

# Archive Sector Update

Winter 2012

In March 2010 The National Archives and the Museums Libraries and Archives Council (MLA) published Archives for the 21st Century in Action. Developed in partnership with archives sector representatives, Archives for the 21st Century in Action set out responsibilities and actions for chief executives and vice chancellors, archive services, MLA and The National Archives under five priority themes:

- Creating bigger and better services
- Strengthening leadership and workforce
- Improving digital preservation
- Increasing online access
- Developing cultural and learning partnerships

Over the past 18 months partners have been working to implement the actions.

This issue of Archives Sector Update describes some of the activity and progress since the action plan was published. And despite the tough times and changes in the cultural and archival landscape, key milestones have been reached and solid foundations put in place to make further progress.

Archives for the 21st Century remains the government's policy on archives and the priorities agreed with the sector provide the framework through which initiatives and strategic development projects will continue to be taken forward. The aim, as before, is to ensure that a diverse sector survives and thrives so that more and more people benefit from and are inspired by archives.

In taking on our new responsibilities for the leadership of the wider archives sector, we agreed with Ministers that we would refresh the action plan to reflect new opportunities and changes in the sector and its operating context. We're working on this with the Archives for the 21st Century Implementation Group and we expect to publish the refreshed action plan in the spring.

Archives for the 21st Century has a number of delivery partners including you – the archives sector. This issue provides just a small sample of the many projects underway.

We invite you to share your examples of how you've enacted Archives for the 21st Century to deliver a coordinated network of archives provision, please email: [asd@nationalarchives.gsi.gov.uk](mailto:asd@nationalarchives.gsi.gov.uk)

## In this issue:

- ▶ Archive Accreditation
- ▶ The National Archives' Private Archives team

And also:

- ▶ Partnering Culture with Education

# Archives Accreditation - defining the 21st Century archive

The new Archives Accreditation standard is currently being developed in partnership with archive sector stakeholders across the UK. It will provide a framework for benchmarking performance and support development planning. It is intended to replace a number of existing benchmarks including Self Assessment for local authority archives. Archives Accreditation is central to the Archives for the 21st Century priority to develop better and more effective services and increase sustainability within the sector. It is an ambitious and exciting development and one that is right for these times.

## What is co-creation?

A significant departure is that the new standard will be written by those who work in or have an interest in archives as decision maker or user, together with the partners who will manage the scheme once it is operational. This process means that the new standard will be fully owned by the archives sector.

## How do I get involved?

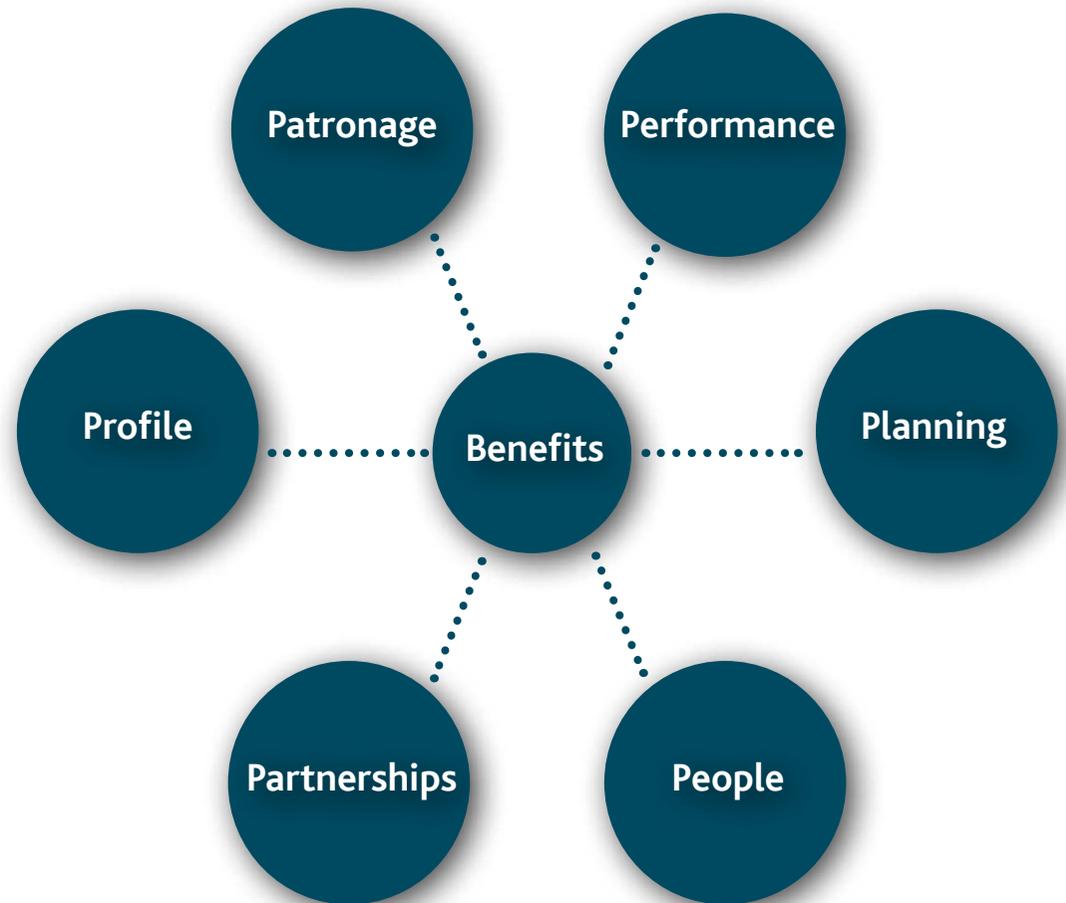
We are holding workshops for those who responded to the open invitation to participate. This is only the start of the process. To ensure everyone has an opportunity to participate, wherever they are in the country and whatever type of archive they work in or stakeholder interest there will be a **webinar**. This will be followed by focussed online development work of each component of the standard. We will be tweeting, blogging and also emailing updates to the sector through the Archives NRA jiscmail.

