

Report of the National Archives Advisory Council 2011

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The National Archives Advisory Council

The National Archives

Bishop Street

Dublin 7

Ireland

March 20th 2012

To:

Jimmy Deenihan TD

Minister for Arts, Heritage and Gaeltacht Affairs

Department of Arts, Heritage and Gaeltacht Affairs

Kildare Street

Dublin 2

Dear Minister,

I enclose herewith the annual report for 2011-2012 of the National Archives Advisory Council. Under the National Archives Act 1984 this is to be laid by you before all houses of the Oireachtas.

On behalf of the Council, I would like to thank you for the interest you have shown in the work of the National Archives and for your courtesy and openness towards me personally over the last year.

Yours sincerely,

The Honourable Mr Justice Peter Charleton

Chairman of the National Archives Advisory Council

1. Establishment and functions of the National Archives Advisory Council

The National Archives Advisory Council was first established in January 1987, its principal function being to advise the Taoiseach, now the relevant Minister (currently the Minister for Arts, Heritage and Gaeltacht Affairs) in the exercise of his/her powers under the National Archives Act, and on all matter affecting archives and their use by the public. Under the Local Government Act of 1994 and the Harbors Act of 1996, the Council may also advise the Minister for the Environment and Local Government and the Minister for Communications, Marine and Natural Resources on any matters affecting local archives and harbor archives respectively.

In particular, the Council advises on issues of policy relating to the management, staffing and accommodation of the National Archives, the disposal of records by Government departments and other public bodies, the transfer of departmental records to the National Archives for preservation as archives, the acquisition of archives from other sources, the availability of archives for public inspection, the preservation of archives, and the services provided by the National Archives to members of the public.

2. Membership and Secretary

2.1. All members of the National Archives Advisory Council serve free of charge. The Council costs nothing. The historians, archivists, specialists and users on the Council give of their time and expertise in the hope of improving the situation of the National Archives.

Mr. Justice Peter Charleton (Chairman)

Mr. Michael Dixon

Professor Diarmaid Ferriter

Professor Jane Ohlmeyer

Mr. Raymond Hughes

Máire Mac Conghail

Ms Jennifer Moore

Ms Valerie Moriarty

Ms Carol Quinn

Dr Raymond Refaüssé

Mr. Paul Rouse (since March 2012)

Dr Mary McAuliffe (since March 2012)

Secretary to the Council

Ms Angela Mennella, National Archives of Ireland.

3 Annual Report

Section 21 of the National Archives Act, 1986 requires the National Archives Advisory Council to submit its Report to the Minister who must then lay it before each House of the Oireachtas. This is that report

3.1 Activities to date

3.1.1 The Council was inactive since 2007, no chairman having been appointed. The current chairman was appointed by the Government in March 2011 and the Council was revived immediately. The chairman met the Minister for Arts, Heritage and Gaeltacht Affairs on four occasions. On two formal occasions the chairman passed to the Minister considered advice of the Council on the resources necessary to put the 1926 census online; on the opposition of the Council to any amalgamation or downgrading of the National Archives with any other body in the light of the importance to any nation of maintaining governmental records as a source of historical truth; on lack of storage space for records; and on staffing levels. There was in addition to formal meetings of the Council, constant direct interaction with the former director David Craig and the acting director Frances McGee with the chairman and Council members. The current Council met for the first time on the 13th April 2011 and met subsequently as follows

21st June 2011

6th September 2011

8th November 2011

17th January 2012

13th March 2012

3.1.2 The Council gave approval for the use of archival records in the training of students enrolled in the Archives Masters at the School of History and Archives, University College Dublin.

3.1.3 Treaty Exhibition. On the 30th November 2011 members of the Council attended the launch by the Taoiseach Enda Kenny, of the online 'Treaty Exhibition' www.treaty.nationalarchives.ie. The Council wishes to convey its congratulations to the staff of the National Archives who put together this wonderful resource.

