

**A Guide to Access under the Freedom of Information and Data Protection Acts**

The Freedom of Information Act, 2000, grants the right of access to information held by public bodies, such as Somerset County Council, district and parish councils, schools, hospitals and the police. The Data Protection Act, 1998, aims to protect personal information about living individuals. This Act also entitles you to look at personal information that is held about you.

Due to these Acts certain archives held at the Heritage Centre are under restricted access. This is largely to protect people that are named within them. It is reasonable to assume a lifetime of 100 years, so we need to restrict access to these records until the end of a person’s lifetime. Therefore, records relating to infants, such as Children’s Home registers are closed for 100 years; records relating to children, such as school admission registers are closed for 96 years; and records relating to adults, such as personnel registers are closed for 84 years. Exceptions are records containing medical details, which are closed for 100 years.

Some depositors have also imposed restrictions on access to their records which they have loaned to the Heritage Centre. Details of archives with restricted access are listed in the table overleaf. Our online catalogue also gives details about access to individual items. Some items may also be restricted due to their condition. Where possible we will try to assist you to view these records.

Both Acts provide clauses which allow access to records in certain cases. For example, you have a right of access to see your own records. You can also view records for statistical analysis of historical sources.

**Records with Restricted Access**

<b>Class of record</b>	<b>Length of restriction</b>
School Records	84 years for staff records 96 years for pupil records
Court Records	30 years for adult registers 84 years for other court files 100 years for juvenile and adoption registers 100 years for details of sexual offences
Hospital Records	84 years for staff records 100 years for patient medical details
Workhouse/Public Assistance Records	100 years for records naming inmates of the workhouse or institution

Somerset County Council Records	75 years for Coroners' files 84 years for staff records 100 years for Social Service and Children's' Home records etc. which name individuals
Building Control Plans	Absolute closure for sensitive buildings, such as banks, courts and prisons
Citizens' Advice Bureaux records	84 years for case files
Methodist Records	30 years for all records, not previously on open access in the Church (this is at request of the Methodist Church)
Personnel and staff records	84 years for any record containing personal information

The closure term normally runs from the last date in the record, so an item, which covers the period 1903-1948, and which is closed for 100 years, will be under restricted access until 1 Jan 2049.

## How do I get access to restricted records?

All the forms listed are available on our website or by contacting the Heritage Centre.

### 1. Information about you

To request information about you held in the archives, you need to complete a **Data Subject Access Request Form**. Proof of ID also needs to be submitted, and it is helpful if you can provide as much information as possible (e.g. institutions attended, dates, etc). Once we have received the form the Data Protection Act allows us 40 calendar days to provide you with the details in a permanent legible form. There is no charge for this service.

Please note permission is required from the Court for access to magistrate's records. Please ask staff for details.

### 2. Information on a living person (with permission)

If you need to find out information about a living person you need their written permission before information can be released. Once this permission is granted a **Data Subject Access Request Form** needs to be completed. The written permission should be enclosed along with proof of ID for both you and the relative. Once we have received the form the Data Protection Act allows us 40 calendar days to provide you with the details in a permanent legible form. There is no charge for this service.

### 3. Information on a living individual, without their permission

The Freedom of Information and Data Protection Acts do not grant right of access to third party information if that person has not given permission. If you wish to see information about other

individuals without their permission or cannot prove their death, please write to the Service explaining what records you wish to see and the reasons for your research. We will then reply either granting permission or citing why you cannot view the records.

#### **4. Research for statistical and historical analysis**

The Data Protection Act allows access to records for research, as long as this does not identify individuals. For example, if you were studying birth rates, you would be able to view maternity registers to count numbers of births, twins, etc. To do this you need to complete a **Historical Research Form**. By signing the form you agree to abide by the principles of the Data Protection Act in terms of your research. Unfortunately we cannot allow records to be copied for the purposes of this research; they need to be consulted in the searchroom.

#### **5. Information on a deceased individual**

The Data Protection Act does not cover deceased persons. However, sometimes the information you need will be in a register under restricted access, as it may contain information on other individuals who are still alive. To access this information a **Data Subject Form - Deceased Individual** should be completed. Proof of death needs to be provided before the information can be released. Where possible we will allow you to view this record in the searchroom, but if the information is on a page with details of others then the research service will have to copy it for you. This is charged at the normal research service rate.

#### **6. Records closed by the depositor**

To use these records, please write to the Service with your request and we will contact the depositor on your behalf to ask permission for you to see the records.

### **Further information**

Our Statement of Policy for Access to Restricted Records under the Data Protection Act, 1998, and Freedom of Information Act, 2000, is on our website, or can be provided by staff at the Heritage Centre.

If you have any questions concerning the Acts or access to records please speak to staff at the Heritage Centre who will be happy to help.

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