

CATHOLIC ARCHIVES SOCIETY

Archive Advice Leaflet no 8

Providing Access to your Archives

Introduction

The aim of this leaflet is to show that access to archives is a positive development and does not need to be (in fact, never should be) provided in a way that puts stress on the archive-holding institution or organisation. It is suggested that a happy medium can be found between the needs of the archive and the needs of the user. If access is properly regulated it should not prove a regular cause for conflict.

Access can be both on-site as well as remote (e.g. by telephone, letter or email); the latter is likely to increase significantly in the coming years. However, by whatever means researchers gain access to your archives, the underlying principles should remain the same.

The question of accessibility is both intellectual and practical. The first deals with who is allowed access to what material – or, discrimination between users and the availability of records – and is grounded in attitudes and opinions. The second is related to issues such as the location of the archives and its opening times, which are frequently influenced by resources.

Many different people may wish to gain access to your archives: internal users – e.g. priests, members of your religious community/order, and administrative personnel, as well as external users including academics, school children, students, genealogists researching their family tree, local historians and journalists. This leaflet focuses on access for external users of Catholic archives. Internal users have a greater argument to a 'right' of access, although the situation is still not straightforward. Even with internal users, it is important that the personal confidentiality of donors be safeguarded, and that copyright regulations be observed.

The legal situation

Created and paid for by institutions within the Catholic Church, archives contain records of great administrative importance, and often also material which is highly sensitive and/or confidential. There is no legal right of access to private archives. As stated in Canon 220, 'No one may unlawfully harm the good reputation which a person enjoys, or violate the right of every person to protect his or her privacy'.

There are three exceptions, however, which mean that some people may have a right of access to certain types of records created by the Catholic Church:

- Under Data Protection legislation, people have the right to know what information is held about them and have it corrected if it is wrong
- If the institution – perhaps a school or care home, for example – received public funding, then its records are subject to the Freedom of Information Act
- If archives are deposited somewhere that receives public funding – for example a local authority record office – they may also be subject to the Freedom of Information Act. This material may be covered by Exemption 41 ‘Information provided in confidence’, but the legislation needs to be tested before a definitive answer can be given.

Why should Catholic institutions and organisations provide access to their records?

It can be strongly argued that providing access to its archives will have positive consequences:

- The Church has a social and religious duty to allow access to its archives as explained by the Pontifical Commission’s document: *The Pastoral Function of Church Archives*
- It will reinforce the inherent value and relevance of the Church to society and allow for a better understanding of the work of the Church
- Archives can be evangelistic; they show God acting in the community and, for some people, asking about access to records will be their first contact with the Catholic Church
- The Church’s leaders will value her archives more if their external relevance is more obvious
- Copies of publications produced by researchers who have used the archives will generate a valuable library
- The Church will keep ahead of the law and be in full compliance with the spirit, as well as the letter, of the Freedom of Information legislation

An access policy

It is necessary to define the nature of access and make clear the responsibilities that come with access. The best way to do this is through a written access policy. The policy should be openly available with a separate record of decisions. As the Catholic Church is essentially a self-regulating body in terms of access, this shows an endeavour to be as open and transparent as possible.

It is reasonable to enforce some or all of the following, as appropriate to the individual archive:

- Potential researchers write to make an appointment providing evidence of who they are, and the nature and purpose of their research
- Potential researchers bring identification and/or provide a reference or letter of introduction
- Access to fragile items is restricted to prevent further deterioration. Ideally, a surrogate copy should be offered or conservation work planned
- Access to material which, if released, could cause distress to individuals or the community/institution is restricted
- Researchers should ask before they take photographs. The archive may choose to forbid photographs from being taken or choose to make copies on behalf of researchers.
- That any research undertaken is purely for the purpose of private study and that researchers seek permission before publishing material based on research undertaken in the archives
- It is reasonable to ask for donations. Some archives charge a fee for their time although this may create complications if you wish to maintain charitable status.

Closure period

It is perfectly acceptable, in a private archive, to set a closure period for material. Closure periods normally last for between 20 and 100 years. You may wish to close just part of a file or volume, the whole item, perhaps a series of records or even a whole collection, depending on the nature of the material and the wishes of the creators or owners. It is important, however, to be frank about what material is available, and if items have been restricted due to their fragile state or sensitive nature a record of this action should be made, giving the date when their access status will be reviewed. Those looking after archives should be aware that, for academics at least, a refusal of access is better than uninformed censorship.