3.1.4 Crowley Bequest. The Council notes the work done in consequence of the bequest of Professor Francis Crowley to the National Archives. This has resulted in the cataloguing and creation of a searchable database of the papers received in the office of the Chief Secretary of Ireland. These records run from 1818 to 1922 and contain primary information on much of the governmental machinery in Ireland. Up to the present date, the records from 1818 to 1822 have been catalogued and selected documents put online to the clear benefit of the Irish people and wider community. The Crowley project is a five year project at the National Archives of Ireland, to catalogue to international archival standards, the registered papers of the Office of Chief Secretary of Ireland from 1818 to 1852, in order to facilitate public access to one of the most valuable sources of original material for research on Ireland in the first half of the nineteenth century. The project also employs a dedicated conservator to conserve the papers once they are listed. The project was made possible by a bequest from the late Professor Francis J Crowley. Born in New Haven, Connecticut, Professor Crowley was educated at Yale and Princeton, and became a professor of French at the University of California at Los Angeles. Both his

parents were born in Ireland, and in his will he bequeathed most of his estate to the Republic of Ireland to be used for the preservation of records of the history of the Irish people. Work commenced in September 2008, and we are delighted to be able to offer public access to the online catalogue for the first 5 years of papers which have now been listed: 1818, 1819, 1820, 1821 and 1822. These items are available for consultation at the reading room of the National Archives of Ireland, according to usual procedures. Cataloguing of the years 1823 and 1824 is currently in progress and these lists will be added to this website when complete.

3.1.5 Digitization. The National Archives have already put the following online; the census from 1901; the census from 1911; the documents of the office of the Chief Secretary's books from 1818 to 1822; the documents surrounding the Anglo-Irish treaty of 1921 and the treaty itself. Enhanced search facilities have been provided by the redesign of the National Archives website at www.nationalarchives.ie with the provision of hyperlinks to other sites holding Irish archives.

3.1.6 Intention. With so much searching being done online, the intention of the staff of the National Archives would be to further digitize more archives. This, however, depends upon resources. An online presence does not dispense with the need to keep documents. Many believe, wrongly, that digitization is the answer to many issues in archival matters. Digital archives can very easily be destroyed in seconds. Therefore, while the future resources of the National Archives can be geared to the digitization of existing and future materials, this cannot be done by discarding documents. This process described, rather, is an additional service which the National Archives has started and would wish to continue.

3.1.7 Defence Forces. The Council wishes to express its admiration for the exceptional work done on the Army archives. The chairman attended a presentation at Cathal Brugha Barracks of the new premises for the Army archives and saw a display of some items of exceptional interest at the reading room. The project will make available documents of high importance to historians, archivists and the public.

3.2 Future of the National Archives of Ireland.

Proposed amalgamation with the National Library.

As a political decision has been taken to merge the National Archives and the Irish Manuscripts Commission and the National Library, while maintaining their separate identities it is apposite that the Council uses the opportunity of its annual report to comment on the future of the National Archives. Nothing has been gained thereby and much stands to be lost unless considerable extra funding is applied to the amalgamated institutions.

The Council was not consulted, as is its statutory remit. As the Council was not given sight of the briefing documentation that led to this decision, it is unable to comment on the rationale behind the merger. However the Council feels it is vital that the following issues be considered in light of the current proposals. It is sincerely hoped that the merger will not result in a downgrading of the status of the National Archives, which would be in stark contrast to the redevelopment of the Public Record Office of Northern Ireland which has recently moved into a modern landmark, new building. The Council is perplexed at the lack of support to the National Archives as the primary repository of records of Government in Ireland.

3.2.1 Role and Purpose of the National Archives

A National Archives is much more than a cultural institution; it is a fundamental tool of open democracy and good governance. The core function of a National Archives is the care and preservation of the records of government and the provision of access to those archives.

