

Analysis of Consultation Responses

Public Use of the Records (Management and Fees) Rules (Northern Ireland) 2016

27 October 2016

Background

The Public Record Office of Northern Ireland (PRONI) is a Division of the Department for Communities (DfC). The primary legislation governing how PRONI operates is the Public Records Act (NI) 1923, which permits:

- the establishment of rules for the management of PRONI, including admission of the public, and
- the setting of fees in connection with the use of the records.

A Statutory Rule, currently *Public Use of the Records (Management and Fees) Rules (Northern Ireland) 2009 (S.R. 2009 No. 69)*, brings these provisions into force.

A period of public consultation ran from 24 March to 23 May 2016 to seek comments on draft proposals to revise the existing Statutory Rule. The Department held an open information session, and met with key stakeholders at an engagement event in PRONI during the consultation period.

The key objectives of revising the existing Statutory Rule are:

- to make Rules on management of PRONI clear and easy to understand
- to introduce a Code of Conduct for visitors to PRONI
- to sustain a service which provides greater access to the archives and value for customers, setting fees to reflect the cost of delivering optional services and goods.

Free Services

PRONI provides free access to records onsite and online, including:

- Registration – free of charge

- Your first Visitor Pass – free of charge
- Advice and guidance in the search room – free of charge
- Routine document retrieval – free of charge
- Consultation of documents in the reading room – free of charge
- Organised group visits – free of charge
- Exhibitions, talks and events – free of charge
- Written advice and assistance – free of charge
- Searchable archives and databases online – free of charge
- Use of personal devices for copying in the reading room – free of charge under the proposed Statutory Rule.

PRONI also offers a number of chargeable products and services as a means of alternative access to records which are documented in Schedule 1 within the Statutory Rule.

Analysis of Consultation Responses

The consultation responses provided a substantial amount of detailed comments, views and suggestions around the proposals made in the consultation paper. In analysing responses it was important to adopt a systematic and consistent approach to allow responses to be analysed by rule and organisation. The following table sets out who responded to the public consultation (as listed at Annex A), the points raised by each individual or organisation, the rule each point relates to, and the Department’s response to each specific point made. Points were raised by 20 individuals or organisations.

Organisation: Head of School, School of History and Anthropology, Queen’s University Belfast

Rule Number	Point Raised	DfC Response
General	We are very concerned that the new pricing structures will very seriously limit the kinds of research that BA dissertation students, MA and PhD students will be able to pursue. In addition, many staff will simply not be able to afford to use your resources.	<p>Access to records in the PRONI building will remain free of charge to the general public.</p> <p>Advice and assistance from PRONI staff will continue to be provided free of charge.</p> <p>Search and administration fees relate to optional services as a means of alternative access to records. For example, Fee No. 1 in the draft Schedule 1 relates to a search of specified records undertaken by PRONI</p>



staff on behalf of a customer.

The draft Statutory Rule will withdraw the photocopying service in favour of an alternative (and less invasive) means of copying. The removal of a charge for personal digital photography (2009 fee 34) will enable visitors to use their own personal device (i.e. camera, phone or iPad etc) free of charge to make copies of records, subject to any copying or copyright restrictions. Charges for self-service reproduction using equipment provided by PRONI remains at the current level for self-service copying (2009 fee 8).

PRONI will continue to offer a service whereby members of the public can request PRONI staff to make copies of records for them. Increases to these fees reflect increases to staff costs and other



[REDACTED]

overheads since the existing fees were calculated in 2009.

Organisation: Lecturer, School of English and History, Ulster University

Rule Number

General

Point Raised

I'm just checking about the new charges – so to use a digital camera is it £ 10.30 an hour? Or how is that calculated? What if you only took a few photographs over the entire day? How would the costs be determined and by who? Most archives, if they charge, do a set fee (£10ish) for the whole day.

DfC Response

Under the draft Statutory Rule, a charge for personal digital photography (2009 fee 34) will be removed so visitors may use their own personal device (i.e. camera, phone or iPad etc) to make copies of records free of charge.

Organisation: Office of the Attorney General for Northern Ireland

Rule Number

General

Point Raised

No excessive burden should be placed on public access.

DfC Response

Access to records in the PRONI building will remain free of charge to the general public.

General

It should be made clearer that there will be no charge for access to records for members of the public.

Noted – the heading to draft Schedule 1 will be amended to make it clearer that there is no charge for access to records in the PRONI building.

