

Gloucestershire Archives @ The Hub

Re-closure and Takedown Policy

1. Policy statement and purpose

This policy explains why and how material preserved at Gloucestershire Archives may need to be closed to further public access, or taken down from view on our public websites.

It is unusual for open material to be subsequently re-closed or taken down, but we recognise there are legitimate circumstances when this may be necessary.

2. Scope

The policy applies to records in all formats which are held by Gloucestershire Archives for preservation as archives, as well as to content published on our online and onsite resources including digital images of records and associated metadata. The policy also covers content from Gloucestershire Archives on the websites of our commercial partners.

In making material available online, we act in good faith. We endeavour to mitigate the risk of damage to third parties by checking the copyright status of material wherever feasible, and, where possible, contacting rights-holders for permission to make material available. The terms and conditions of use of all digital content are made clear to users at point of access.

The policy does not apply to records already closed to public access under Data Protection or Freedom of Information legislation or which may be subject to restrictions imposed by owners of collections and which are clearly identified in our catalogue.

3. Terminology

Archives are the record of everyday activities of governments, organisations, businesses and individuals. Archives may take many different forms – handwritten, typed, printed, photographic or electronic – and include audio-visual material such as video and sound recordings. As authentic and reliable records, they are preserved permanently because of their evidential value.

4. Background

Gloucestershire Archives gathers archive collections and local and family history resources to ensure they are kept secure and made accessible.

We are an accredited archive service recognised by The National Archives as the place of deposit for public records relating to Gloucestershire and South Gloucestershire.

We are a Gloucestershire County Council service. By agreement, we also provide an archive service for South Gloucestershire Council and are the appointed record office for the Diocese of Gloucester.

We are a lead partner in the Gloucestershire Heritage Hub, a network of local people and organisations created in 2017 with a common interest in our historic county's documented heritage. The network benefits from Hub facilities at Alvin Street, Gloucester and a Hub website, and its members support each other to gather, keep and share their personal and community archives.

5. Requests for re-closure or takedown

Requests for the re-closure or takedown of material must be made in writing to the Head of the Archives Service, Gloucestershire Archives, Gloucestershire Heritage Hub, Clarence Row, Alvin Street, Gloucester, GL1 3DW or emailed to archives@gloucestershire.gov.uk

Applicants should provide their full name, home address and additional contact details such as email address, full details of the material concerned (including unique Gloucestershire Archives catalogue reference number and/or web URL), and set out clearly the reason(s) for the request.

If the request relates to copyright, you should also provide proof that you are the rights holder or their representative.

Once a written request is received, every effort will be made to temporarily withdraw the material from public access until the request can be reviewed, but this may not be possible immediately, especially with online material.

All requests will be reviewed by a panel of senior staff at Gloucestershire Archives. We will provide a written response within 30 working days of the request being received. The reasons behind the decision made will be made clear to the applicant in writing.

At the end of this process, the material will either be reopened/made available, or continue to be closed for access.

6. Criteria for re-closure and takedown

Re-closure or takedown will only be implemented if one of the following criteria is met:

- 6.1 Material opened/published in good faith is now considered to be subject to an exemption in the Freedom of Information (FOI) Act 2000 or the Environmental Information Regulations (EIR) 2004 owing to changed circumstances, and the public interest lies in withholding it from public access
- 6.2 The material has been found to contain personal or sensitive personal information and continued access would be unlawful or unfair under the Data Protection Act 2018 or Human Rights Act 1998
- 6.3 Material was opened/published online in good faith, but its re-closure or takedown is now considered appropriate owing to changed circumstances
- 6.4 Material was released in error and re-closure or takedown is required to rectify a mistake
- 6.5 Making the material available online is an infringement of copyright
- 6.6 Online material is defamatory or obscene
- 6.7 The material has acquired sensitivity by virtue of being made available online
- 6.8 Access online would cause the owner serious and real administrative difficulties and the owner has requested takedown for a specified and limited period of time

7. Re-closures of original records

Access to original records being considered for re-closure will be temporarily restricted whilst a decision is being taken and the temporary access restriction will be indicated on our online catalogue. If re-closure is agreed, the access status will be amended. If the record is not recommended for re-closure, its status will revert to open.

When assessing cases, we will also consider 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 decision 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 public access). If a record is to be closed in full or in part the panel will also determine the date at which it should be released or its closure re-reviewed.

8. Takedowns of online material

The removal of online material for reasons of Data Protection or sensitivity will be considered temporary and may be restored at a date when we consider its sensitivity has subsided.

The removal of material for reasons of copyright will be considered as lasting until copyright in the material expires or the rights-holder agrees that the material can be reinstated.

9. Statutory rights

This policy does not affect the statutory rights of members of the public to request information in closed records under Freedom of Information legislation or the Environmental Information Regulations.

10. Equalities and diversity

Gloucestershire Archives is firmly committed to the principles of equality and diversity in the workforce and in the service we provide to customers.

We treat all customers, and anyone else we come into contact with, equally and with dignity and respect. We do not discriminate on grounds of age, disability status, employment

status, ethnic or cultural origin, gender or gender reassignment, marital status, nationality, religious belief or non-belief, responsibility for dependants, sexual orientation, social background, or any other grounds which cannot be shown to be justified. We will recognise, respect and value difference and diversity.

We have undertaken an equalities impact assessment of our policies. The resultant Due Regard Statement is available on request.

11. Roles and responsibilities

The Head of the Archives Service is responsible for implementing and reviewing this policy, with the support of the Archives' management team.

12. References

This policy should be read alongside related Archives Service policies, and in particular our Access Policy and our Privacy Notice. These and all our other policies can be found at <https://www.gloucestershire.gov.uk/archives/policies>

Gloucestershire County Council's equalities strategy can be found at <https://www.gloucestershire.gov.uk/council-and-democracy/equalities-and-our-duties-under-the-equality-act-2010/equality-objectives/>

We acknowledge the help of colleagues at London Metropolitan Archives in preparing this policy.

13. Review and revision

This policy will be reviewed every 3 years.

Document Control

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Version History

Version	Version date	Summary of Changes
V1.1	October 2020	Review. Plain English tweaks, approvals updated

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