## Who will be eligible?

The scheme will be open to all types of archive including business archives, charitable trusts, local authorities, universities, museums and other specialist organisations which also hold archives. The eligibility criteria will be designed and piloted during the development phase.

## What benefits will Archives Accreditation bring?

Research at the scoping stage of Archives Accreditation identified a range of benefits for organisations and their governing bodies. These are summarised by the six P's:



What will the new standard cover?

We don't know precisely what the final standard will look like – that is dependent on the outcome of the co-creation phase (as we've already said, this is your chance to shape the future!) We are not starting with a completely blank piece of paper – there are a number of existing archives standards and benchmarking tools to draw on. What we do have are the underlying themes, which give structure to the standard. These are the same as those established and tested in the Museum Accreditation Scheme:

- Overall management, governance and organisational health
- Users and their experiences
- Collections management and development

Got more questions?

Further information about the project can be found at [nationalarchives.gov.uk/information-management/our-services/archives-accreditation-scheme.htm](https://nationalarchives.gov.uk/information-management/our-services/archives-accreditation-scheme.htm). Alternatively, contact Anna Siddall, Transition Manager: [anna.siddall@nationalarchives.gsi.gov.uk](mailto:anna.siddall@nationalarchives.gsi.gov.uk) or 020 8876 3444 (x2044)

## Museums Accreditation scheme

In December 2011 Arts Council England (ACE) launched the revised scheme designed to act as a more focused development tool for museums aiming to improve. Accreditation has been benefitting all types of museums and their visitors since 1988. It sets the standard that museums and galleries should aspire to for the benefit of users, today and in the future. It sets out what good practice looks like and is the recognised quality standard for UK museums and galleries.

The new Archives Accreditation standard will align with the museum scheme and we're working closely with ACE to ensure we build on their recent experience revising the museum standard and to ensure processes are coordinated.

Read more about this at [www.artscouncil.org.uk/about-us/museums-and-libraries/museums/accreditation-scheme/](http://www.artscouncil.org.uk/about-us/museums-and-libraries/museums/accreditation-scheme/)

## Developing case studies for our website

Proud of a project and want to tell others what you've achieved? Willing to share how you solved a problem so others can learn from your experience? Looking for guidance on how to develop a new service or to convince others of your proposal by showing them a similar, successful, approach?

We are developing a new area on our website where archives can share their experiences and benefit from those of others through a series of case studies based on developments in the archives sector. We'll continue to develop this section over time so that the case studies are relevant and up-to-date.

If you're thinking about starting a new project or looking at new ways of delivering a service, you'll be able to check the case studies and see whether someone has already undertaken something similar, learn about their processes and outcomes and get their tips and advice. We hope to have case studies covering a wide range of topics, such as working in partnership, fundraising, new ways of working and ways of improving access to collections.

If you're interested in contributing to this new resource, please contact us at [asd@nationalarchives.gsi.gov.uk](mailto:asd@nationalarchives.gsi.gov.uk)

# The National Archives' Private Archives team

The Private Archives team at The National Archives is responsible for a wide range of work with the owners of archives in private custody. Private archives held by landed estates, religious bodies, businesses, charities and independent schools include some of the greatest archival treasures and collections in the country.

The Royal Warrant of the Historical Manuscripts Commission, re-issued in 2003, provides the basis for The National Archives' work with private archives setting out our advisory and investigative functions, and our responsibility for gathering information about private archival material to add to our online resources, including National Register of Archives and Manorial Documents Register. By making the collections better known to the public and by encouraging their care and accessibility, we help ensure the survival and integrity of the privately-owned archival heritage of the nation.

