



PUBLIC RECORDS ORDER 2015

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Statutory Document No. 2015/0297



Public Records Act 1999

PUBLIC RECORDS ORDER 2015¹

Approved by Tynwald: 17 November 2015
Coming into Operation: 1 December 2015

The Council of Ministers makes the following Order under section 4(10) of, and paragraphs 4(1) and 7(1) of Schedule 2 to, the Public Records Act 1999.

1 Title

This Order is the Public Records Order 2015.

2 Commencement

If approved by Tynwald¹, this Order comes into operation on the 1 December 2015.

3 Interpretation

In this Order “the Act” means the Public Records Act 1999.

4 Public Records

- (1) The bodies specified in Schedule 1 and Schedule 2 to this Order are specified for the purpose of paragraph 4(1) of Schedule 2 to the Act (bodies whose records are public records).
- (2) The records of the following officers are to be treated as public records —
 - (a) probation officers;
 - (b) industrial relations officers; and
 - (c) the commissioner appointed under paragraph (2)1 of Schedule 1 to the Police Act 1993.

5 Access to public records

- (1) The prescribed period for the purposes of section 4 of the Act, with respect to public records which the appropriate person certifies —

¹ As required by section 9(4) of the Public Records Act 1999

- (a) contain information of a kind specified in column 1 of Schedule 3 and
 - (b) fall within a class specified in relation to that information in column 2 of that Schedule,
- is the period specified in relation to that class in column 3 of that Schedule.
- (2) In this article “the appropriate person” has the meaning given by section 4(10) of the Act.

6 Revocation

The Public Records Order 2000² is revoked.

MADE 29 OCTOBER 2015

² SD 110/00

SCHEDULE 1**ADDITIONAL BODIES WHOSE RECORDS ARE PUBLIC RECORDS**

[Article 4(1)]

Health and Social Services

Any council, committee or other body established under the National Health Service Act 2001 or the Social Services Act 2011.

The Tynwald Advisory Council for Disabilities.

The Mental Health Commission.

Transport

The Road Transport Licensing Committee.

Education

The Education Council and any committee of or other body of, or appointed by, that Council.

The committee established under section 12 of the Education Act 2001.

Any body of managers or governors of a primary or secondary school established under section 5 of the Education Act 2001.

Legal Services

The Legal Aid Committee.

The Advocates Fees Committee.

Law and Order

The consultative body and the Police Advisory Group established under section 18 of the Police Act 1993.

The Parole Committee.

The Probation Liaison Committee.

Any case committee established for a petty sessions district.

Miscellaneous

The Advisory Council for Planning and the Environment.

The Isle of Man Rent and Rating Appeal Commissioners.

The Isle of Man Information Commissioner.

The Trustees of the Manx Radio Trust.

Radio Manx Limited.

SCHEDULE 2**BODIES THAT NO LONGER EXIST WHOSE RECORDS ARE PUBLIC RECORDS**

Article 4(1)

Health and Social Services

Any council, committee or other body established under the National Health Service (Isle of Man) Acts 1948 to 1979 or under regulations under those Acts.

Any governing body or trustees of a voluntary hospital (within the meaning of the National Health Service (Isle of Man) Act 1948).

The Manx Health Insurance Society.

The Chronically Sick and Disabled Persons Committee.

Transport

The Road Traffic Commissioners.

Isle of Man Transport Limited.

The Isle of Man Railway Company

Education

The Isle of Man Board of Education and any committee of that Board.

The committee established under section 58 (religious instruction) of the Isle of Man Education Act 1949.

Any body of managers or governors of a primary and secondary school established under section 45, 46 or 47 of that Act.

Law and order

The Isle of Man Gaming Control Commissioners.

The Isle of Man Licensing Board.

Any district licensing board for a licensing district.

Miscellaneous

The Isle of Man Data Protection Registrar.

SCHEDULE 3

SPECIAL CLOSURE PERIODS FOR CERTAIN RECORDS

[Article 5(1)]

Kind of information	Class of records	Period
A. Information the disclosure of which would not be in the public interest in that it would harm defence, international relations (including relations with the United Kingdom), national security (including the maintenance of law and order) or the economic interests of the Island	All records	40 years
B. Information supplied in confidence the disclosure of which would constitute a breach of good faith	<ol style="list-style-type: none"> 1. Records relating to tax of any kind 2. Records containing personal information subject to a statutory restriction on disclosure during the lifetime of an individual 3. Records of any census taken under the Census Act 1929 4. All records not falling within 1., 2. or 3. above 	<p>100 years or where records are known only to relate to adults 84 years</p> <p>100 years or where records are known only to relate to adults 84 years</p> <p>100 years</p> <p>40 years</p>
C. Information about individuals the disclosure of which would cause either: (i) substantial distress, or (ii) danger from another person, to persons affected by disclosure or their descendants	<ol style="list-style-type: none"> 1. Records containing information from which it is likely that an individual could be identified as a rape victim 2. All records not falling within 1. above 	<p>100 years</p> <p>100 years or where records are known only to relate to adults 84 years</p>

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.