**Access to Records affected by the Freedom of Information**

**Act 2000 and the Data Protection Act 2018 Guidance**

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# **Introduction**

Our aim is to provide access to the collections that we hold; however, this access will be affected by:

# **Legislation**

The Freedom of Information Act 2000 grants the right of access to information held by public bodies, such as the County (Borough) Councils within the Gwent area, local Community Councils, hospitals, etc. The Data Protection Act 2018, the UK’s implementation of the General Data Protection Regulation (GDPR), outlines the data protection principles which need to be followed. It also outlines your rights under the act, including access to your own personal data.

Because of the Data Protection Act 2018, access is restricted to certain records held by Gwent Archives. This is mainly to protect the people named within them. It is presumed that a lifetime lasts 100 years.[[1]](#footnote-1) Therefore Gwent Archives restricts access to these records until the end of a person’s lifetime.

For example, a primary school admission register has a 96-year closure, as it is presumed all data subjects are aged 4 and above; whereas school staff records have an 84-year closure period, since it is presumed all data subjects are aged 16 and above. Some very sensitive classes of records, such as Children’s Home Admission Registers have a 100-year closure period.

# **Depositor restrictions**

It is also the case that some depositors have requested a closure period on the records which Gwent Archives looks after on their behalf. This may be because the records contain sensitive or personal information.

# **Items which are fragile**

Documents arrive at Gwent Archives in all sorts of conditions, and some are too fragile for continued use by researchers.

If an item cannot be issued, staff will:

* Explain why it cannot be used
* Suggest other suitable sources or alternatives for use
* Where possible, advise on how to apply for special permission to view the item

# **Access Periods**

## **Definition of Closure**

Closure refers to the last date within a record where the data contains sensitive information on a potentially living individual.

In the case of a Hospital Patient Register which covers the period the 4 September 1910-18 February 1946, a 100-year closure would be used as the Register may include data from individuals on the day they were born. Therefore, by the 24 October 2025, only data within that register which is clearly from or before the 23 October 1925 may be made available to researchers. Please note that this may only be done if data from fewer than 100 years ago is easy to redact, i.e. pages may be tied up to prevent these being consulted.

In the case of records without clear dates, a sensible approach needs to be taken, e.g. a Constable’s Notebook is dated February 1907-September 1928 which also has a 100-year closure. Therefore, on the 24 October 2025, only data within that register which is clearly from September 1925 or before may be made available.

## **Gwent Archives’ Access Periods**

The following tables summarise Gwent Archives’ access periods. The second column indicates the closure period after the last date in the record.

### **1.** **Local Authority Records**

**Current County/County Borough Council Records**

|  |  |
| --- | --- |
| Minutes, Agenda, Reports | Open |
| Departmental Correspondence files | Open (except where they name service users, then records are closed for the lifetime of those individuals) |
| Published Accounts / Reports | Open |
| Registers of Electors | Open (NB from 2002 onwards only handwritten notes are permitted) |

**Council Records (County, Borough and District Councils pre-1996)**

|  |  |
| --- | --- |
| Minutes, Agenda, Reports | Open |
| Correspondence files | Open (except where they name service users, then records closed for the lifetime of those individuals) |
| Registers of children’s homes | 100 years |
| Rating records | Open |
| Monmouthshire Certificate of Education | 85 years |

### **2.** **Education Records**

|  |  |  |
| --- | --- | --- |
| **Admission Registers**  **Punishment Books**  **Pupil Records Cards**    **Log Books** | Primary Schools    96 years      Closed for 96 years if they contain special category data | Secondary Schools    89 years      Closed for 89 years if they contain special category data |
| **Staff Records** | 84 years | |
| **Governor’s Minutes** | Open (except where they contain special category data on individuals, then records closed for the lifetime of those individuals) | |
| **Photographs** | Open, if individuals cannot be identified.  Closed for the lifetime of individuals who may be identifiable on the photograph unless: there is proof of consent or the photograph is in the public domain, e.g. a staged class photograph, or a photograph of a public event. | |
| **Plans**  **- if school closed**  **- if school open** | Open  Please contact the relevant Education Department for further guidance | |
| **Printed Reports** | Open | |

### **3.** **Health and Social Care Records**

**NHS and Hospital Records**

|  |  |
| --- | --- |
| Admission / Discharge Registers | 100 years |
| Patients’ Index Books | 100 years |
| Patients’ Case files | 100 years |
| Registers of Deaths | Open (except where details of next of kin are given, then records closed for the lifetime of those individuals) |
| Hospital Minute Books / Admin records | 100 years |
| Staffing records | 84 years |