This work is legislated for in the National Archives Act, 1986. The main provisions of the Act regarding Departmental records are summarised as follows:

- All Departmental records must be preserved, unless their destruction is authorised in writing by the Director or another officer of the National Archives designated by the Director for the purpose ([Section 6 of the Regulations, 1988](#))
- In general, all Departmental records which are more than 30 years old must be transferred to the National Archives and made available for inspection by the public. Particular records may be retained by Departments and/or be withheld from public inspection only if they are covered by certificates stating either:
 - That they are in regular use in a Department or are required in connection with its administration or;
 - That making them available for inspection by the public would/might;
 - Be contrary to the public interest, or
 - Constitute a breach of statutory duty, or a breach of good faith on the ground that they contain information supplied in confidence, or
 - Cause distress or danger to living persons on the grounds that they contain information about individuals, or would or might be likely to lead to an action for damages for defamation

It is the opinion of the Council that the proposed merger should take into account the need for the National Archives to continue to provide this core service and the need for the allocation of sufficient resources to do so.

3.2.2 Public profile of the National Archives

The success of recent projects by the National Archives such as the digitization of the 1901 and 1911 census, the online Treaty exhibition, the revamping of the National Archives Website to include digitized records from the Chief Secretary's Office, have all helped to raise the profile of the institution. It is the opinion of the Council that this work needs to be built upon to raise a wider awareness for the work of the National Archives and the breadth and value of the collections it contains. The merger should not in any manner impede the need for a raised public profile for the Archives.

3.2.3 Staffing and resources

The need for additional staff and resources has been a consistent theme in all previous Council reports. However this has been exacerbated in recent times by two issues

- the retirement of staff who under current conditions cannot be replaced.

- the retirement within 2 to 4 years almost the entire management group within senior management will see a severe loss in expertise and knowledge if provisions to address this are not implemented.

It is the hope of the Council that opportunities offered by the merger in terms of the movement of appropriately qualified staff may be used to address these concerns. In comparison to any other similar institution in Europe, the National Archives of Ireland is woefully understaffed.

The Council notes the retirement in January 2012 of the Director of the National Archives, Dr David Craig, and wishes to pay tribute to Dr Craig for his work on behalf of the National Archives both nationally and internationally. It is the strong recommendation of the Council that the position of Director be advertised and filled as soon as possible.

3.2.4 E-records

In his Annual Reports since 1997, the Director of the National Archives has repeatedly drawn attention to the pressing need for action to ensure the long-term preservation of our digital heritage. Much of the business of Government is now transacted electronically, and it is essential that resources be in place to enable the archives thus created to be preserved into the future.

It is the recommendation of the Council that an appropriately staffed and funded e-records unit be established within the National Archives similar to those in operation in all other bodies internationally.

3.3 Legislation

3.3.1 As the proposed merger with the National Library and the Irish Manuscripts Commission will require significant changes in legislation the Council wishes to draw attention to the following areas

3.3.1.1 Legislation identified as in need of updating in the 10th Report of the National Archives Advisory Council:

National Archives Act, 1986

Local Government Act, 1994

Harbours Act, 1996

Freedom of Information Act, 1997

Also in need of review in this context are:

Local Government Act, 2001

Data Protection Act, 1988 as ammended

Health (Provision of Information) Act, 1997.

Heritage Fund Act, 2001.

Heritage Act, 1995.

Copyright and Related Rights Act, 2000 section 68

3.3.1.2 It is of great concern to the Council that public service organization records are not covered by legislation; neither hospital records, nor Health Board records are covered by legislation. This is only an example. It is feared many will become dispersed or lost. A survey of what currently exists in institutions would be a step towards saving this important part of our national collection.

3.3.1.3 National Schools should be required to maintain records in compliance with the requirements of the Department of Education and its successor bodies.

3.3.1.4 The status of Coroners Records needs to be determined. Currently it is not clear if these are "departmental records" as defined in the Act. If they are deemed to be "departmental records", local archives which meet the appropriate standards for storage of archives should be declared "places of deposit" under the National Archives Act for receipt of such records. If it is deemed that these records are not "departmental records" then they may be preserved locally without reference to the National Archives.

3.4 1926 Census

3.4.1 The Council warmly welcomes the initiative by the Minister for Arts, Heritage and Gaeltacht Affairs to make the 1926 census available in a digitized format in the same manner as the 1901 and 1911 census and supports the provision of the necessary resources in terms of staff and funding to the National Archives to allow this project to happen. The Council has suggested ways in which possible implementation of this may occur. A full legal memorandum has been supplied by the Council to the Minister on the possible changes that may be necessary in order to deal with the 100 year confidentiality rule by statute and to deal with other changes in law that may be necessary.