Organisation: Ulster Historical Foundation

Rule Number

Point Raised

DfC Response

Schedule 1, fee 3

This will have an impact on those who wish to order out, for example, a box of records rather than five items at a time from that box. Many PRONI boxes have not been fully catalogued and hours can be spent waiting for documents to be produced in limited numbers.

The Department will remove a fee for bulk ordering from the draft Statutory Rule.

Schedule 1, fee 4

This is certainly off-putting to those who wish to use PRONI's records for a publication. Surely PRONI should be encouraging researchers to use its holdings in published work and pleased when authors contact PRONI seeking permission to publish.

The Department will remove a fee for permission to publish from the draft Statutory Rule.

Organisation: National Union of Students

Rule Number	Point Raised	DfC Response
General	<p>Any increase could place barriers to students being able to afford to use the services of the public records office. The proposed changes could also have a very detrimental impact upon investigative journalism and particularly student of freelance journalists who may not have the financial backing of a large media outlet to fund the cost of public records office services.</p>	<p>Access to records in the PRONI building will remain free of charge to the general public.</p> <p>Advice and assistance will continue to be provided free of charge.</p> <p>Search and administration fees relate to optional services as a means of alternative access to records. For example, Fee No. 1 in the draft Schedule 1 relates to a search of specified records undertaken by PRONI staff on behalf of a customer.</p> <p>The draft Statutory Rule will withdraw the photocopying service in favour of an alternative (and less invasive) means of copying. The removal of a charge for</p>



personal digital photography (2009 fee 34) will enable visitors to use their own personal device (i.e. camera, phone or iPad etc) free of charge to make copies of records, subject to any copying or copyright restrictions. Charges for self-service reproduction using equipment provided by PRONI remains at the current level for self-service copying (2009 fee 8).

PRONI will continue to offer a service whereby members of the public can request PRONI staff to make copies of records for them. Increases to these fees reflect increases to staff costs and other overheads since the existing fees were calculated in 2009.

Access to records in the PRONI building will remain free of charge to the general public.

Schedule 1, fee 1 The search fee from 2009 has been £15, and it is difficult to understand why this needs to increase by almost a third to the proposed £19.92 for each 15 minute information search. This is a

massive increase and could have a significant impact upon people's ability to carry out research through this service.

Advice and assistance from PRONI staff will continue to be provided free of charge.

Changes to this fee reflect increases to staff costs and other overheads since the existing fees were calculated in 2009.

General

Another key point that must be remembered is that these are public records, they should, in theory and in practice be freely available. These are not a private company's records. Surely there is a question that must be raised as to whether it is even acceptable to put a price on such services, never mind putting prices up.

PRONI also holds historic records of government departments and non-departmental public bodies, as well as a wide range of privately deposited records, all of which may be consulted in the PRONI building free of charge.

Search and administration fees relate to optional services as a means of alternative access to records.

Changes to fees reflect increases to staff costs and other overheads since the

existing fees were calculated in 2009.

General

If a student, as part of a course assignment or dissertation wants to use the public records office as part of their research this could be significant hidden cost that they may not have envisaged when budgeting for their year ahead.

Access to records in the PRONI building will remain free of charge to the general public.

All fees for alternative means of access are listed in the Statutory Rule as Schedule One.

General

Any price barrier or deterrent could also have an extremely negative impact upon the public records office because it could decrease footfall at the public records office and could make the service less popular with those who might find the service useful.

Access to records in the PRONI building will remain free of charge to the general public.

Advice and assistance from PRONI staff will continue to be provided free of charge.

The removal of a charge for personal digital photography (2009 fee 34) will enable visitors to use their own personal device (i.e. camera, phone or iPad etc) to

General

If government departments in Northern Ireland wish to promote education, skills and research, then it is important that it sends out a clear message about how important research is. To do this it must not increase prices regarding documents.

make copies of records free of charge.

Access to records in the PRONI building will remain free of charge to the general public.

Advice and assistance from PRONI staff will continue to be provided free of charge.

Cost effective copying options are proposed, including:

- a. Personal digital photography permitted in the reading room free of charge.
- b. Self-service equipment made available for visitors to produce a digital image or paper copy of a record for a charge of £0.30 per copy, inclusive of VAT.

Organisation: Board of Irish Historical Studies Publications CLG

Rule Number	Point Raised	DfC Response
Schedule 1, fee 3	It would be good to receive assurance that where for <i>bona fide</i> reasons an academic user does make a single order of more than five items (for instance, when ordering a box of uncatalogued material) the very significant proposed charge will not apply.	The Department will remove the fee for bulk ordering from the draft Statutory Rule.
Schedule 1, fee 4	There are also concerns about the proposed charge for administering requests for permission to publish material in the records. In both cases, these concerns would be alleviated by a distinction being drawn between commercial and non-commercial usage, with fees being waived where the latter could be demonstrated.	The Department will remove the fee for permission to publish from the draft Statutory Rule.

