

Submission to the 30 Year Rule Review

From the Guild of One-Name Studies

The Guild of One-Name Studies (hereafter 'The Guild') is grateful for the invitation to submit evidence to the 30 Year Rule Review.

About the Guild

The Guild of One-Name Studies is the world's leading organisation for people interested in or conducting genealogical 'one-name studies'. A one-name study is a project researching facts about a surname and the people who have held it, as opposed to a particular pedigree (the ancestors of one person) or descendency (the descendants of one person or couple).

The Guild brings together those with an interest in one-name studies and other forms of surname study (such as DNA projects). Many members register a surname in order to embark on a Guild recognised one-name study and coordinate world-wide activity in studying the surname.

The Guild is a charitable organisation dedicated to promoting the public understanding of one-name studies and the preservation and accessibility of the resultant information. Founded in 1979, the Guild now has around 2,000 members spread across the world, studying over 5,000 individual surnames.

Relevance of the Review to the Guild

From its inception in 1979, members carrying out Guild-registered one-name studies have been encouraged to collect modern references to the surname in question, as well as historic data. So whereas many family historians will be searching for data from the early 20th century backwards in time, our members take an interest in the study of the surname at all times. In 1979, there was far less historic data available than today, so the modern telephone directories, for example, were one of the few publicly available sources from which the geographic distribution of surnames could be inferred.

Because of this interest in modern as well as historic records, Guild members have often been frustrated by the inconsistent closure rules on public records. The situation concerning censuses is well known, but problems arise elsewhere too. We often find that well-meaning civil servants believe that many classes of record should remain closed on the

grounds of personal privacy. Sometimes the prevention of 'identity theft' is advanced as the reason. It is perhaps not the place here to state that so-called 'identity theft' will never be solved by trying to restrict what personal information is publicly available — in this day and age we all live in a world where much can be gleaned about each other. Rather, the problem must be tackled by organisations, including government, adopting stronger methods of establishing identity. It is ironic that the Passport Office still asks for sight of one's birth certificate despite that fact that all such documents now bear the words "Warning: A certificate is not evidence of identity".

Another key point concerning privacy is that the Data Protection and Privacy legislation affords privacy rights to individuals even if the information about them is in the public domain. Many consider this odd, but it does mean that our members must respect living peoples' privacy even if the information about them is in the public domain. A further complication arises as our members are spread worldwide and collect information from many countries and there is no consistent global view on data protection matters.

The 30 Year Rule

It seems to us that there are two rather separate issues relating to the 30 Year Rule. One is when departments should deposit records with The National Archives and the other is when records should be publicly available. The former is not one on which The Guild has a view, although several of our Trustees, as former Senior Civil Servants believe that space constraints rarely allow departments to hold onto bulky paper files for very long.

Making records available, in the era of Freedom of Information, seems to us to be a straightforward issue. The presumption must be that all records, deposited or not, should be available subject to certain limited overriding reasons that they should not be. Indeed, in public administration, and even in the governance of Charities such as us, the watchword these days is 'transparency'. Clearly there will always be a need to protect national security and the commercial confidentiality of businesses, but there are few such blanket reasons for exemption from records being made available. Furthermore, even if the data is considered 'personal data', this should not necessarily dictate that the information should remain closed, since, as referred to above, individuals have privacy rights even with respect to publicly available data about them.

Given that this Review should be forward looking, it should be recognised that records are increasingly being deposited in forms other than paper. The records themselves could contain non-text information. Making such

records available to the public can be a challenge and cost is often quoted as a reason to deny a current Fol request. It is important therefore that attention is given not only to depositing records, but also considering how they can be retrieved and made available to the public in an appropriate form. We note that the Government has often used public-private partnerships here, but this sometimes means that people overseas, with little grasp of UK geography and culture, are being asked to transcribe British records and this leads to a poor quality output.

Conclusions

The Guild supports the view that public records should be transferred to the National Archives as soon as they have no operational or policy reasons for being retained with the originating department. We further believe that the presumption should be that records should always be public unless there are specific identified reasons for not doing so. The fact that some documents may contain personal data is not of itself an overriding factor, as individuals have rights to privacy even in respect to publicly available data about them.

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23rd February 2008