Much of our work involves advising the institutions, families and individuals who own these collections about the nature, significance and care of their records. We also work to increase the accessibility of the material, to the extent which is consistent with the wishes of the owners. Where historical records have been conditionally exempted from capital taxation, we help to establish how the public's statutory right of access can best be met,

and we advise on the allocation of archival material accepted for the nation in lieu of tax. Our access and influence depends heavily on the goodwill we have built up with owners and custodians over the last 140 years

through our tradition of independent and even-handed advice.

With an increasing emphasis in government policy on voluntary effort and philanthropy, it is more important than ever that private owners who are willing to meet the cost of preserving and providing access to their archives should be encouraged and supported in doing so. From time to time, private owners may cease to be able, or may no longer be willing to meet these costs, and either deposit their collections in public custody or seek to realise their market value. An important part of the role of the private archives team is to ensure that in such circumstances, there is a managed transfer of ownership to the public sector wherever possible, and that the archival integrity of collections is not lost through their dispersal at auction.

We regularly work in partnership with other organisations active in the field, and cooperate closely with colleagues in the national archives or libraries maintained by the devolved administrations in Scotland, Wales and Northern Ireland. In the last few years we have developed in conjunction with other bodies a National Strategy for Business Archives (England and Wales) 2009, together with initiatives to support religious archives, commencing with the Religious Archives Survey of 2010. At present, we are conducting a survey of architecture, building and construction records in collaboration with the Business Archives Council.



# Working together: the Royal College of Midwives and the Royal College of Obstetricians and Gynaecologists

We all know that in the current climate sustaining services and making records accessible and available for generations to come requires a culture of collaboration and partnership as well as a great deal of imagination. After months of the Royal College of Midwives and the Royal College of Obstetricians working together, we now have available a fascinating insight into the development of a landmark organisation and into the campaign for the registration, training and education of midwives.

In May 2011, the library, archive and museum of the Royal College of Midwives were moved under the terms of a service level collection care agreement to the Royal College of Obstetricians and Gynaecologists. A six month project has seen the collection catalogued, preserved and made accessible in a variety of exciting ways for the benefit of members and staff as well as external researchers.

As well as providing access to previously inaccessible material, this project has brought together two complimentary collections, creating an unparalleled centre for research into the history of women's health care and current practice surrounding the provision of maternity

► Images courtesy of the RCM. Above RCM/PH7/2/4 and right RCM/PH7/1/1

Archive Sector Update from The National Archives



services. The success of the project is testament to the fact that collaboration is pivotal to ensuring that archive collections remain accessible, relevant and engaging.

For further information about the heritage collections of both the Royal College of Midwives and the Royal College of Obstetricians and Gynaecologists email [archives@rcog.org.uk](mailto:archives@rcog.org.uk) or visit:

► <http://www.rcog.org.uk/what-we-do/information-services>



# Opening up Archives, the story so far

We're now almost three quarters of the way through our first full year of running the Opening up Archives scheme, a Heritage Lottery Fund 'Skills for the Future' project.

There are currently 13 trainees based in ten partner organisations all across England, with parallel schemes in Scotland and Wales. They are undertaking a wide variety of work across a range of organisations, engaging with communities and developing practice within their organisations. This scheme is instrumental to our delivery of Archives for the 21st Century, demonstrating our commitment to diversifying routes of entry into the archives profession. This key programme is attracting a great deal of interest within the sector, and its potential long-term impact is significant.

The feedback we have received both from the trainees and from the host organisations indicates that their involvement in this scheme has been positive. Host organisations are benefitting from a broadening of their skills base and the trainees have developed and driven best practice in their specified areas of work, which range from community engagement to digital preservation.

The trainees recently spent a week at Kew and it was fascinating to hear about their experiences so far, and to get them involved in the different varieties of work that go on in a national archive. Colleagues at The National Archives benefitted from the fresh approaches brought by the trainees, inspiring them to review their approaches to their own work. As the trainees begin to draw their work together at the end of their placements, we're looking forward to showcasing the things they've been doing and the projects they've delivered. Look out for our full report in the next edition of Archive Sector Update.

## Newsletter survey - thank you!

Thanks to everybody who filled in our newsletter survey. We will be analysing the results and using the feedback to help us develop Archive Sector Update to suit your needs.

If you haven't already filled in our survey, there's still time to give us your feedback. Survey closes Friday 3 February.

[Click here to take part in our survey](#)

# Web archive pilots

Seven local authority archives, representing 20 local authorities, are participating in a pilot to develop a web archiving model which will ensure important local online information is preserved for future generations.

These are Dorset History Centre, Greater Manchester Archives Group, North Yorkshire County Record Office, Sheffield Archives, Staffordshire and Stoke on Trent Archive Service, Surrey History Centre and West Yorkshire Archives Service.

