



NATIONAL ARCHIVES ADVISORY COUNCIL

ANNUAL REPORT 2013

Report of the National Archives Advisory Council 2013

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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 An Gaeltacht) in the exercise of his/her powers under the National Archives Act, 1986 and on all matters 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 *pro bono* - 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.

The Hon Mr. Justice Peter Charleton (Chairman)

Mr Michael Dixon (retired April 2013)

Professor Diarmaid Ferriter

Mr Raymond Hughes (retired April 2013)

Máire Mac Conghail

Dr Mary McAuliffe

Dr Deirdre McMahon

Ms Jennifer Moore

Ms Valerie Moriarty (retired April 2013)

Professor Jane Ohlmeyer

Dr Raymond Refaussé

Ms Joanne Rothwell

Mr. Paul Rouse

Ms Carol Quinn (retired April 2013)

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 the report for the calendar year of 2013. It is regretted that funding is not available to cover the cost of an Irish translation of the annual report.

During 2013 the Council met six times:

Tuesday 22 January

Tuesday 19 March

Tuesday 7 May

Thursday 27 June

Tuesday 1 October

Tuesday 3 December

In May 2013 Council consented to the loan of fifteen documents to the National Library of Ireland for use in the Library's exhibition on USA President John F. Kennedy (as required by Section 4 (1)(h) of the National Archives Act, 1986).

Local Authority Records: with the impending dissolution of town and urban district councils and the amalgamation of several local authorities, Council corresponded with the bodies concerned emphasising that appropriate recognition needed to be given to the considerable history and civic status of municipal government within the new forthcoming arrangement; the importance of preserving and archiving their respective records and their obligations in making proper arrangements for the safe management, care and custody of the records pertaining to the impending dissolved and amalgamated authorities. Council also requested information regarding the steps being taken by the local authorities towards the preservation of their respective resource and towards the engagement of a dedicated archivist. Council was pleased with the good response received.

The Minister for the Environment, Community and Local Government was also written to regarding the amalgamation and the concern Council had in relation to the preservation of the records. The Minister also visited the National Archives and met with the acting director Frances McGee and with the chairman of Council.

Residential Institutions Redress Board: the Residential Institutions Redress Board Act, 2002 under Section 28 of the Act specifically excluded certain records of the Board, such as the case files, from the remit of the National Archives Act, 1986. Members of Council, through the Chairman, expressed their concern with regard to the preservation of all the records of the Board and the Council was advised that if all of the records of the Board were to be preserved by the National Archives amending legislation to permit this would have to be introduced by the Minister of Education and Skills. The Council was reminded that the National Archives does not take in documents which are not to be released to the public. The relevant Minister has expressed a commitment to consider the preservation of these records, with appropriate safeguards and an appropriate time lag, as part of Ireland's national story.

Thirty years rule: The release and accessibility of government department papers after thirty years is being reduced to twenty years in the United Kingdom, through two years' releases being made each year for five years. If this were to become Government policy the Council is of the opinion that the deficit in funding would present severe pressure on, and in reality

would not make it feasible for the National Archives to undertake this change. It was further intimated to the Council that in the current financial climate funding is not available.

Census of 1926: Although still Government policy, and that the Department of Arts, Heritage and An Gaeltacht requests the National Archives to prepare for its release, it is understood that the Department of An Taoiseach and the Central Statistics Office (CSO) are opposed to the release of the 1926 census before its release year of 2027. There would be three stages to the release of the 1926 census – legislation to release the census into the custody of the National Archives; the extensive examination of the returns and the preparation necessary for digitization.

Records of banks: Council expressed the importance of preserving bank records for future generations who may undertake research into the cause of the financial crisis; most obviously from September 2008 on. Even though many banks have crossed the threshold from private to majority public ownership, they are considered private and are not subject to the National Archives Act, 1986. This was further confirmed by Patrick Honohan, Governor of the Central Bank, with whom the Chairman of the Council corresponded. The Governor also informed the Chairman that the Central Bank has engaged a professional archivist to ensure that all the Central Bank's archive material is managed in line with best practice.

National Asset Management Agency (NAMA) and the financial crisis: The Chairman of NAMA informed the Council, through the Chairman, that the Board of NAMA recognises the historical significance of their records and will seek the advice of the National Archives with regard to their preservation. The Irish Bank Resolution Corporation, in special liquidation, is the entity which Anglo Irish Bank plc became. In 2012 the Government resolved that it be put into special liquidation. Since the credit committee records and some other limited documents would be of interest to historians, Council resolved to seek the preservation of relevant banking records. The chairman corresponded with the special liquidators and while they could not give a commitment because of legal constraints on liquidators, they undertook to preserve their records pending further developments. The Minister for Finance, in correspondence with the chairman, expressed a strong view that the preservation of these records was essential.

Digital born records: The preservation of digital born records is in peril. It is the responsibility of the Government to create a compatible electronic management records

system, which will also allow the records to be subsumed onto new software systems as progress forward is made. Each government department would need to have such a system and it is accepted that this will be a very expensive undertaking. In the meantime, if nothing is done, many digital archives will have been lost. The Council regard this as a priority and will consider the matter further.

4.Future of the National Archives

The core function of the National Archives is the care and preservation of the records of government and the provision of access to those archives. This function 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

Proposed legislation: It is the considered opinion of the Council that the National Archives Act, 1986, should be revised through an amending bill. The structure of many sections of the current act is outdated: for instance only the government departments and the scheduled bodies listed in the 1986 act are covered in the legal framework of the act. It is of great concern to the Council that many public service organization records are not covered by the current legislation; neither hospital records, nor Health Board records are covered. This is only an example. It is feared that many record collections may have, or will become dispersed or lost. It should be an offence to destroy records that are of core value to the history of each listed body and each department of Government. Every department and body charged with transferring records should have a designated person to act as archivist or quasi-archivist to identify important records and to prepare these for onward transmission to the National Archives. There should be a designated person in Government who has ultimate responsibility for archives and to whom all will be answerable. The National Archives Act should be amended not as legislation relating to a cultural body but, separately, as the repository of the history of the State.

The Council remains 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.

Furthermore, an inordinate number of vacancies in both the professional grades and general grades are hampering the existing staff of the National Archives in the carrying out of their regular assignments.

At the end of the year (2013) it was conveyed to the Council that an improvement in storage accommodation may be expected – on the imminent completion of a cost benefit analysis, the existing warehouse to be suitable transformed in three phases over a period of six years.

The Council wishes to commend the National Archives:

- For the successful outcome of the chairing five meetings during Ireland EU Presidency
- For successfully obtaining further funding from the Wellcome Trust towards the preservation and archiving of hospital records.
- For the availability on line of the *Calendars of Wills and Administrations 1858-1920*