Organisation: Irish Committee of Historical Sciences

Rule Number	Point Raised	DfC Response
General	We welcome PRONIs desire to update their Rule and to bring their regulations and fee structures into line with contemporary practice.	Noted

Schedule 2	<p>The Code does not make clear what the Office’s policy is regarding digital photography – that is, whether or not it is acceptable for a reader to take their own digital images of the records using a camera or mobile phone. Clause (5) implies that this might be the case, but it would be clearer and more transparent, to add a digital camera or camera phone to the list of approved items which can be brought into the reading room.</p>	Noted.
Schedule 3	<p>The phrase ‘if the declaration is false in a material particular’ is not very clear and alternate wording could be inserted here. We feel this is an important point because it suggests that the reader must be responsible not to make ‘infringing’ copies at the self-service copy outlets, but does not say this as clearly as it could.</p>	Noted – All materials made available by the Office are governed by UK Copyright Law (Copyright, Design & Patents Act 1998).
Schedule 1	<p>The unit of ‘for each 15 minutes expended’ is highly nebulous. It is impossible for a reader to know in advance how much staff time might be required for their order. Will it be possible to charge in minutes? Or will the tendency of staff be to simply charge automatically in 5 minute units? And how will staff time be calculated? And by whom? And will staff be monitored so that they are effecting orders in a timely fashion? This seems a highly</p>	<p>An itemised summary of costs incurred will be calculated in advance, allowing each potential customer to decide whether or not they wish to proceed with their order.</p> <p>The chargeable unit used for each fee relates to the average time required to</p>

subjective measure which surely cannot be fair to the general public, let alone to the staff involved.

perform the service or to deliver goods. All services will be performed by a specific grade of staff (or combination of grades). Staff costs have been calculated to reflect average salaries for each grade.

Schedule 1, fee 2 In the past there has never been a fee to cover the staff time required to process a photocopying order.

The draft Statutory Rule will withdraw the photocopying service in favour of an alternative (and less invasive) means of copying.

Fee 2 ‘for administering orders for copying records...’, will apply to a written request for a copy where a PRONI reference has been clearly identified by the customer, and will relate to the administration, retrieval and verification of the document against the request made, which is offered in addition to the free document production and consultation facilities provided to onsite customers.

Schedule 1, fee 3	<p>This fee suggests that PRONI will now start charging to simply administer the request for a 'bulk order' of documents. We object to these fees for several reasons. One is that they are set in a highly indeterminate unit of measure, that of staff time. Another is that it seems to discriminate against serious researchers who wish to consult large amounts of material during their visit. We do not see how bulk orders are any more labour intensive than requesting individual items, many of which must be extracted from larger collections of papers. We object that PRONI is seeking to charge fees for what looks to be its basic service: retrieving documents.</p>	<p>The Department will remove the fee for bulk ordering from the draft Statutory Rule.</p>
Schedule 1, fee 7-10	<p>It is unclear what sort of document the reader would be using that would fall into this category. Is it a paper record? If so, then why the reference to 'creating a digital image'? Does PRONI reprographics now create digital images as standard, and then produce either paper or digital copies from those on request? If this is the case, that is not clear in this category. If you are a reader using a paper record, and you want a paper copy of that, it is unclear why you would want to 'create a digital image' of that record, let alone pay for that process.</p>	<p>Noted – this reprographic option will be amended to: <i>Paper copies of original documents per sheet.</i></p> <p>The draft Statutory Rule will withdraw the photocopying service in favour of less invasive digital copying. Either a paper or digital version can then be provided. These</p>



fees relate to paper copies provided.

Schedule 1, fee
11-12

The phrase 'scanned images' is unclear. Do you mean 'digital images', in line with the rest of the document?

Noted – this will be amended to:

*Digital images provided electronically.
Charge per image (excluding any
additional fees incurred).*

Schedule 1, fee
11

Under 11, we are puzzled as to what type of record is being referred to here. Is it images in the online databases, such as the Ulster Covenant or Valuation Records? Or is it some other type of record, such as photographs, which PRONI has already digitised? And can be searched, but not via a publicly accessible database?

PRONI Reprographics create digital images in a variety of contexts. Where a digital image of an original record has been captured by PRONI staff before a request has been received by the Office, the customer will not be charged for this process.

