

ANNUAL REPORT 2012

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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 the Gaeltacht in the exercise of his/her powers under the National Archives Act, 1986 and on all matter affecting archives and their use by the public. Under the Local Government Act of 1994 and the Harbours 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 harbour 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 Refaussé

Mr. Paul Rouse (appointed March 2012)

Dr Mary McAuliffe (appointed 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 the Gaeltacht on two occasions in 2012. On one formal occasion the chairman passed to the Minister considered advice of the Council: on the legislative recasting of the National Archives Act 1986. There was in addition to formal meetings of the Council, constant direct interaction with the acting director Frances McGee, with the chairman and with Council members. The current Council met for the first time on the 13th April 2011. During 2012 the Council met as follows:

17 January 2012

13 March 2012

15 May 2012

2 October 2012

1 November 2012

3.1.2 The Council gave approval for the loan of archival records for the exhibition held in the Irish Architectural Archive on the occasion of the 250th anniversary of Merrion Square, Dublin (as required by Section 4 (1)(h) of the National Archives Act, 1986)

3.1.3 Visit of the President of Ireland. On the 1st November 2012 members of the Council attended a visit by the President of Ireland, Michael D Higgins, to the National Archives. The President toured the building, met with staff, viewed conservation of archives and spoke of the high importance of the work of the National Archives.

3.1.4 Crowley Bequest and other work. 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 with 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 the public free access to the online catalogue for the first 5 years of papers which have now been listed: 1818, 1819, 1820, 1821 and 1822. These papers 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 major projects to benefit from a new searchable presence online are the Soldiers' Wills' website: wills of Irish soldiers who died serving in the British Army, most of these wills date from the Great War 1914-1918, with a small number for the period of the South African War 1899-1902 and the Tithe Applotment Books website: these manuscript books, compiled between 1823 and 1837, set out the amount, in money terms, which occupiers of agricultural holdings should pay in tithes to the Church of Ireland. The soldiers' wills' project has been a three year task undertaken by the National Archives. These wills, in the main, were flimsy documents derived from the final page of the small book issued to soldiers on enlistment whereby they could fill out the name of the person who was to be their beneficiary in the event of death. Most of the dead named their mother. These wills did not have to be signed by a witness. About half of the collection is now on line and the other half is being worked on. Officers' wills were probably admitted to probate in the usual way, and if such a task is to be undertaken in the future to put these documents online, vastly greater resources are needed than are currently available. It is no exaggeration for the Council to note that this work was undertaken on a shoestring and under the constraints of an ever diminishing budget. The National Archives has already put the following online; the census returns from 1901; the census returns from 1911; the documents of the Chief Secretary's 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.

Digitisation has been an immense success. In respect of the 1901 and 1911 census returns, 16 million people have accessed them online since 2007, 2.8 million of whom visited in 2012. For the Treaty Online Exhibition 28,999 people accessed it online in 2012. For the soldiers' wills, visitors online have amounted to 15,713 people in November and December 2012 and 34,376 people accessed the Tithe Applotment Books in the same period.

3.2 Future of the National Archives of Ireland.

Proposed amalgamation with the National Library: In November 2012, the Minister for Arts, Heritage and the Gaeltacht announced that the National Archives would not be merged with the National Library. It is sincerely hoped that this very welcome development will be the start of the recognition of the National Archives in the preservation and availability of Ireland's history. The Council remains, however, perplexed by the lack of

support to the National Archives as the primary repository of records of the Government in Ireland.

In January 2012 the Director of the National Archives Dr. David Craig retired. The Council, through its Chairman, repeatedly conveyed to the Minister and the officials of his Department its strong recommendation that the position of Director be advertised and filled. It is regretted that the position has not yet been advertised.

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 Act of 1986 should be revised.

3.2.2 Public profile of the National Archives

The success of the recent projects, mentioned previously, has helped to raise the public profile of the National Archives. The conservation of the National Archives' collection of 17th century maps, many of which will be incorporated on the forthcoming Down Survey website hosted by Trinity College Dublin (www.downsurvey.tcd.ie), further foster the National Archives public profile.

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, of almost the entire management group within senior management, which will see a severe loss in expertise and knowledge if provisions to address this are not implemented.

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. The Council is meeting on this issue and will produce formal advice for the Minister.

3.3 Legislation

3.3.1 The Council wishes to draw attention to the following areas where updating of legislation is imperative.

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 amended

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 While the Council warmly welcomed the initiative by the Minister for Arts, Heritage and the Gaeltacht to make the 1926 census returns available in a digitized format in the same manner as the 1901 and 1911 census returns and while it supported the provision of the necessary resources in terms of staff and funding to the National Archives to allow this project to happen, no progress at all has been made in 2012-2013. The project has run into the sand and that is not for want of a willing staff at the National Archives who would be delighted to supervise the project should appropriate resources be made available. 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. The Council notes, with regret, that the legislation necessary to have the 1926 census returns released for public inspection has not progressed.

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 is now no accommodation available to take in records for 1983. This is shocking. A proposal to revamp a floor in Bishop Street to enable more space to be squeezed out of inadequate resources is under consideration. A proposal to revamp the warehouse area has been dropped, apparently for funding reasons, by the Office of Public Works. The condition of storage of documents there is a national disgrace.

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. Works over recent years have expanded storage capacity by increasing density of shelving, but further such expansion is not possible because the areas available have now been used. A scheme was prepared and announced in the early 1990s 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 archives of similar size. 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 tourists and members of the public in a small room off the 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 Monday to Friday. Because of funding questions this service was cut in October 2011 one genealogist from 10.00 to 13.30 hours.

3.6 Universal Declaration on Archives

Archives record decisions, actions and memories. Archives are a unique and irreplaceable heritage passed from one generation to another. Archives are managed from creation to preserve their value and meaning. They are authoritative sources of information underpinning accountable and transparent administrative actions. They play an essential role in the development of societies by safeguarding and contributing to individual and community memory. Open access to archives enriches our knowledge of

human society, promotes democracy, protects citizens' rights and enhances the quality of life.

3.7 30 Year rule

3.7.1 The National Archives Advisory Council previously noted 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.

3.7.2 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, Carol Quinn, Raymond Refaüssé, Paul Rouse, Mary McAuliffe.

Appendix I

Advice on the proposal to revise the 30 year rule for the reception and inspection of archives to 20 years from the National Archives Advisory Council dated 1 November 2012

The National Archives Advisory Council

June 14th 2013