3.4.2 Significant resources need to be applied to this task. The census exists in approximately 700,000 sheets which are stored in the less than ideal conditions of the warehouse in Bishop Street. In the past, significant support from the Church of Jesus Christ of Latter Day Saints had been forthcoming to assist in the microfilming of records related to the 1901 and 1911 census returns. These are now on line. Before the National Archives could even consider calling on help of that kind, years of expert work needs to be undertaken. An immense task is involved in turning the raw material of returns for 1926 on an area by area basis into organized and archived material suitable for microfilming and then digitization. Considerable extra resources of time, staff and funds are needed. The current resources of the National Archives cannot meet this task. A formal report from the Council has been provided to the Minister in that regard in addition to a full legal analysis.

3.5 Accommodation

3.5.1 There are a number of very longstanding problems with the National Archives buildings at Bishop Street and in the Four Courts complex. The premises do not come anywhere near meeting the internationally accepted standards for archival storage. The buildings are also inadequate in terms of racking, handling facilities and size, for storage of current archives and reasonable future provision. Because of the racking/shelving problems, neither building is being used to anywhere near maximum advantage. A scheme was prepared and announced many years ago (by Minister Sile De Valera) for a major new storage facility on the Bishop Street site for the National Archives but it was never treated as a priority and other cultural projects took precedence.

The Council is extremely concerned at this situation. Similar archives in Denmark, the Netherlands and Northern Ireland fairly indicate the accommodation and resources that are needed for any national archive of similar size. Merging, or amalgamating, or sharing resources with the National Library will not even begin to solve this problem. The situation is now acute. Every year the National Archives takes in a volume of records for which it simply does not have space. Estimates of a very rough kind suggest that developing the magnificent Bishop Street site will enable the National Archives to move into the future. It should not be thought that the current situation can somehow continue. The matter must be urgently looked at.

3.5.2 The National Archives contain a treasury of documents. Through the work of the National Archives Advisory Council in conjunction with the expert staff of the National Archives, documents are increasingly being made available in facsimile form in newspapers and in specialist magazines. This work will continue. The lack of a suitable exhibition space has long hindered the raising of awareness of collections held at the National Archives. The Programme for Government recognises the economic importance of an exhibition space and library:

*We will also explore philanthropic opportunities for the development of a **national archives and genealogy quarter**, providing easy access to archives and tapping into an area of cultural tourism which is of huge interest to the vast Irish Diaspora.*

3.5.3 An expert genealogy service is provided to all tourists and members off the public in a small room off the public reading room of the National Archives. Formerly, two genealogists gave advice to the public free of charge from 10.00 hours to 17.00 hours. Because of funding questions this service has now been cut to one genealogist from 10.00 hours to 13.30 hours.

3.6 30 Year rule

3.6.1 The National Archives Advisory Council notes that Deputy Anne Ferris on the 15th of February 2012 introduced a Bill before Dáil Éireann which would amend the inspection moratorium on government records, reducing it from 30 years to 15 years. Deputy Ferris moved:

That leave be granted to introduce a Bill entitled an Act to amend the National Archives Act 1986 by providing for the transfer to the National Archives of Departmental records which are more than 15 years old; to make consequential amendments to other statutes; and to provide for related matters.

This bill was not opposed by government. It awaits time for debate.

3.6.2 The National Archives cannot currently store the records transferred to it after a moratorium of 30 years. No provision seems to be being made for extra accommodation. The movement into the National Archives of 16 extra years of records should this Bill become law is impossible. Practical issues need to be addressed by Government. These are set out in this report. The attention of the Minister and members of the Oireachtas is therefore drawn to this issue.

Signed

Peter Charleton, Michael Dixon, Diarmaid Ferriter, Jane Ohlmeyer, Raymond Hughes, Máire Mac Conghail, Jennifer Moore, Valerie Moriarty, Carole Quinn, Raymond Refusée, Paul Rouse, Mary McAuliffe

