



**General Register Office for Scotland**  
*information about Scotland's people*

**Access to 1939 Register for Family Historians**

**July 2010**

## Access to 1939 Register for Family Historians

1. This paper briefs the Board on the arrangements which have been made to allow family historians restricted access to the 1939 National Register, on which the National Health Service General register (NHSCR) was originally based.

### The Register

2. At the outbreak of war in 1939, a register was compiled by the Registrar General, under the National Registration Act 1939, of everybody living in the UK – for the purpose of issuing identity cards, ration books and call-up papers etc. After the repeal of the 1939 Act in 1952, the register continued to be maintained by the Registrar General as a record of clients of the NHS primary care system – and it was retitled the NHS Central Register. Section 57 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 put the NHSCR on a specific statutory basis for the first time.
3. The original 1939 register still survives. It records personal information of great interest to family historians: name, address in 1939, sex, marital status, age and occupation. It also contains information added between 1939 and the mid-1970s, when the information was transferred to a computer system.
4. Section 8 of the 1939 Act made it an offence to publish or communicate the information gathered under the Act. That confidentiality provision was modelled on the Census Act 1920. Although the repeal of the 1939 Act removed the offence, General Register Office for Scotland (GROS) has treated the information as if it were still protected by the original promise of confidentiality. In 2005, the Registrar General successfully resisted an application for release of the information under the Freedom of Information (Scotland) Act 2002.

### Recent Freedom of Information Act Application

5. A similar application was more recently made in respect of information from the 1939 register in England and Wales. After the NHS Information Centre refused to provide the information, the Information Commissioner (who polices the Freedom of Information Act) ruled that details about deceased people from the 1939 register should be released - but not details about living people, whose information is the subject of an exemption under Freedom of Information legislation. In December 2009, an application was made for information (relating to a deceased person) from the 1939 Scottish register. The Registrar General, with advice from the SG's Freedom of Information Unit, reviewed the reasons for the English decision and concluded that equivalent Scottish information (the original 1939 information, but not subsequent data held on the NHSCR) must be released.

### Procedure for Release of Information

6. Section 25 of the 2002 Act exempts information which can be obtained without making a freedom of information request. In the case of the 1939 register, such an alternative route exists: section 58 of the 2006 Act provides for the release of information held by the Registrar General, on payment of a fee (in this case, £5 for a search plus £8 for an extract if the search is successful). That power, though not specifically designed with the release

of the 1939 register information in mind, can be used for the purpose. The applicant was therefore told that the information is exempt under the 2002 Act, but that he could obtain it, on payment of the fee, under the 2006 Act.

7. The following procedure (modelled on the one which has been used for many years to prepare extracts from the birth etc registers) was put in place:

family historians apply for an extract from the register, with details of the person they wish to trace, and evidence that they are dead – plus the fee;

the register is searched (simplified by the fact that it has been digitised and indexed);

if the deceased person's record is found, an extract is made (on a computerised template: a copy of the actual record is not provided, because it contains details of many people) and sent to the applicant; otherwise

the £8 balance of the fee is refunded, the search having been unsuccessful.

8. The fee is simply that which is already authorised for similar extracts from the birth etc registers. It is intended to cover costs and will be reviewed in the light of experience and, if necessary, increased.

### **Experience to Date**

9. The arrangements were welcomed by the specialist family history media and by individual family historians. But there have not been many applications – around 70 in the first 6 months. The NHSCR has coped without difficulty with that low level of business and there is no indication that it is liable to increase. Nor is there a sufficient volume to justify setting a different fee level.

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**1 July 2010**