Schedule 1, fee
12

Under 12, we wonder if you mean to say 'a single digital image of a *paper* record'?

Noted – this will be amended to:

*For creating and providing a single digital
image of an original record held by the
Office.*

Schedule 1, fee 11-12	Given that, in previous sections, you have treated paper records first, would it not be clearer to place Fee 12 <i>before</i> Fee 11?	Noted
General	This deletion would suggest that the discretion of the Deputy Keeper to waive fees and charges is being taken away. It may be that there are good reasons for this, and we accept that transparency and equality of treatment are important public values. However, the removal of this clause suggests that PRONI will no longer be able to offer discounted, or even waived, services. This suggests that groups with limited finances will be expected to pay the standard fees, when they can ill afford it.	Noted
Schedule 1, fee 4	PRONI fees, as modest as they are, can be significant obstacles to the carrying out of heritage projects of all kinds. We are thinking particularly of the small publishing projects which many community groups seek to carry out. Charging set fees for administering requests for publishable materials will significantly disadvantage these sorts of groups.	The Department will remove the fee for permission to publish from the draft Statutory Rule.

Organisation: Professor, School of History and Anthropology, Queen’s University Belfast

Rule Number	Point Raised	DfC Response
General	I should begin by pointing out that the first I, or any of my colleagues at the Queen's University history school, heard of these proposals was when a colleague brought back a copy of your document on 13 May, just one working week before the closing date. This does not suggest a serious effort to reach potential users for the purpose of consultation.	Noted – The consultation paper was published on 24 March 2016, and was forwarded by email on the same day to key stakeholders, including the Vice Chancellor’s Office, Queen’s University Belfast, for further distribution.
Schedule 1, fee 3	A number of the provisions, such as no. 3 (administering orders for more than five items) are at first sight alarming. They become less so given the undertaking that they do not apply to work relating to the consultation of records on site and that this will remain free. But it would be important to make this point clear, by stating explicitly that a researcher working in the search room is not expected to pay money to ask a member of staff a question about material he or she is using or trying to find, or for negotiating access to records that need to be produced more than five at a time.	The Department will remove the fee for bulk ordering from the draft Statutory Rule.

Schedule 1, fee 4	I would object to is no. 4, permission to publish. If this is taken to extend to all requests to quote from documents (as opposed to publishing entire texts) than the potential cost for an academic monograph drawing on a number of collections is considerable. There is a strong case for saying that routine permissions to quote from records held by PRONI in non-commercial publications should be free.	The Department will remove the fee for permission to publish from the draft Statutory Rule.
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Organisation: Private Researcher (1)

Rule Number	Point Raised	DfC Response
Schedule 1, fee 3	Incoherently laid out and unclear (for instance the relationship between the reference - in 'BACKGROUND' - to 'open records which are and will remain free to consult onsite', and the reference - in 'SCHEDULE 1' - to charges for 'administering a single order for more than five items'.	Noted – the heading to draft Schedule 1 will be amended to make it clearer that there is no charge for access to records in the PRONI building.
Schedule 1	I find it distressing that no distinction in charging is made between commercial and non-commercial uses. The imposition of charges on e.g. graduate students preparing a thesis by using the material	The Department will remove the fee for permission to publish from the draft Statutory Rule.

in the PRONI will introduce a wholly unacceptable financial strain which will inevitably inhibit scholarship.

Organisation: Lecturer, Belfast School of Architecture, Ulster University

Rule Number	Point Raised	DfC Response
Schedule 1, fee 3	This sounds like the end of the very useful bulk ordering system. That system is essential to the operation of any serious large scale research project that utilises the records held by PRONI. The problem is that future projects simply will not be carried out, as the time and financial resources required to meet the proposed rule changes will not be available.	The Department will remove the fee for bulk ordering from the draft Statutory Rule.
Schedule 1, fee 7-12	The high cost of these fees will deter many from making copies. These charges will ensure that PRONI becomes one of the most expensive archives in the UK and Ireland to carry out research.	The removal of a charge for personal digital photography (2009 fee 34) will enable visitors to use their own personal device (i.e. camera, phone or iPad etc) to make copies of records free of charge. Changes to fees reflect increases to staff

costs and other overheads since the existing fees were calculated in 2009.

Cost effective copying options are proposed, including:

- a. Personal digital photography permitted in the reading room free of charge.
- b. Self-service equipment made available for visitors to produce a digital image or paper copy of a record for a charge of £0.30 per copy, inclusive of VAT.

General

General concerns on introducing Appendix B, Existing Statutory Rule.