**We are working to share the expertise we have built up in archiving government websites with local archive services up and down the country, empowering them to create web archives of their own which will provide a digital history of their communities**

— Oliver Morley, Chief Executive and Keeper, The National Archives, announcing the pilot in July 2011

The aims of the pilot overall are:

- To raise awareness of the value of web archiving as a means to preserving important information and records among local authority archives
- To familiarise pilot participants with the principles and processes of web archiving and equip them with knowledge and tools to take forward web archiving in future
- To produce guidance and draft specifications of use to the wider archives sector

In parallel with this work, The National Archives is conducting an automated web crawl of local authority and NHS sites in the next two years to capture a wide variety of locally-held information, including datasets which are not currently preserved by [data.gov.uk](http://data.gov.uk)

An online community of practice has been established and preparatory reading and guidance was shared with the group in advance of a two-day training session held at The National Archives on 12-13 October 2011. Participants are now working on selecting their websites for archiving and a webinar took place on 7 December to enable The National Archives and the Internet Memory Foundation to answer any questions participants had.

Website harvesting will start in January 2012; this will be followed with further webinars at the quality assurance, and archived website publication stages. A focus group will help define a specification for the local web archiving service that will meet the needs of the archives community.

You can find out more about the pilot here: [nationalarchives.gov.uk/webarchive/](http://nationalarchives.gov.uk/webarchive/)

# Digital continuity - what's next?

The National Archives' digital continuity project, looking at how to ensure the survival of digital information still in business use, closed at the end of June 2011 and this work became part of The National Archives' business as usual. Six months on, the message remains simple.

Digital continuity means achieving five key outcomes in managing of digital information:

- Information can be found by the right people, for the reasons required and in a timely manner
- Information can be opened by the right people, for the required purposes
- Information can be worked with in the appropriate manner; including transfer between systems, to other organisations and disposal
- Information can be trusted in that it is what it purports to be and that there is a suitable history of when the information has been changed
- Information can be understood in terms of both its business purpose and what it relates to

Failure in achieving any one of these outcomes may render information lost or useless. The extent to how each outcome needs to be supported will change over time depending on the value of the information to the business. Delivering

continuity requires the support of all those involved in supporting digital information, including information managers, IT teams, information assurance teams, business leads and change management teams, to name but a few.

When organisations:

- can understand how to deliver these outcomes
- can manage the lifecycle of their information beyond the lifecycle of the systems on which they are created, used or held
- have the appropriate governance, policies and processes in place supported by systems that are easy to use

they can be assured they're taking the right approach to ensuring the continuity of their digital information. To support good digital information management across the public sector, the concepts of digital continuity are built into the Section 46 Code of Practice; and the soon to be released Information Principles for the UK Public Sector.



For further information and guidance and dates for digital continuity training please visit:

- ▶ [nationalarchives.gov.uk/information-management/our-services/digital-continuity.htm](http://nationalarchives.gov.uk/information-management/our-services/digital-continuity.htm)

# Archive staff from Hull University - contribution to the world of born-digital

Archive staff from the University of Hull have just helped publish a White Paper sharing their experiences and recommending good practice relating to the challenges faced by archivists working with 'born-digital' material.

The White Paper, available at <http://www2.lib.virginia.edu/aims> offers practical guidance for archivists and looks at four key stages in the archive process: liaising with the depositor, undertaking the transfer of the material, reviewing and listing its content, and finally making it available to users.

The issues surrounding the collection, storage and management of born-digital archives (material including emails, letters, reports, blogs and websites that are created using a computer) have been central to the planning of the university's archive for some time. It was these concerns, which were behind the decision to take part in the AIMS Project; Born Digital Collections: An Inter-Institutional Model for Stewardship with colleagues at the Universities of Virginia, Stanford and Yale. The Andrew W. Mellon Foundation funds the project.

The project represents the university archives' first steps with born-digital material and it was awarded Archive Pace Setter status for this work in improving collections care. The importance of maintaining the momentum from the project, which officially ended on 30th September 2011, was recognised and the work with digital archives and the University's 'Fedora' digital repository has now been embedded into the university library's strategic plan.

Working with born-digital collections has involved testing a range of software tools and given the staff the confidence to engage depositors about any born-digital material they may have. The knowledge gained during the project has been shared with colleagues across the Northern Region at a recent event at the Hull History Centre. This included demonstrations of the forensic workstation, write-blockers and free software including DROID with emphasis on the need to do something, and to increase familiarity with the tools that are available.

The project at Hull will continue to be shared via its blog at <http://born-digital-archives.blogspot.com>



▲ Gary Brannan, West Yorkshire Archives Service, leading a walkthrough of the DROID tool at the regional event in Hull, November 2011

## Finding Archives

Our online resources, which include the National Register of Archives, the ARCHON Directory, Accessions to Repositories, Access to Archives, the Manorial Documents Register and the Hospital Records Database, provide a window to many rich and vibrant collections relating to British history including information about the location and nature of these records. Together they support effective resource discovery and are a key component of the distributed archive network, facilitating activities such as research and informed collections development.

