

## **The National Archives' takedown and reclosure policy**

This page sets out the circumstances in which material is taken down from our websites, or information previously available in transferred public records is reclosed.

### **Scope of the policy**

This policy applies to material on our own websites, on the archived websites of other government bodies that are being preserved in the web archive; and on the websites of our commercial partners, insofar as the content has come from The National Archives).

The policy also describes the circumstances in which information in open records may be subsequently closed by The National Archives. It applies to records (including digital records) that have been transferred to The National Archives for preservation as archives.

### **Guiding principles**

As a general rule, information published on a website will be considered to be in the public domain and will be removed from that website only in exceptional circumstances, at the discretion of The National Archives. The information will be regarded as having been removed temporarily and will be restored at a date decided by The National Archives. All takedowns will be signalled openly.

Most records held by The National Archives are classed as 'open' and anyone can view them or obtain a copy of them. Records that are closed, i.e. not available for access by the public, are clearly identified as such in our catalogue. It is extremely rare that an open record is subsequently closed to public access, but there are circumstances in which this may occur. It is to ensure better public understanding of these circumstances that this policy has been published.

Any reclosure will be acknowledged openly in the catalogue and will follow careful assessment by the Reclosure Review Panel which is composed of members of staff with specialist expertise in Freedom of Information (FOI), Data Protection and the records concerned.

## **In what circumstances might material be taken down from a website?**

Material will be taken down temporarily on receipt of a request from a member of the public or a government department. The case will then be considered by a Takedown Panel composed of members of staff who provide relevant expertise. The panel will approve continued withdrawal of the material only if one of the following criteria is met:

1. Because of changed circumstances material previously published in good faith is now considered to be subject to an exemption in the Freedom of Information (FOI) Act or the Environmental Information Regulations (EIR) and the public interest lies in withholding it from public access.
2. The material is personal information about someone who is still alive and continued online access would be unlawful or unfair to them under the Data Protection Act 1998, or would breach their or their family's right to a private and family life under the Human Rights Act 1998.
3. Making the material available online is an infringement of copyright.
4. The material is defamatory or obscene.
5. The material acquires sensitivity through being available online, although an FOI/EIR exemption need not be applied to on site access to the same information in paper format.
6. Continued online access would cause a department serious and real administrative difficulties and it has requested takedown for a specified and limited period of time.
7. The material was released in error and removal is required to rectify a mistake.

## **In what circumstances might information in open records be reclosed?**

Assessment will be triggered by a request from a member of the public, a government department or a member of staff at The National Archives. When such a request is received the record will be temporarily removed from the public domain whilst assessment takes place. Examples of when the Reclosure Review Panel might recommend an open record be closed include, but are not limited to, the following:

1. Because of changed circumstances, information in records previously opened in good faith is now considered to require closure. In making a decision the panel will use exemptions in the Freedom of Information (FOI) Act 2000 or the Environmental Information Regulations (EIR) as an objective test.
2. Where the material is sensitive personal information about someone who is still alive and continued public access would be unlawful or unfair to them under the Data Protection Act 1998, or would breach their own or their family's right to a private and family life under the Human Rights Act 1998.
3. Where information was released in error and removal is required to rectify a mistake. Again, in making a decision the Panel will use exemptions in the FOI Act or the EIR as an objective test.

When assessing cases, the panel will take into account the age of the record, how long it has been in the public domain, whether the information is likely to be available elsewhere, and the public interest in withholding the record from public access. The panel will then come to a conclusion as to whether the record should remain available for public access or be closed in full or in part (if the latter applies, the rest of the record will be returned to the public domain). If a record is to be closed in whole or in part the panel will also determine the date at which it should be released or its closure re-reviewed. The panel's conclusions will be considered by the Chief Executive and other directors who will make a final decision. Decisions to close records that were previously open will be reported to the Advisory Council on National Records and Archives.

This policy does not affect the statutory rights of members of the public to request access to a closed record by making a request under the FOI Act or the EIR. Requests will be treated on their merits and a further assessment of whether the information can be returned to the public domain will be undertaken.