

# Records Reclosure and Takedown Policy

June 2018

## 1. Introduction

This policy outlines why and how records which are held, preserved and made available by National Records of Scotland (NRS) may need to be closed to further public access, or taken down from view on our public websites.

This policy applies to the following:

- public, legal and private records which are transferred to the Keeper of the Records of Scotland for preservation as archives;
- the statutory registers relating to life events which are created, held and maintained by the Registrar General for Scotland;
- content published on our online and onsite resources, including digital images of records;
- the NRS Web Archive which is available online.

Many of these records are open for consultation. Other records are closed to the public. It is uncommon for an open record to be subsequently reclosed or taken down, but there are legitimate circumstances when this may occur.

## 2. Decision Making Process

Anyone can submit a request for the reclosure or takedown of a record. Requests must be made in writing.

Reclosure or takedown requests relating to any records other than those on the NRS Web Archive can be emailed to the NRS Information Governance Team at: [foi@nrscotland.gov.uk](mailto:foi@nrscotland.gov.uk) or sent to the following address:

Information Governance Team  
National Records of Scotland  
HM General Register House  
2 Princes Street  
Edinburgh  
EH1 3YY

Takedown requests relating to the NRS Web Archive should be emailed to the NRS Web Archivist at: [digital\\_records@nrscotland.gov.uk](mailto:digital_records@nrscotland.gov.uk)

In your request, please provide your contact details, identify the record(s) in question (including the catalogue reference number or web archive resource URL), and your reasons for the request. Once a written request is received, the record in question will be temporarily withdrawn from public access, until the request can be reviewed.

All requests will be reviewed by a Reclosure Panel composed of members of staff with expertise in Freedom of Information and Data Protection and other specialists, and chaired by an NRS senior manager. Panel reviews will be based against the criteria set out below and will be completed within 30 working days of the request

being received. The Panel will consider the issues and reach a recommendation on whether a record should be closed or remain open. The final decision on access, informed by the Panel's recommendation, will be taken by the data controller of the record(s) in question.

Request authors will then be informed of this decision and have the right to appeal this decision within 40 working days via the [NRS complaints procedure](#).

At the end of this process, the record(s) in question will either be reopened/made available, or continue to be closed for access. If only some of the information needs to be withheld then the remainder of the record(s) will be opened or a surrogate copy with appropriate redactions made available. Information about reclosed records and web pages removed under takedown will be published on our website.

### **3. Conditions for Reclosure and Takedown**

Permanent reclosure or takedown will only be considered by the Panel if one of the following criteria is met:

- A record may be found to contain personal or sensitive personal information about a living individual and continued access to this would be unlawful or unfair under the General Data Protection Regulation (GDPR), Data Protection Act 2018 or the Human Rights Act 1998.
- A record may have been opened/published online in good faith, but changed circumstances mean it is now considered covered by an exemption in the Freedom of Information (Scotland) Act 2002 (FOISA) or the Environmental Information (Scotland) Regulations 2004 (EIRs).
- A record may have been opened/published online in good faith, but circumstances for this have changed and its reclosure/takedown is now considered appropriate.
- A record may have been opened/published online in error and its reclosure/takedown is deemed necessary to correct this mistake.
- The content of a record published online may be an infringement of copyright.
- The content of a record published online may be defamatory or obscene.
- The content of a record published online may cause serious and real administrative difficulties to the record's owner, and the owner has requested takedown for a specified and limited period of time.

### **4. Information Rights**

This policy does not affect your statutory rights to request information in closed records under Freedom of Information legislation or the Environmental Information Regulations. Requests will be handled in the usual way and a further review carried out to determine whether any exemptions on access still apply.