For the last few months, The National Archives have been working to review these resources to ensure that they meet the needs of the archives sector across the country and its stakeholders.

We captured feedback about the current look and feel of these resources and the process of contributing data to the systems, which many archive-holding institutions go through, plus aspirations for their future development.

We would like to thank everyone who has taken part for their valuable contributions to the review. The findings will enable the team at The National Archives to understand and scope how the systems might need to improve to meet the needs of archives as well as researchers and to balance these against what is technically and financially achievable.

The results of this work will be published in early 2012.

## Accessions to repositories 2011



What do the papers of the actress Joyce Grenfell, the records of Clothkits Ltd, a home-sewing supply company, and MP William John Bankes' Egyptian drawings have in common? They are some of the many accessions taken in by UK repositories over the last 12 months.

Since the launch of the 2011 survey in December we have received over 100 returns. They have revealed such gems as the papers of Helen Marion Macpherson Mackay, physician and the first female fellow of the Royal College of Physicians, London; the applications and appointment register of the South Shields police; and letters from the American author J.D. Salinger to his friend Donald Hartog.

In the collections of the Parliamentary Archives can be found the notebooks of Gertrude Lenwood, daughter of Holmfirth MP Henry Joseph Wilson, containing portraits of MPs in the late 1890s arranged by types of facial hair.

Accessions to Repositories is a way to publicise interesting collections in your archives and make them known to your users and potential users.

If you have been invited to take part and have not submitted your return then it's not too late. We will be accepting returns up until 5 April 2012. Please email [asd@nationalarchives.gsi.gov.uk](mailto:asd@nationalarchives.gsi.gov.uk)

► [nationalarchives.gov.uk/accessions](http://nationalarchives.gov.uk/accessions)



# Architecture, building and construction records sought

The National Archives, in partnership with the Business Archives Council (BAC), has launched an exciting new project to survey the records of the architecture, building and construction industry. The project, which was launched in September 2011, is funded by the BAC and will run for one year. The survey seeks to identify and safeguard key classes of records relating to Britain's built environment.

Despite the size of this sector and the major contribution it makes to the British economy, its history and archives are not well known. There is a lack of information in the National Register of Archives (NRA) concerning the records produced by the leading firms in this field. The project is being carried out to fill this gap in our knowledge.

The focus will be on companies whose records have neither been surveyed nor deposited, to establish the nature and location of the records they hold. The information gathered will be added to the NRA, helping to open up collections and improve online resources as recommended in Archives for the 21st Century.

The survey will also support the aims of the National Strategy for Business Archives (England

and Wales) and when necessary offer advice to participating businesses on all aspects of their record-keeping. As well as raising the profile of architecture, building and construction records, the project will promote best practice in record-keeping to ensure the safety of collections at a time of real threat to all categories of business archives.

While the survey is limited to England and Wales, there will be contacts with the implementation group of the parallel Scottish business archives strategy to establish how a similar survey may be conducted. The results of the survey will be made available on the Business Archives Council and The National Archives' websites and promoted in construction industry and heritage publications.

▶ [www.businessarchivescouncil.org.uk](http://www.businessarchivescouncil.org.uk)

▶ [nationalarchives.gov.uk](http://nationalarchives.gov.uk)

# Cataloguing Grant service transformation

Access to 12 archive collections is set to be transformed by awards made under the latest National Cataloguing Grants Programme, administered by The National Archives. The programme awarded £420,000 to archives across the UK to help make these important collections fully accessible for the first time.

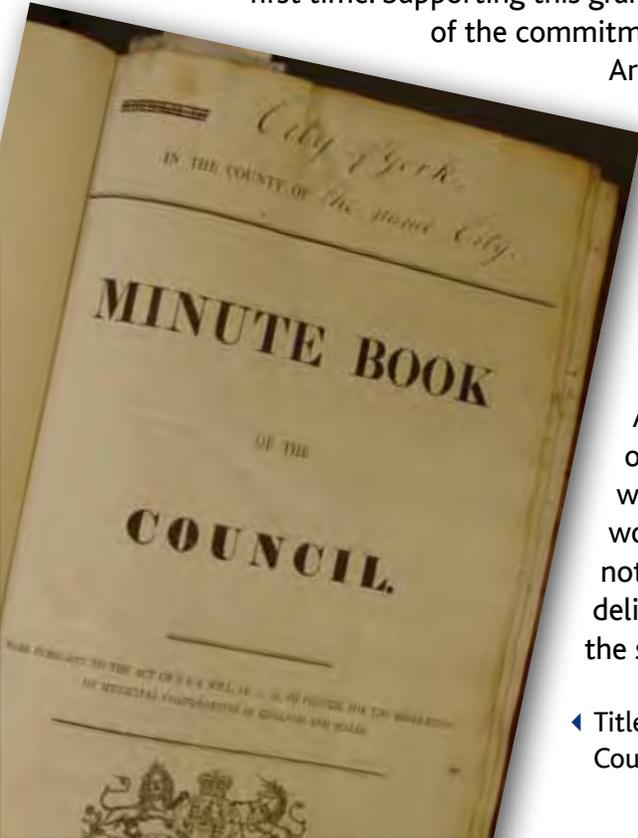
Cataloguing is the first step in providing access to archives, revealing collections which would otherwise remain hidden. Several of this year's grant awards will lead to changes in service provision, building the capacity of the recipients to do more with their holdings through opening up large proportions of their archives for the first time. Supporting this grant programme is part

of the commitment by The National

Archives to help enhance public access through investment in collections, and empower communities by giving them access to their own heritage.

