



Local Government Archives Services

Kildare County Archives

Access Policy

1. Kildare County Archives service is committed to providing access to its archives. While access is a right, it must always be balanced with the need to protect the rights of individuals and confidentiality of organisations whose activities are reflected in the archives, and with preserving the archives themselves. Access will be facilitated in line with relevant laws and regulations, and according to best archival practice.
2. Kildare County Archives service implements the thirty-year rule in accordance with section 80 of the Local Government Act, 2001. This means that all archives under thirty years old are closed to the public.
3. In addition, all archives containing personal data as defined in the Data Protection Acts 1988-2018 and 'special categories' of personal data,¹ as defined in the General Data Protection Regulation (EU 2016/679), are subject to closure periods of up to 100 years. These closure periods apply where individuals are named in relation to such data or where the information given would allow their identity or circumstances to be established. *Any access granted to closed archives will be subject to specific limitations on the use to which information within them can be put.*
 - 3.1 For the purpose of this policy, closed archives include archives relating to local authority functions (past and present) and private archives, which contain special category data. Examples include:
 - Health and public assistance, e.g., minutes of meetings, registers of manager's orders; hospital records including admission registers; and case files;
 - Housing, e.g., files on tenancies; rent books; housing applications; housing surveys; and housing needs assessments;
 - Human resources, e.g., registers of officers and personnel files;
 - National school registers and roll books;
 - Some business archives.

¹ See Appendix I for definitions.

3.2 Please note:

- The aforementioned are *examples* and other material will come within the scope of this policy.
- There are archives containing personal data (e.g., names and addresses), which are not within special categories, e.g., electoral registers. In such cases, access will be permitted under the thirty-year-rule.

3.3 In the case of closed archives, access will be permitted, on completion of an application form and production of proof of identity, to defined categories of user as follows:

- a person who is referred to in the archives;
- a person acting on behalf of someone mentioned in the archives, who is incapacitated (i.e. with power of attorney);
- the nominated next-of-kin of a person mentioned in the archives;
- a professional working on behalf of a client (e.g. solicitor or social worker);
- a researcher engaged in *bona fide* research.

3.4 Applicants are required to inform the archivist of the purpose of their research and its intended outcome. Applications will be considered on a case-by-case basis and the decision to grant access will be made solely by the Archivist.

3.5 Users must undertake not to identify individuals, but to anonymise the information they glean from the archives. The method of anonymisation should be discussed with the archivist.

3.6. Applicants must also undertake not to use any of this information to contact individuals referred to in the closed archives.

3.7 Where the nature of the research, and/or the use of the data, changes, a user must notify the Archives Service of this fact.

4. Kildare County Archives service reserves the right to close archives for periods of 50 or 100 years where access would:

- breach legal rights or statutory obligations;
- breach good faith where information was supplied in confidence;
- compromise the work/position of the local authority or any organisation or individual mentioned.

5. Kildare County Archives service reserves the right to provide redacted copies of closed archives to a user, rather than providing direct access to the original(s). Furthermore, the County Archives reserves the right to provide redacted copies to a user who has seen the originals.

6. Access to archives will be facilitated in accordance with the requirements of preservation (i.e., the prevention of damage to, or destruction of, items). In this regard, the County Archives reserves the right to close items until they have undergone conservation work or until surrogates (e.g., microfilm or digital images) are available. It also reserves the right to supervise access to fragile items.
7. Kildare County Archives reserves the right to verify the information given by applicants and reserves the right to withhold access from an applicant.

In the case of a breach of the terms of access, as set out in this policy, Kildare County Archives will refuse future access to closed archives to the applicant concerned. It will also inform other archives services in Ireland of the breach.

This policy will be reviewed on an annual basis.

Appendix I

Definitions

Personal data:

The term 'personal data' means any information relating to a living person who is identified or identifiable (such a person is referred to as a 'data subject'). If the information can be used on its own or in combination with other information to identify a specific person, then it counts as personal data. The GDPR gives examples of identifiers, including names, identification numbers and location data. A person may also be identifiable by reference to factors which are specific to their identity, such as physical, genetic or cultural factors.

Special categories of personal data:

Certain types of sensitive personal data are subject to additional protection under the GDPR. These are listed under Article 9 of the GDPR as 'special categories' of personal data. The special categories are:

1. personal data revealing racial or ethnic origin,
2. political opinions,
3. religious or philosophical beliefs,
4. trade union membership,
5. genetic data and biometric data processed for the purpose of uniquely identifying a natural person,
6. data concerning health,
7. data concerning a natural person's sex life or sexual orientation.

Taken from the website of the Data Protection Commissioner, www.dataprotection.ie