



**Óglaigh
na hÉireann**
DEFENCE FORCES IRELAND

An Chartlann Mhíleata
Military Archives

Military Archives Personal Records Policy

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References

- National Archives of Ireland Act 1986, Regulations 1988.
- SI 281/1997 – National Archives Act, 1986 (Prescription of Classes of Records) Order, 1997.
- National Archives of Ireland Records Retention Policy 2020: Schedule of Records Common to all Departments of State.
- National Archives of Ireland Acquisition Policy 2018-2022.
- EU GDPR, 2016.
- Data Protection Act, 2018.
- Freedom of Information Act, 2014.
- Succession Act, 1965.
- Birth Information and Tracing Act, 2022.

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1. INTRODUCTION

1.1 Purpose

The Military Archives is the custodian of a very significant quantity of Personal Records. This document is designed to formalise the Military Archives policy and practices in relation to Personal Records in its custody, and to provide guidance to archivists in making these records accessible.

1.2 Authority

The authority to acquire state records created by the Defence Forces, Department of Defence and Army Pensions Board stems from the status of the Military Archives as the official place of deposit for the records of these organisations, as defined by the National Archives Act 1986 (Section 14) and authorised by An Taoiseach in 1990.

The authority to retain personal data beyond its original purpose “for archiving purposes in the public interest or for reasons of scientific or historic research, provided that appropriate technical and organisational measures are in place” is derived from the 2016 EU GDPR, article 89(3).

Personal Files are also subject to S.I. No. 281/1997 – National Archives Act, 1986 (prescription of Classes of Records) Order 1997.

1.3 Scope

Scheduling under S.I. No. 281/1997 allows for Personal Records to be retained by their Department of creation and to be withheld as a class of records under section 8(2)ⁱ and/or 8(4)ⁱⁱ of the National Archives Act.

This is in acknowledgement of the fact that personnel files are considered current records for the lifetime of the individual as well as any surviving spouse or dependents, and will also contain highly sensitive personal information, some of which may be classed as special category personal data under article 9 of the EU GDPR.

As the Military Archives is both a section of the Defence Forces (the department of origin) and a place of deposit under the National Archives Act, deposit at the Military Archives constitutes their retention by the Defence Forces but does NOT constitute their release for public inspection until such a time as this is certified in accordance with the National Archives Act.

2. METHODOLOGY

2.1 Retention Period

The retention period for Personal Files within their Department (i.e. the Defence Forces) is 100 years. After this, they may be scheduled for release for public inspection in accordance with the provisions of the National Archives Act including certification by the Certifying Officer.

2.2 Access

2.2.1 Defence Forces / Department of Defence

Access will be provided to the necessary offices of creation throughout the lifetime of Personal Records. If requested, they will be signed out to:

COMO
EPMO
Relevant Formation Area Records Office.

All other requisitioning offices are to do so through one of these three offices.

2.2.2. Living Subject

Access in the Reading Room will be given to the subject of the file while still alive.

The subject of the file may nominate a third party to access the file on their behalf.

Access will be granted under a request under Section 34 of the Birth Information and Tracing Act 2022.

2.2.3 Deceased Subject

Access will be provided to proven next-of-kin if the subject of the file is deceased. Next-of-kin refers to individuals who “stand nearest in blood relationship” to the deceased and in accordance with Section 71 of the Succession Act, 1965.

Access will be granted under a request under Section 34 of the Birth Information and Tracing Act 2022.

2.3.4 Third Party Data

Third party personal data contained in the file will be redacted before being viewed by either the subject of the file or their nominee (while alive), or their next-of-kin (if deceased).

Access to third party personal data will be provided to third party data subjects contained in the file in accordance with Data Protection and Freedom of Information law.

2.3.5 Identification

Individuals, or their nominated person, requesting access to a personal file, or next-of-kin requesting access to a personal file of a deceased individual, are required to provide satisfactory proof of identification. Third party DNA tests do NOT count as sufficient forms of identification.

ⁱ An officer of a Department of State authorised for the purposes of this subsection may certify that for stated reasons a particular Departmental record, or a particular class or classes of Departmental records prescribed in accordance with subsection (11), which are more than 30 years old and are specified in the certificate are in regular use in that Department or are required in connection with its

administration and that their transfer to the National Archives would seriously interfere with the administration of that Department.

ii An officer of a Department of State authorised for the purpose of this subsection may, with the consent of an officer of the Department of the Taoiseach so authorised (except in cases of records relating to the Department of the Taoiseach), certify, in relation to particular Departmental records, or a particular class or classes of Departmental records prescribed in accordance with subsection (11), which are more than 30 years old and are specified in the certificate, that to make them available for inspection by the public – (a) would be contrary to the public interest, or (b) would or might constitute a breach of statutory duty, or a breach of good faith on the ground that they contain information supplied in confidence, or (c) would or might cause distress or danger to living persons on the ground they contain information about individuals, or would or might be likely to lead to an action for damages for defamation.