Applications for over £1.9 million were received. Many worthwhile projects could not be funded, but we are delighted to congratulate the successful applicants.

◀ Title page for the 1835 York Council Minute Book ref. Giles BB1



## Successful applicants

[Bowes Museum](#) (£27,402)

'Collections for a wider world': opening up access to the Bowes Museum archive

[Cambridgeshire Archives](#) (£28,000)

'The Fen Office Revisited': the Bedford Level Corporation Archive

[Carmarthenshire Archives](#) (£35,875)

Estate and State in the Cawdor Archive

[Devon Record Office](#) (£32,000)

'The Right to Remain Silent?' The Devon County Quarter Sessions Cataloguing Project

[Dudley Archives](#) (£41,818)

The Earls of Dudley collection

[Hull History Centre](#) (£29,801)

'North East Coast Town Revealed': Hull in WW2

[Lincolnshire Archives](#) (£44,013)

'Rolling the World'

[Rotherham Archives](#) (£39,171)

'From Bunker Hill to Burma': the York and Lancaster Regimental Archive

[Sheffield Archives](#) (£34,167)

The Rise and Fall of the Socialist Republic of South Yorkshire

[West Lothian Archives](#) (£42,858)

Livingston New Town - From Plan to Community, 1962-2012

[Wiener Library](#) (£29,263)

'Ordering Memory': the personal document collections

[York City Archives](#) (£38,400)

'A City Making History': the governance of York 1155-1976

# Dorset Manorial Documents Register is now online



▲ Collection of late 15th century Abbotsbury manor court rolls held at Dorset History Centre. Each roll contains the court business for one year. D/FSI box 9

The National Archives coordinates an ongoing programme to revise, update and computerise the Manorial Documents Register (MDR), which identifies surviving manorial records of England and Wales. The Register for Wales and for 13 English counties are now online and work is progressing on a further nine English counties: Gloucestershire, Warwickshire, Lancashire, Essex, Suffolk, Cambridgeshire, Huntingdonshire, Sussex and Bedfordshire.

The most recent success was the completion of the Dorset Manorial Document Register project. Following a four-year collaboration between volunteers and the Dorset History Centre, and with support from The National Archives, the Dorset section of the MDR is now available online at [nationalarchives.gov.uk/mdr/](http://nationalarchives.gov.uk/mdr/).

This new section was launched at the Dorset History Centre on 30 September 2011 and speakers included the Lord Lieutenant of Dorset Mrs Valerie Pitt-Rivers, Mr Anthony Pitt-Rivers (who has deposited a substantial number of Dorset manorial documents at the Dorset History Centre), Professor Caroline Barron and the project officer Dr Mark Forrest. The event was attended by a wider range of beneficiaries including local schools, history groups, family history societies and museums.

Staff and volunteers at the Dorset History Centre have also produced a printed '[Guide to Dorset Manorial Documents](#)', available from The National Archives' bookshop, and a [schools education resource pack](#) available to download on the Dorset History Centre website.

The Dorset section of MDR contains more than 4,000 entries, enabling researchers to locate documents held at the Dorset History Centre and more than 100 other locations.

## Location of Dorset Manorial documents

Dorset History Centre	2289
Local Authority Archives	733
Institutional Archives	582
National Repositories	507
Private Collections	399

Note that each entry may refer to multiple documents such as a series of court rolls or steward's papers.

# Partnering Culture with Education

Culture's contribution to learning and attainment is well evidenced. Effective partnerships between cultural providers and learning organisations remain critical to maximising this opportunity, as schools and colleges review their budgets and in many cases move towards commissioning models.

Between 2009 and 2011 archives and museums across England benefitted from Department for Culture, Media and Sport (DCMS) and the Department for Education (DfE) funding to deliver an England-wide cultural learning programme for children and young people in schools and outside of formal education.

The aims of the Strategic Commissioning Education Programme were to build capacity within museums, archives and galleries to develop and deliver learning activities, build sustainable partnerships with schools, initial teacher training providers and local authorities, and position the cultural sector within local and regional education and learning infrastructures.

