

# Sensitive collections material policy



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Branch contact:	Coordinator Projects and Policy, Library & Information Services		
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## Policy Statement

As part of the Library's collections there is a significant number of records containing people's personal information or, content that is considered culturally sensitive to Indigenous Australian peoples. Examples of these records include medical records, records of children in care, legal records and Indigenous cultural material. Library collection material is exempt from both the *Privacy and Personal Information Project Act (1998)* and *Health Records and Information Privacy Act (2002)*, however in the spirit of this legislation and based on best-practice considerations, the Library sees an ethical obligation to protect people's personal and cultural information. Of equal importance to the Library is enabling individuals to seamlessly access information about themselves and their cultural heritage, especially those who have experienced institutional or other out-of-home care. In light of both of these considerations, this Policy outlines access guidelines to sensitive and private records held in the Library's collections.

## Target audience

This Policy is for both Library staff and members of the public to be aware of the Library's approach to providing access to sensitive or personal collection material.

## Operational requirements

Library collections which contain personal or sensitive personal information are either restricted or partly restricted from public access and denoted on the Library's online catalogue with the following statement:

*This collection contains confidential, personal and/or culturally sensitive information. For access to this collection please submit your request through [Ask a Librarian](#)*

## Timeframes of restriction from public access

The table in Appendix 1, outlines the amount of time that specific record types are closed from public access by the Library due to their sensitivity.

## Requests to access restricted sensitive collection material

Requests to access sensitive or personal collection material that is within its period of being closed to public access are submitted through the Library's [Ask A Librarian](#) service. Access will be considered according to the requestor's relationship to the information they are requesting:

### **i) Requests from an individual to access restricted information about themselves**

An individual wishing to access restricted material about themselves is only required to provide photographic identification with a current address.

**ii) Requests to access restricted information about a direct family member**

A person wishing to access restricted personal information about a direct family member, including a parent, child or spouse, is required to submit the following documentation:

1. Photo ID with current address
2. Letter of permission from person who is the subject of inquiry OR  
If incapacitated, permission letter from person's next of kin OR  
If deceased, death certificate of that person and proof of the familial relationship to the person

**iii) Requests to access information about other individuals**

A person wishing to access information concerning an individual who is not directly related, is required to submit the following documentation:

1. Their own photo ID with current address
2. Letter of permission from person who is subject of inquiry, OR  
if deceased, a letter from that person's next of kin

**iv) Requests to access culturally sensitive Indigenous information**

Requests to access material that is identified as sacred or secret to Indigenous Australians will be handled on advice by the Library's Indigenous Services Branch and assessed on a case-by-case basis. A person wishing to access closed material, may be required to submit the following documentation:

1. Photo ID with current address
2. Letter of permission from the relevant cultural authority (for example: Land Council, Traditional Owners or descendants of a cultural group).

**Disposal of identity documentation provided for access**

All identity documentation provided for access to sensitive collection material is securely destroyed once sighted.

**Redaction**

Where collection material contains personal information of multiple people on one page, only information pertaining to the individual requested will be presented. Information concerning others will be redacted with the reasons for redaction annotated on the document/s provided.

**Provision of information to care leavers**

All copies of sensitive collection material relating to people who have experienced out-of-home care are provided free of charge. The Library recommends that care leavers have a person to support them while they search for records about their time in out-of-home care. A list of organisations who provide support services with funding from the NSW Government will be provided to care leavers.

**Acquisition**

When assessing current offers of donation or purchase that contain sensitive information, Library staff will take this Policy's access provisions into account to determine whether the Library is the appropriate organisation to take permanent custodianship and manage access. The Library does not accept records of defunct organisations who provided out-of-home care.

## **Responsibilities**

The *Executive Director, Library & Information Services* is responsible for ownership of the policy.

The *Coordinator Projects and Policy* is responsible for coordinating and facilitating the ongoing review and update of the policy in consultation and collaboration with the *Sensitive Collections Working Group*.

The *Sensitive Collections Working Group* is responsible for maintaining a register of Library collections which contain personal or sensitive information and ensuring they are denoted on the Library catalogue record.

The *Manager, Indigenous Services* is responsible for providing advice on Library collection materials which are considered to be culturally sensitive to Indigenous Australian peoples and advice on administering access requests to view these materials.

