

A guide to accessing ‘closed’ records

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Our aim at the Isle of Man Public Record Office is to make records open to the public wherever possible, to support research into our Island’s culture and heritage and to support open, transparent and accountable public services.

In most cases, records in our catalogue will be described as ‘Open’ and are available to view in our public reading room.

Occasionally, an individual record or a collection of records may be designated as ‘Closed’. This happens when records in our care contain sensitive information that is required by law to be closed to the public for a set length of time.

This guide explains how you can apply to view or obtain copies of closed records for historical, scientific and statistical research.

If you are a data subject and wish to ask for your own information from records in our care, or if you wish to make a request for information under the Freedom of Information Act 2015, the application process below would not be suitable. In these cases, please ask a member of our team for guidance.

Why are some records at the Public Record Office ‘closed’?

Closure periods for public records are set by legislation, specifically the Public Records Act 1999 and the Public Records Order 2015. Both these pieces of legislation can be found on our website www.gov.im/pro

Closure periods may apply where records contain the following types of information:

- Information that would harm defence, international relations, national security or the economic interests of the Island if in the public domain;
- Information supplied in confidence, where allowing access would be a breach of good faith;
- Personal data about living individuals, where allowing public access would breach the Data Protection 2018 (the General Data Protection Regulations, as applied to the Isle of Man);
- Information relating to tax of any kind;



- Census information;
- Information about individuals (either living or deceased) that might cause substantial damage, distress or danger to another person if disclosed;
- Information that identifies, or could potentially, identify a victim of rape;
- Information in records less than 30 years old that has not yet been assessed as Open to the public.

Records may be closed for 30 years, 40 years, 84 years or 100 years depending on which of the categories above the information falls into.

Our closure periods for records containing personal data about living individuals are set at 84 or 100 years (84 years for records relating to adults, 100 years for records relating to children) in line with the UK National Archives' 'Guide to archiving personal data' published in August 2018.

Examples of common closed records:

- Health and Social Care patient records are closed for up to 100 years to protect the privacy of the patient as health information is obtained in confidence and is also covered by the Data Protection Act 2018.
- Coroner's inquest case files are closed for 100 years to protect the privacy of living individuals named in the files (for example, witnesses, medical professionals, relatives of the deceased), and in some cases to prevent the identification of victims of rape and sexual assault. In some case, the content of these records can also be extremely distressing.
- Court records are closed for up to 100 years to protect the privacy of living individuals named in the files, and in some cases to prevent the identification of victims of rape and sexual assault. Whilst many cases are held in open court, not all information on a case file would have been made public at the time of the case.
- School admission registers (and some log books) are closed for 100 years to protect the privacy of children named in the records. These records often include references to children in care, children's health, discussions of personal family circumstances, and cases of domestic abuse affecting children.



I would like to view or copy closed records for research purposes. Is this possible?

Yes - in some instances you may be able to access closed records. Decisions on access to closed records are made by the public body who created the records, or their successor.

If you wish to conduct historical, scientific or statistical research through closed records, please ask us for an application form.

In your application you will be asked to give your name and contact details, details of which records you wish to see, and explain the nature of your research. The application form also includes a declaration to cover your use of any personal data in the records you wish to see.

Your application form will be sent to the public body responsible for the access decision, who will assess your request and make a decision. If they are happy to grant you access to the records, they will authorise your form.

The public body may review the content of the records before making a decision. In the case of family history requests for Health and Social Care records, they may also ask you to provide evidence of your relationship to the person you are researching.

If access is granted, they may grant:

- Full access for you to view the records (most likely in the case of subject research);
- Access to only specific parts or information from the records (most likely in the case of requests for information about specific individuals e.g. for family history purposes);

The public body may decide to place restrictions on copying or publishing the records if they feel to allow this would breach Data Protection or confidentiality rules.

A member of our team will contact you to inform you of the result of your application, and make arrangements for you to access the records if permitted.

In the case of closed court records, the Isle of Man Courts of Justice may decide to retrieve the records from the Record Office and provide you with access directly.



Why do I need to make a formal application for access?

The most common reason that records are 'closed' is that they contain personal data of living individuals covered by Data Protection legislation.

Accessing records containing personal data is permitted for research purposes under Data Protection legislation, but there are rules around this:

- Access to the records must be **fair, lawful and unlikely to cause damage or distress** to the person or people discussed in the records;
- Appropriate '**safeguards**' must also be put in place to protect the privacy of the person or people concerned;
- If sensitive (termed 'special category' data) is included in the records, the research must also be in the '**substantial public interest**'.

This means that the public body need to be able to assess both the content of the records and the nature of your research before making a decision to ensure these rules are met. The declaration we ask you to sign helps ensure the appropriate safeguards required by Data Protection legislation are in place.

Guidance on specific record types

Civil Registration

Records of births, marriages, deaths, adoption, still-births and gender recognition on the Isle of Man are controlled by the Civil Registry. Requests for access to these records for research purposes should be directed to the Civil Registry (e-mail: civil@registry.gov.im, telephone 01624 687039). Fees for copies of civil registration records are prescribed in secondary legislation and differ from the Public Record Office copying fees.

Probate records and registered deeds

Probate records and registered deeds from 1911 onwards are controlled by the Deeds Registry. Requests for access to these records for research purposes should be directed to the Deeds Registry (e-mail: deeds@registry.gov.im, telephone 01624 685250). Fees for copies of deeds and probate records are prescribed in secondary legislation and differ from the Public Record Office copying fees.

Probate and deeds records prior to 1911 are held by Manx National Heritage Library and Archives <https://manxnationalheritage.im/collections/library-and-archives/>