MLA delivered two national strands of activity: an education development programme in partnership with national museums (for example Campaign! Make an Impact) and a workforce skills development



▲ School pupils in the museum at The National Archives

programme (including Initial Teacher Training and Learning Links placements). These national programmes were complemented by specific regional projects and Continuing Professional Development which supported local priorities and focused on areas such as 14-19 diplomas, secondary curriculum, family learning, special educational needs and extended services. A summary of the activity, together with links to the resulting reports and resources will be available on our website soon.

The programme has given the sector the tools to build the partnerships necessary to deliver an effective quality learning offer. The confidence and experience archives and museums have developed should see this continue and evolve in the coming years.

# Proposal to include archives in EU Directive on Re-use of Public Sector Information

The European Commission, as part of its Open Data Strategy, is proposing to amend the **European Directive on the re-use of Public Sector Information**, implemented by the UK in 2005 PSI regulations. The aim of the Directive is to provide a transparent, fair and consistent legal framework to encourage both commercial and non-commercial re-use of information. The proposed amendments build on the progress made so far and aim to remove further barriers to re-use.

Under the proposed amendments, public sector archives, libraries (including university libraries) and museums (other than services which form part of broadcasting or performing arts organisations) will be brought within the scope of the Directive for the first time. Some private or voluntary sector services may also be included depending upon their levels of public funding or regulation.

The unique nature of archives, libraries and museums, as highlighted by The National Archives in discussions with the Commission, has been recognised. Consequently for archives, museums and libraries, unlike most other parts of the public sector, it is intended that:

- there will be no compulsion to allow re-use;
- there will be greater flexibility in terms of setting levels of charging;
- there will be no requirement to provide details of third party copyright ownership – a major concern given that archives typically hold third party copyright information.

There will also be transitional arrangements to allow for the termination of any exclusive agreements.

In most cases, the proposed amendments will have minimal impact from a financial or administrative point of view as most archives, libraries and museums are already meeting the Directive's requirements as a matter of good practice. There may, however, be a need to review existing practices and develop formal procedures and policies in some cases, particularly where these do not already exist.

Once the proposed amendments to the Directive are adopted, member states will have eighteen months in which to implement it in national legislation.

The National Archives has the UK policy lead on Public Sector Information and will have the joint lead with the Cabinet Office on discussing the final terms of the Directive and the UK law implementing it. As sector leader for archives, we will ensure that the concerns of archives are reflected in these discussions.

We shall continue to provide you with updates and details of developments, but in the meantime, email [asd@nationalarchives.gsi.gov.uk](mailto:asd@nationalarchives.gsi.gov.uk) if you have any queries or concerns.

# Freedom of Information update

## Legislation and Guidance

The Information Commissioner's Office (ICO) has published new guidance making it clear that information concerning official business held in private email accounts is subject to the Freedom of Information Act:

► [http://www.ico.gov.uk/news/latest\\_news/2011/ico-clarifies-law-on-information-held-in-private-email-accounts-15122011.aspx](http://www.ico.gov.uk/news/latest_news/2011/ico-clarifies-law-on-information-held-in-private-email-accounts-15122011.aspx)

## Recent Cases

### Right to request particular format of response

ICO and the Tribunal have come down firmly against applicants seeking responses in very specific digital formats in two cases (FS50384351; EA/2011/095): the British Library did not have to provide a publication in e-format as the information was 'reasonably accessible' (s.21) on site or by purchase in shops; and Buckinghamshire CC did not have to supply 11+ data in Excel spreadsheet format, although the former is being appealed.

### Identifiable personal information

Dealing with a request for data on early retirements, Cambridge University had to consider whether

the s.40 (data protection) exemption applied to aggregate data on the basis of whether any third party, not just the requester specifically, might use his or her own knowledge to identify individuals from the information supplied (EA/2011/0073 & 0074)

### Private Bodies covered by Environmental Information Regulations

The Tribunal concluded that although the Duchy of Cornwall might be considered a private body, it had functions of a public nature relating to the environment that drew it within scope of the regulations (EA/2010/0182). This is being appealed to the Upper Tribunal.

### Hillsborough

A request to the Cabinet Office for papers regarding the Hillsborough disaster in 1989 illustrate some useful points for archives. Cabinet office claimed both the s.31 (prejudice to law enforcement – in this case, by undermining confidence in the police) and s.35 (formulation of government policy etc) with the applicant citing passage of time as an argument for release. ICO accepted that, as the time limit for expiry of these exemptions had not yet passed, they were potentially operative. In relation to s.31 prejudice would still be possible despite the

passage of time, whereas the numerous changes of government since 1989 meant that for s.35 it would not.

Interestingly, the impending change to a '20 Year rule' for transfer of government records to The National Archives was also cited as a factor in rejecting s.35. In both cases, however, ICO felt that the clear evidence of a public interest in disclosure outweighed any interest in maintaining the exemptions. A letter from a survivor referring to his mental state after the disaster was agreed to attract the s.40 exemption (personal data) as it was unlikely to be 'fair' to release what amounted to sensitive personal data, but ICO felt that by removing the identifying information (name, address) the rest of the content could be released.

