

## **The National Archives' Takedown and Reclosure Policy**

This page sets out the circumstances in which material is taken down from our websites, and/or information previously available in transferred public records is reclosed.

### **Scope of the policy**

The takedown policy applies to material on our own websites, on the archived websites of other government bodies that are being preserved in the UK Government Web Archive; and on the websites of our commercial partners, insofar as the content has come from The National Archives. This area of the policy is the remit of the Takedown Panel.

The reclosure policy describes the circumstances in which information in open records may be subsequently closed by The National Archives. It applies to records (including digital records) that have been transferred to The National Archives for preservation as archives. This area of the policy is the remit of the Reclosure Panel.

### **Guiding principles**

#### **1. Takedown**

As a general rule, information published on a website will be considered to be in the public domain and will be removed from that website only in exceptional circumstances, at the discretion of The National Archives.

The information will be regarded as having been removed temporarily and may be restored at a date decided by The National Archives. All takedowns will be signalled openly on The National Archives' [website](#) by indicating the domain, the reason for takedown and the date of takedown.

#### **2. Reclosure**

Most records transferred to The National Archives are classed as 'open' and anyone can view them or obtain a copy of them. Records that are closed, i.e. not available for access by the public, are clearly identified as such in Discovery. It is rare that an open record is subsequently closed to public access, but there are circumstances, such as those described below, in which this may occur.

**The work of the Takedown Panel: in what circumstances might material be taken down from a website?**

Material will be taken down temporarily on receipt of a request from a member of the public or a government department. The case will then be considered by the Takedown Panel composed of members of staff with expertise in Freedom of Information (FOI) and Data Protection, along with other specialists from across The National Archives.

If the takedown request concerns a factual error which has caused an entry on the 1939 Register to be inadvertently displayed, or the person is over 100 years old, then on receipt of proof of identity of the subject in the record, the entry will be obscured from view on the website, and an investigation as to why the record is open will be carried out. These cases will not come before the Takedown Panel.

To contact us about material on the 1939 register, please use the link at the end of this section to enter the details on the search page and follow through the preview page to the 'update record' button and select the Close an Open Record option: [1939 Register online service](#).

Where necessary, advice will be sought from The National Archives staff with particular knowledge of the record. The Takedown Panel is chaired by the Operations Director. The panel will approve continued withdrawal of the material only if one of the following criteria is met:

1. Because of changed circumstances, material previously published in good faith is now considered to be subject to an exemption in the Freedom of Information (FOI) Act 2000 or the Environmental Information Regulations (EIR) 2004 and the public interest lies in withholding it from public access.
2. The material is personal information about someone who is still alive and continued online access would be unlawful or unfair to them under the Data Protection Legislation, would breach their or their family's right to a private and family life under the Human Rights Act 1998, or would constitute a breach of trust as demonstrated by the case of the Insolvency Service, where information concerning insolvent debtors is intended to be removed from the service's own website in its entirety after six months.
3. Making the material available online is an infringement of copyright.
4. The material is defamatory or obscene.
5. Continued online access would cause a department serious and real administrative difficulties and it has requested takedown for a specified and limited period of time.
6. The material was released in error and removal is required to rectify a mistake.

Paper/ original formats of online material taken down under this criterion will be brought to the attention of the Reclosure Panel as soon as possible after the Takedown Panel.

Should the member of public disagree with a Panel's takedown decision, then they have the right to appeal to the Keeper and Chief Executive of The National Archives. For further details, please [contact the Quality Manager](#).

### **The work of the Reclosure Panel: in what circumstances might information in open records be reclosed?**

Assessment will be triggered by a request from a member of the public, a government department, a referral from the Takedown Panel, or a member of staff at The National Archives. When such a request is received the record will be temporarily removed from the public domain whilst assessment takes place.

Any records which are reclosed will have been carefully assessed by the Reclosure Panel composed of members of staff with expertise in Freedom of Information (FOI) and Data Protection, along with records and catalogue specialists from across The National Archives. The Reclosure Panel is chaired by a manager from the FOI Centre.

Access to records being considered for reclosure will be temporarily restricted whilst a decision is being taken. During this time the temporary access restriction will be indicated on Discovery. If reclosure is agreed the access status will be amended in line with other closed records. If the record is not recommended for reclosure, the access status will revert to open.

Examples of when the Reclosure Panel might recommend an open record be closed include, but are not limited to, the following:

1. Because of changed circumstances, information in records previously opened in good faith is now considered to require closure. In making a decision the panel will use exemptions in the Freedom of Information (FOI) Act 2000 or the Environmental Information Regulations (EIR) 2004 as an objective test.
2. Where the material is sensitive personal information about someone who is still alive and continued public access would be unlawful or unfair to them under the Data Protection Legislation, or would breach their own or their family's right to a private and family life under the Human Rights Act 1998.
3. Where information was released in error and removal is required to rectify a mistake. Again, in making a decision the Panel will use exemptions in the FOI Act or the EIR, and Data Protection Principles as an objective test.

When assessing cases, the Reclosure Panel will take into account the age of the record, how long it has been in the public domain, whether the information is likely to

be available elsewhere, and the public interest in withholding the record from public access. The Reclosure Panel will then come to a conclusion as to whether the record should remain available for public access or be closed in full or in part (if the latter applies, the rest of the record will be returned to the public domain).

If a record is to be closed in full or in part the Reclosure Panel will also determine the date at which it should be released or its closure re-reviewed. The Reclosure Panel's recommendations will be reported to the Executive Team and confirmed by the Keeper. Decisions to close records that were previously open will be reported to the Advisory Council on National Records and Archives.

The National Archives will publish annual figures for reclosed records at series level from 2012 onwards and at domain level for web pages that have been taken down.

This policy does not affect the statutory rights of members of the public to request access to a closed record by making a request under the FOI Act or the EIR. Requests will be treated on their merits and a further assessment of whether the information can be returned to the public domain will be undertaken.

Should the member of public disagree with a Panel's reclosure decision, then they have the right to appeal to the Keeper and Chief Executive of The National Archives. For further details, please [contact the Quality Manager](#).