The *Manager, Collection Strategy and Development* is responsible for identifying sensitive collections at the point of acquisition and ensuring the access conditions outlined in the policy are applied to them, and legal obligations are met where appropriate.

The *Manager, Information and Access*, is responsible for implementing the access conditions outlined in this policy and ensuring its principles are upheld by Library staff administering access requests.

The *Manager, Collection Access and Description* is responsible for ensuring staff are trained in identifying sensitive collection material when cataloguing and adding the Sensitive Collections statement to related catalogue records.

The *Records Management Leader* is responsible for ensuring all confidential information provided to obtain permission to access sensitive collections is securely destroyed.

*All Library staff members* are responsible for being aware of the policy so that they may recognise sensitive material offered to the Library and refer this for a decision; and recognise sensitive material requested by clients in order to provide access consistent with the policy

The *Executive Committee* is responsible for approving this policy and ensuring its principles are in line with legislative requirements and best practice guidelines.

## **Related Key Legislation and Policy**

### **Legislation**

*Child Protection Act 1998* (Section 170)

*Health Records and Information Privacy Act 2002* (HRIPA),

*Privacy and Personal Information Protection Act 1998* (PPIPA) (Reg 2005 Clause 5, S43K),

*Government Information Public Access Act 2009* (GIPA); and

*Adoption Act 2000* (Regulation 2003 Clause 45B)

*Library Act 1939*

### **Guidelines**

*Access to Records by Forgotten Australians and Former Child Migrants, June 2015*

(*Principles and Guidelines*), published by Department of Social Services

*ATSILIRN Protocols for Libraries, Archives and Information Services* approved by Library Council as a guideline for engagement with Indigenous peoples

## **Registers**

*State Archives & Records Register for Access Directions*, public register of access directions opening or closing State records to public access under the State Records Act 1998

## **Policies**

*Legislative Compliance Policy*

*Risk Management Policy and Framework*

*Subpoena Policy*

*Takedown Position Statement*

## **Document history and version control**

<b>Version</b>	<b>Date approved</b>	<b>Approved by</b>	<b>Brief description</b>
1.0	28 March 2017	Executive Council	First version

## **Appendix 1: Timeframes of restriction from public access for sensitive collection material**

The following timeframes have been developed in reference to relevant NSW Government Agencies. Please note that these period of restrictions may be in addition to those placed on collection material by its donor or vendor.

<b>Record Type</b>	<b>Duration of restriction</b>
<b>Culturally sensitive Indigenous information</b> Indigenous Australian cultural information that is considered secret or sacred or culturally sensitive	Permanently
<b>Health and medical records</b> Admission and discharge registers, records that identify personal information, medical conditions, the client's treatment or program of care or the client's carer and extended or immediate family	110 years from creation
<b>Records of children in care</b> Admission and discharge records, adoption records, medical records, behavioural reports, individual case files	100 years from creation
<b>Prison records</b> Records relating to individual offenders and staff	70 years from creation
<b>Birth, death and marriage records</b> Records relating to birth registration and applications to change birth details such as change of sex	100 years from creation
Records relating to the registration of marriage	50 years from creation
Records relating to the registration of death	Open
<b>Personnel records</b> Staff/personnel records excluding summary records	100 years from date of birth
Staff summary records including registers and history cards	50 years from creation

<p><b>Legal records</b>  Legal records not relating to: children, utility assets , substantial ongoing agreements, NSW Registry of Births, Deaths and Marriages, NSW Ombudsman or court orders of suppression which override the closed period</p> <p>Legal records relating to children, excludes records of NSW Registry of Births Deaths and Marriages</p> <p>Records containing information which was given in confidence including formal investigation records, matters dealing with witnesses, statements, evidence and property seizures, covert operations and intelligence, legal briefs, litigation and appeals</p>	<p>75 years from close of matter</p> <p>100 years from close of matter</p> <p>90 years from creation</p>
<p><b>Unreasonable disclosure of personal affairs</b>  A disclosure of personal affairs which would adversely affect the person concerned by causing them either pain or embarrassment, material loss, loss of reputation, shame, humiliation, serious embarrassment or other significant inconvenience</p>	<p>Lifetime of the person about whom personal affairs are disclosed</p>