### Evidence for Applying Exemptions

Two Tribunal cases demonstrated the importance of being able to provide solid evidence, rather than mere assertion, to support the application of exemptions. Lancashire Police (EA/2011/0015) had failed to demonstrate that a request was being used as a substitute for an appropriate official investigation of an issue, and was therefore 'vexatious' (s.14), while Treasury (EA/2010/0054) had similarly failed to provide solid evidence of prejudice to international relations (s.27) if an

# Freedom of Information update

internal report on the BCCI scandal was released.

A similar point is covered in the new guidance issued by ICO in relation to the s.36 exemption (prejudice to conduct of public affairs):

▶ [http://www.ico.gov.uk/for\\_organisations/guidance\\_index/freedom\\_of\\_information\\_and\\_environmental\\_information.aspx#exemptions](http://www.ico.gov.uk/for_organisations/guidance_index/freedom_of_information_and_environmental_information.aspx#exemptions)

## Release of Personal Data relating to Wrongdoing

EA/2010/0054 was also notable for the Tribunal's robust conclusion that it could not be considered 'unfair' to release information about serious wrongdoing by identifiable individuals (s.40 exemption), particularly in such a high-profile case of criminality.

## Passage of Time

An application by an academic researcher for access to 120 year-old Special Branch information relating to informants in terrorism cases (EA/2010/0183) was rejected by the

Tribunal (s.30(2) information held for purposes of investigation) but only by a 2-1 decision, and with unanimous acknowledgment that the exemption could not be applied indefinitely. The split decision and the unusual nature of the information (the police felt that in this case even descendants of informants might be at risk within their communities) limits the value of this decision for other circumstances, but it has useful indications of the line a Tribunal would take in assessing the application of exemptions over very long periods.

## Private Finance Initiative (PFI)

In Tribunal case (EA/2010/0152) operations manuals held by a PFI contractor in relation to the management of a college building were found to be not held by the council concerned, and therefore not subject to FOI. Public bodies contracting out services may wish to take this into consideration when drawing up contracts for outsourcing, including those for alternative governance models in respect of their archive services.

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# What's happening

## Archives Discovery Forum 2012

The National Archives, 21 March:

The Discovery Forum is organised by UKAD (UK Archives Discovery Network) to bring together those interested in opening up archives for discovery to hear the latest on a variety of projects and opportunities in the sector.

To book, please contact the UKAD Secretary:

▶ [melinda.haunton@nationalarchives.gsi.gov.uk](mailto:melinda.haunton@nationalarchives.gsi.gov.uk)

▶ [www.ukad.org](http://www.ukad.org)

## ARA Archives & Records Association - Events

The Archives & Records Association PSQG sub-committee on Volunteering is running a series of roadshows to celebrate European Year of Volunteering. These aim to raise awareness of the opportunities and challenges of working with volunteers in an archive setting and provide an opportunity to share experiences.

▶ [Volunteering Roadshow - Manchester](#)

▶ [Volunteering Roadshow - Gwent](#)

▶ [Volunteering Roadshow - Dundee](#)



## The Archive Awareness Campaign

'Jack Sheppard' - the surprising life, crimes and escapes of an 18th century criminal

Thursday, 2 February 2012

At Willesden Green Library Centre

Admission: Free

How to Find Your Naval Ancestors

Friday, 3 February 2012

At Gosport Discovery Centre

Admission: £20 per person

Next Steps in Family History

Saturday, 4 February and 6 October 2012

At North Yorkshire County Record Office

Advance booking is essential.

Admission: £30 including light refreshments and a buffet lunch

For more information on events see:

▶ [www.archiveawareness.com/events](http://www.archiveawareness.com/events)

# Contacts

If you would like to get in touch with us, or if you have ideas for inclusion in future issues of this newsletter, email us at [asd@nationalarchives.gsi.gov.uk](mailto:asd@nationalarchives.gsi.gov.uk). Please note that we reserve the right to edit articles.

Some key contacts in Archives Sector Development are given here:

Head of Archive Sector Development: Nick Kingsley

Transition Manager: Anna Siddall

Head of Engagement: Isobel Siddons

Head of Private Archives: Norman James

Head of Collections Knowledge: Cathy Williams

Acting Head of Strategy and Programmes: Malcolm Todd

The following people are the current lead roles for each region/country:

Northern Ireland	Norman James
Scotland	Alex Ritchie
Wales	Jessamy Carlson
South-East	Melinda Haunton
South-West	James Travers
Yorkshire and Humberside	Andy Rowley
East of England	Liz Hart
North-West	Kevin Mulley
East Midlands	Nick Coney
West Midlands	Nick Coney
North-East	Andrew Rowley
London locals north of river	Malcolm Todd
London locals south of river	Rosie Logiudice
London specialist	Sam Velumyl and Fleur Soper

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