**Boards of Guardians / Public Assistance Committee / Social Welfare Committee Records**

|  |  |
| --- | --- |
| Admission / Discharge Registers | 100 years |
| Auxiliary Hospital Admission/Discharge Registers | 100 years |
| Indoor / Outdoor Relief Lists | 100 years |
| Minute Books | 100 years |
| Medical Officers Records:  - where they contain names  - statistical lists | 100 years  Open |
| Creed Registers | 100 years |
| Chaplain Registers | 100 years |
| Registers of Births | 100 years |
| Correspondence | 100 years |

### **4.** **Court Records**

**Magistrates/Quarter Sessions**

|  |  |
| --- | --- |
| Court Registers (including Petty Sessions) and Minute Books | 100 years |
| Indictments and Presentments | 100 years |
| Juvenile Court Registers and Minute Books | 100 years |
| Licensing Registers from Petty Sessions series  (Once the Magistrates series begins in 1974 Licensing data is included within the main Court Registers, which have a 100-year closure - see above | Open |

**County Courts**

|  |  |
| --- | --- |
| Summons Minute Books | 84 years |
| Judge’s Notebooks | 84 years |
| Bankruptcy Notice Registers | 84 years |
| Compensation Registers | 84 years |
| Divorce Records   * Divorce Cause Books * Registers of Divorce Decrees | 84 years |

**Coroner’s Court**

|  |  |
| --- | --- |
| Inquisitions Post-Mortem | 75 years |
| Treasure Inquests | 75 years |

### **5.** **Prison Records**

|  |  |
| --- | --- |
| Admission Registers (including Juveniles) | 100 years |
| Calendars of Prisoners | 100 years |
| Prison Plans   * If Prison closed * If Prison open | Open  Please contact the Home Office for further guidance |
| Governor’s Journals / Prison Minutes | 100 years |
| Medical Officer’s Reports | 100 years |
| Chaplain’s Records | 100 years |
| Returning Prisoners | 100 years |

### **6.** **Police Records**

|  |  |
| --- | --- |
| Personnel records | 84 years |
| Gwent Police Authority Minutes | Open (\*except where highlighted in catalogue) |
| Gwent Police and Crime Commissioner Signed Decision Logs/Reports | Open (\*except where highlighted in catalogue) |
| Annual Reports | Open |
| Daily States | 84 years |
| Occurrence Books | 100 years |
| Register of Charges and Summonses | 100 years |

\* At the request of the depositor

### **7.** **Religious Records**

**Church in Wales**

|  |  |
| --- | --- |
| Baptism, Marriage and Burial Registers | Open |
| Minutes | Open |
| Sunday School admissions register | 96 years |
| Any personnel records not with the Diocese | 70 years |

**Methodist Church**

|  |  |
| --- | --- |
| Unpublished records | 30 years |
| Unpublished records containing confidential information | 75 years |

**Baptist Church**

|  |  |
| --- | --- |
| Minutes | Open (except where they contain special category data on individuals, then records closed for the lifetime of those individuals) |
| Birth, Marriage and Burial Registers | Open |
| Lists of Members | 100 years |
| Sunday School Admission/Attendance Registers | 96 years |
| Financial Records | Open |
| Church/Chapel Plans | Open |
| Church Manuals | Open |
| Church Histories | Open |
| Photographs | Open, if individuals cannot be identified.  Closed for the lifetime of individuals who may be identifiable on the photograph unless: there is proof of consent, or the photograph is in the public domain, e.g. a staged class photograph, or a photograph of a public event. |
| Correspondence | Open (except where they contain special category data on individuals, then records closed for the lifetime of those individuals) |

**Roman Catholic**

All records are closed for 100 years

### **8.** **Further records**

Citizens Advice Bureau records

|  |  |
| --- | --- |
| Day Books | 100 years |

Mining Records

|  |  |
| --- | --- |
| Accident and Compensation Registers | 84 years |

Newport City Council Cemetery Records

|  |  |
| --- | --- |
| Registers of Burials | 100 years |

This Guidance was written in March 2021, last updated in February 2025 and will be reviewed annually

1. “For personal information and information linked to identifiable living individuals, The National Archives and the Advisory Council advocate a closure period of ‘lifetime’ of the data subject. This assumes a lifetime of 100 years…” <https://www.nationalarchives.gov.uk/documents/information-management/closure-periods.pdf> [↑](#footnote-ref-1)