

EXPLANATORY MEMORANDUM TO

Public Use of the Records (Management and Fees) Rules (Northern Ireland)

S.R. 2016 No. 394

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 9 of the Public Records Act (Northern Ireland) 1923.

2. Purpose

- 2.1. The Statutory Rule, developed in consultation with the Departmental Solicitor's Office, sets fees for optional services provided, and establishes rules for the management of the Public Record Office of Northern Ireland, including rules for admittance of the public.
- 2.2. Fees listed relate to optional products and services offered in addition to free access to records currently provided by PRONI.

3. Background

- 3.1. In respect of charging for optional goods and services, the existing fees will be brought into line with current costs. In addition, the Statutory Rule will introduce charges for new optional services and remove redundant fees.
- 3.2. Rule 3 provides for chargeable optional goods and services, and schedule 1 prescribes the fees payable exclusive of Value Added Tax.
- 3.3. Guidance on safeguarding the records, and on conveying courtesy to others in the Office, is set out in a Code of Conduct.
- 3.4. Rule 4 provides for the Deputy Keeper to publish from time to time a Code of Conduct with directions necessary to the management of the Office. Schedule 2 sets out directions to be included in the Code of Conduct.
- 3.5. Rules have been established to govern admission to PRONI, and to set out the reasons why a person may be excluded from the Office.
- 3.6. By way of rule 2, a "visitor" is defined as a person other than a member of staff, a FM contractor's employee, or a person providing a service at the Office under a contract.
- 3.7. Rule 5(1) requires a visitor seeking admission to produce a valid Visitor Pass.
- 3.8. Rule 5(2) sets out how a person seeking admission may obtain such a Visitor Pass, including the requirement to sign an Undertaking to adhere to the Statutory Rule, to any Code of Conduct issued under rule 4, and to any other reasonable direction issued by the Deputy Keeper or a designated officer.
- 3.9. Materials made available by the Office are governed by UK Copyright Law.
- 3.10. Rule 5(3) requires a person holding a Visitor Pass to sign such copying and copyright declaration as the Deputy Keeper may require.
- 3.11. The Office's commitment to abide by the Information Commissioner's Office Data Protection Principles in holding personal information requires that it is accurate and up to date. Rule 6 requires a visitor to notify the Office in writing of any change of name or address.
- 3.12. To help champion document security, Rule 7 requires a visitor to handle all records with care.

- 3.13. Rule 8 lays out the reasons why a visitor may be excluded from the Office, and the means by which such a person may appeal to the Deputy Keeper against exclusion from the Office.

4. Consultation

- 4.1. Public consultation on the draft Statutory Rule took place from 24 March to 23 May 2016. 20 responses were received from individuals and a range of organisations including a number from the higher education sector.
- 4.2. The Department hosted two stakeholder engagement events. The events provided an opportunity for the Department to present the draft Statutory Rule and to answer any questions. Participants were encouraged to submit a written response.
- 4.3. Key themes emerging from the consultation relate to (i) access to records (ii) the rationale for optional chargeable services; and (iii) the structure used to price certain optional services.
- 4.4. The responses to the public consultation were used to revise and improve the content of the Statutory Rule.
- 4.5. A summary of the consultation responses received has been prepared and has been placed on the Department for Communities website. The consultation report sets out the key points raised by respondents and the Department's response.

5. Equality Impact

- 5.1. The proposals have been subject to an equality screening exercise to determine if there are any negative differential impacts on any of the groups identified at section 75 of the Northern Ireland Act 1998. The exercise concluded that there are no detrimental impacts.

6. Regulatory Impact

- 6.1. The fees are not in direct competition with local suppliers and will not disturb or distort the fair operation of the market. Given that there will be no material impact on business, charities or the voluntary sector a Regulatory Impact Assessment was not considered necessary.

7. Financial Implications

- 7.1. The Department is satisfied that the balance between cost and benefit is justified. The revised fees reflects the current cost of staff time and other resource required for delivery of optional services; and is offset by continuing the provision of free access to records at PRONI.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The draft Statutory Rule is in compliance with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. N/A.

10. Parity or Replicatory Measure

- 10.1. In drafting this Statutory Rule, account has been taken of the policies and charges currently in place in similar organisations in GB namely The National Archives and the National Records of Scotland.

10.2. There are minor differences between the GB and NI legislation. This reflects local circumstances, structures and priorities.

11. Additional Information

11.1. N/A.