

ARCHIVE ACCESS POLICY FOR PERSONAL INFORMATION

This Archive Access Policy covers personal information held in our archives about living subjects. *An Iodhlann* collects anything to do with the island of Tiree, its people and their culture. Our period of interest is from pre-history to 25 years ago, but we also collect 'future history' where items are likely to have a future historical significance. Records from more than 100 years ago can be assumed not to include those of living subjects.

The legal position of our archives

Where information held in our archives may identify a living subject, it is covered by the provisions of the UK General Data Protection Regulations (UKGDPR). This regulation provides for six legal bases for holding and processing personal data. As *An Iodhlann* is not a public body subject to the Freedom of Information Act (Scotland) 2002, unstructured manual data is not subject to the UKGDPR, but will become so if it is digitised or included in a catalogue with metadata attached that can identify a living individual.

Our archives fall under the legal basis of 'archiving in the public interest' of information that is likely to have a future historical interest. As these records are intentionally historical, there is no obligation under UKGDPR to keep them up-to-date. The use of the exemption of archiving in the public interest is subject to our adopting safeguards to minimise any adverse impact on living individuals. This Privacy Notice describes the steps we take to implement these safeguards. It is based on the National Archives *Guide to Archiving Personal Data*, with a foreword by the Information Commissioner, published in August 2018.

Personal information in our archives

The personal information held in our archives can be present in the information itself, for example a signed letter, it may be added during the archiving process, for example to add captions to a photograph, or it may be added as metadata when digitising to make it searchable. Some of this personal information will concern living individuals and therefore comes within the provisions of the UKGDPR. Where it is not known if an individual is living or dead, we will assume a life span of 100 years. If the record is for an adult subject, we will assume they were 16 at the time of the records, if a child, we will assume the person was less than 1 at the time of the records. Sometimes a name will be enough to identify an individual, at other times a date of birth and/or a township address will be necessary.

Most of the information in our archives is not contentious, but some is of a sensitive personal nature that requires careful management and limits to public access. Our archiving process

always respects the wishes of the person depositing the item in respect of how it will be used and when it may be released. During the archiving process we also make special provision for restricting access to information where there is a risk of substantial damage or distress to any living person, through financial loss, physical harm or a level of upset, or emotional pain that goes beyond annoyance or irritation.

We have a Content Removal Policy whereby individuals can request that certain content be removed from public display.

How we process the information in our archives

During archiving we go through the following steps:

- 1. Appraise** (selection) where we give serious consideration as to how far each item will be in the public interest.
- 2. Acquire** during which the newly received items are risk-assessed in particular for whether they include personal data and if any of these data are sensitive.
- 3. Security and preservation** during which we identify special categories of personal information that should have restricted access. Where archives are subject to digital preservation, we ensure that steps are taken to preserve the integrity of the records.
- 4. Arrange and describe** where we enter the item in our online catalogue. We do not provide online any metadata and/or searching aids to sensitive information that requires restricted access as above.

Access to our records

Data Protection law does not give third parties right of access to personal data. However, we do respond to requests for such information where there is no risk of harm or distress to a living subject. When providing such access for a living subject, we take account of that subject's right to privacy. We are required under UKGDPR to show that access is fair, lawful and transparent. If we refuse access, we will explain and document our reasons for refusal.

Access to archived records is freely available to the data subjects themselves.

We receive many enquiries from people with Tíree connections from around the world. We are happy to provide information to enable them to trace those of their ancestors who have lived on Tíree. Most of this information is for people who are now deceased, but on occasion the information can be linked to people who are still alive. This information about living subjects is mostly innocuous and would only be withheld if it were likely to cause harm to

any living person. Where the enquirer would like to contact the living relative, An Iodhlann will first make that relative aware of the enquiry, suggesting that they contact the enquirer directly, should they be inclined.

We continually review our records and where it becomes apparent that making personal data available to the public risks causing distress to any individuals, we will consider closing these records (closure or takedown if the data is online).

Requests from researchers for copies of data sets will be subject to their purpose and assurance that they will then become data controllers in respect to any copies. We will inform researchers that they are taking on such responsibilities under the UKGDPR and explain the safeguards that apply to particular sets of data. If these data refer to people who are still living, they are covered by the UKGDPR. By transferring copies of these data to the researcher, the role of data controller passes with them to the researcher, as does the duty to respect the privacy of the individuals concerned. That can be done, for example, by anonymising all the names of people and places in any written account or story that is subsequently published. As a condition of access to the data where some of the content is closed, we will require researchers to sign a declaration that they will comply with the legislation and not identify individuals. We will keep a copy of this declaration as an audit trail.

Where requests for access to information held by An Iodhlann are not covered by any of the above, access will be decided at the discretion of An Iodhlann's governing body.

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