Restrictions

Discriminating between researchers or censoring research is a difficult issue. Most researchers will be understanding of access rules but they will want to know that they have been fairly treated. It is reasonable to ask that researchers are serious and reliable and that they aim to present the truth in an appropriate context. If decisions are being considered on more subjective terms, it is advised that a final resolution should be in line with the ethos of the organisation and only reached after discussion within the community or institution.

Conclusion

Access to Catholic archives is a privilege rather than a right. The Catholic Church can benefit from allowing access to its archives if a policy is drawn up which finds an appropriate compromise between the needs of the institutions offering access and the needs of the users.

Further reading

John M. Dirks, 'Accountability, History and Archives: Conflicting priorities or synthesized strands?', *Archivaria* 54 (2004), 29-49

S. Foster (editor), *Church Archives: the Pastoral function of Church Archives and Archives in Canon Law* (Catholic Archives Society, 2001)

Economic and Social Research Council *Guidelines on Copyright and Confidentiality: Legal Issues for social science researchers* (1996). Available on-line at:
www.esds.ac.uk/aandp/create/wwwcopyrightandconfidentiality.pdf

The Information Commissioner's website contains information about Data Protection and Freedom of Information: <http://www.ico.gov.uk/>

A. A. Knightbridge, *Archive Legislation in the United Kingdom* Society of Archivist's Information Leaflet 3 (Society of Archivists, 1985)

The National Archives, 'Guidance on assessing whether deposited private archive collections are covered by the Freedom of Information Act 2000' (FOI), 2005

James M. O'Toole, *Basic Standards for Diocesan Archivists: A Guide for Bishops, Chancellors and Archivists* (Chicago, 1991)

Tim Padfield, *Copyright for Archivists and Users of Archives* (London, 2007)

Kristian Paver, 'Data Protection and Confidentiality: Civil Law versus Canon Law' in *Catholic Archives* 23 (2003), 10-19

Piers Leigh-Pollitt and James Mullock, *The 'Point of Law' Data Protection Act Explained* (London, 2001)

John S. Purvis, 'Ecclesiastical records', *Journal of the Society of Archivists* 1 (1955), 2-6

John Smart, 'The professional archivist's responsibility as an advocate of public research', *Archivaria* 61:1 (1983), 139-149

Shelley Sweeney, 'An act of faith: access to religious records in English speaking Canada', *Archivaria* 30:1 (1990), 42-54

Jean Tener, 'Accessibility and Archives', *Archivaria*
6 (1978), 16-31

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THE CATHOLIC ARCHIVES SOCIETY

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Access to Catholic Archives: Advice for potential Researchers

Records created by the Catholic Church can be found in many different institutions all over the county. This leaflet will discuss those records held in organisations which are part of the Catholic Church (rather than Catholic records held in local authority archives or university special collections). Every diocese in England and Wales is aware of the need to preserve their records and most have a person responsible for the archives. There are many archives of religious orders held in convents and monasteries. Finally, there are institutions such as schools, care homes and hospitals as well as voluntary societies, all of which generate material.

A wealth of unique information for local history, genealogy and many other studies can be found in the records of the Catholic Church. General public access to their records is a relatively new development for the Church in England and Wales, however, and its institutions vary in how they have approached this. It is important to be aware that the service is likely to be different from that offered by a publicly-funded body such as a city or county records office. Most Catholic archives work with very limited money, space, staff and other resources. In addition, most records held in Catholic archives are private and therefore there is no public right of access to them.

A diocesan archive, for example, is likely to be able to offer a greater level of access than a closed religious order, though many religious orders now have very well-established archives services. Some will have a dedicated archivist and reading room with indexes and catalogues prepared to help locate appropriate material. Others will have more limited facilities and resources. Some organisations will not be able to receive any visitors; they may offer to send you information in the post. This may be because they are managed by one person with many other jobs to do and so they have limited time to devote to archival matters. It is also important to be conscious of the fact that the records of religious orders equate to family archives and therefore, institutions like this will naturally want to ask more questions before they allow people into their home to look through their papers, or may feel unable to do so.

