these?
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