You will be able to visit some archives and do your research in person. You will almost certainly need to make an appointment specifying which day or days you would like to visit. You will most likely be required to provide a reference or bring some identification. Some requirements will be the same as those applied in all archives with bags, food and drink, pens and mobile telephones prohibited from the archive area.

These universal rules are in place to protect the unique and irreplaceable material for which institutions care. It is important to bear in mind that the opening hours may not be as long or regular as a larger record office and that the archive may close for lunch, only open for a few days a week or even each month.

Usually, the best course of action is to send a letter or an email to the institution or organisation which you believe holds relevant material, stating who you are and what you would like to find out, providing as much information as possible. It is important to allow plenty of time for your enquiry as it could be several weeks before you receive a reply. In general, people find the research process a much more productive and enjoyable experience if they plan well ahead and explain exactly what they require at the outset.

Finding out about where Catholic archives are held

In many ways, searching for Catholic archives is the same as looking for other archives. Some will be listed on the Access 2 Archives website:

<http://www.nationalarchives.gov.uk/a2a/default.aspx>

and in Janet Foster & Julia Sheppard (eds.) *British Archives: A guide to the archival resources of the United Kingdom*.

In addition, there is the annual *Catholic Directory* which contains contact details for national institutions. Individual diocese also produce directories which will often have contact details for the archives. (It should be noted that Roman Catholic dioceses are not geographically or administratively congruent with their Anglican counterparts). There is no current edition of the Directory of Catholic Archives; a new edition is in preparation.

See also www.catholicarchivesociety.org

To join the CARN (County Archive Research Network) scheme contact Paul Brough: pbrough@cornwall.gov.uk or write to Hon CARN Registrar, Cornwall Record Office, County Hall, TRURO, TR1 3AY. Details of the new scheme are set out in the secondary legislation which came out in 1999.

Regulations for use of the archive of



The collections held in the archive are unique and irreplaceable. The following regulations are in place to ensure that these collections are preserved for future generations. Please note that the archives are the private property of [Sample House] and access by the general public cannot be presumed. External researchers will be asked to supply in advance evidence of their identity (such as a CARN card) and/or a letter of introduction from a referee/sponsor. Should you have any questions, please speak to the archivist.

Requirments

1. Research visits by external enquirers must be made by prior written appointment.
2. All coats, umbrellas, bags and briefcases must be left in the designated area.
3. Mobile telephones must be switched off.
4. All work must be done in pencil. Researchers should enquire in advance about the use of laptop computers.
5. Researchers should take care when handling the documents, books and objects and follow the directions of the archivist. They should keep items in the order in which they were issued and any damage or accident should be reported at once.
6. The number of items issued to the researcher at any one time may be restricted and is at the discretion of the archivist.
7. Documents, books and objects must not be removed from the archives.
8. No eating, drinking or smoking is permitted in the archives.
9. Access to some material is restricted, because of confidentiality or because of the physical condition of the documents. Access may be permitted at the discretion of the archivist and subject to certain conditions.
10. Requests for photocopies or other reproductions of any material should go to the archivist. *The archivist may advise on copyright but the onus is on the researcher to comply with copyright legislation. Any researcher issued with photocopies will be asked to sign a form reminding them of the relevant legislation, and delimiting their use of the copies. Permission to copy items may be refused for conservation reasons, but photography may be permitted, at the discretion of the archivist, subject to the same copyright limitations.*

11. Permission must be obtained to publish or otherwise distribute reproductions of any items or to quote, in full or at length, from any documents in any publication. Brief quotations do not need specific permission but the source must always be acknowledged and the reference cited. A fee may be charged for commercial use of copied material.
12. Researchers must supply the archive with a copy of any publication resulting from work on the collections.
13. The archivist may exclude or cause to be removed any person who contravenes these regulations or whose exclusion from the archives is, in their opinion, necessary for its proper use and regulation.

User agreement

I agree to abide by the above regulations. I understand that any breach of the regulations may result in my exclusion from the archives and other archive services being informed of my exclusion.

Signed: _____ Date: _____

Name (print): _____

Address: _____

_____ Postcode _____

Email _____

Telephone _____

Alternative:

Anyone using the archives must enter name, address and subject of study clearly and legibly in a Visitor's Book on each visit to the archives; signing the Visitors Book constitutes agreement to observe these rules.