As stated in the 'Introduction' of the consultation paper, Appendix B relates to the existing Statutory Rule which will be revoked when the draft Statutory Rule is made.

Organisation: Private Researcher (2)

Rule Number	Point Raised	DfC Response
Rule 5 (3)	<p>It is suggested that such a short validity period adds considerably to the administrative burden and costs placed on PRONI staff and illustrates the ‘control culture’ so prevalent within the public service in Northern Ireland. Unless, therefore, it can be clearly demonstrated and evidenced that a restriction of this nature would significantly improve record management, or prevent or resolve some specific issues experienced by PRONI in its day-to-day operation, I would suggest that a longer period of validity should be permitted, such as three years.</p>	<p>The Department will remove draft rule 5(3) and detail will be provided in the Code of Conduct.</p>
Schedule 1	<p>It is suggested that there are significant administrative benefits to both staff and clients, if all fees are rounded up or down to a figure that permits easy calculation of VAT and simple payment in cash terms. Even if the overall costs of the service were to be covered, a degree of flexibility in individual item charges could be exercised as this would significantly reduce the administrative burden and the amount of time required for each transaction.</p>	<p>The fees have been calculated according to <i>Managing Public Money NI</i> guidance whereby all fees are calculated at full cost.</p>

General

The scale of fees is so high as to constitute exploitation and forms a significant barrier to use of the service by the general public, whose records the PRONI holds. It is an insult to those who fund the service through taxation to be faced with the possibility of such a level of charges and is becoming, along with parking, a major disincentive to the use of PRONI at all.

Access to records in the PRONI building will remain free of charge to the general public.

Advice and assistance from PRONI staff will continue to be provided free of charge.

Search and administration fees relate to optional services as a means of alternative access to records. For example, Fee No. 1 in the draft Schedule 1 relates to a search of specified records undertaken by PRONI staff on behalf of a customer.

The draft Statutory Rule will withdraw the photocopying service in favour of an alternative (and less invasive) means of copying. The removal of a charge for personal digital photography (2009 fee 34) will enable visitors to use their own personal device (i.e. camera, phone or



General

It does not appear to recognise the lower than average incomes, greater degree of disability and level of unemployment experienced by the Northern Ireland community, some 42% of which are in fuel poverty and must choose whether to 'heat or eat'. The activities of PRONI are rapidly acquiring the characteristics of a luxury service accessible only to a minority audience able to afford them, and that ignore the needs and

iPad etc) free of charge to make copies of records, subject to any copying or copyright restrictions. Charges for self-service reproduction using equipment provided by PRONI remains at the current level for self-service copying (2009 fee 8).

PRONI will continue to offer a service whereby members of the public can request PRONI staff to make copies of records for them. Increases to these fees reflect increases to staff costs and other overheads since the existing fees were calculated in 2009.

Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity. A screening exercise was carried out in July 2015, and there is no evidence that revising PRONI's charges will adversely impact (in a material

circumstances of ordinary people.

way) any of the Section 75 groups.

Access to records in the PRONI building will remain free of charge to the general public.

Advice and assistance from PRONI staff will continue to be provided free of charge.

Schedule 1, fee
21

Given the scale of fees in the schedule, any prudent customer would normally ask for an estimate of cost, since the potential exists to quickly accumulate a fee of three figures. Yet to pay even an estimation fee on this scale is a significant disincentive.

The Department will remove the fee for estimates from the draft Statutory Rule.

Schedule 1

Such fees might just possibly be justified if an affordable alternative method of record recording was readily available to members of the public, such as being able to use their own digital camera (without flash photography) at no cost and without notice.

As proposed, the removal of a charge for personal digital photography (2009 fee 34) will enable visitors to use their own personal device (i.e. camera, phone or iPad etc) free of charge to make copies of records, subject to any copying or copyright restrictions.



General

PRONI should provide a number of camera stands for this service, as is the case, for example, at the much more accessible National Archives at Kew, an organisation that truly places people at its heart. It might even be suggested that digital copies of all such images should be provided to PRONI to permit the accumulation of an image database, accessible through their website, at minimal cost to PRONI.

Noted

Schedule 2

Under 4. items that may be brought into the Search and Reading rooms, the following addition:

Noted

vii. A hand-held audio recording device for dictation (such as an electronic note taker).

It is accepted that this may require restriction of use to certain designated areas within the Reading room.

viii. A handheld scanning device such as a scanning wand.

Again, it is accepted that such use should not result in damage to the documents being scanned.

ix. Such equipment used by a disabled person to access records as would constitute a 'reasonable adjustment' under the Disability Discrimination Act 1995.

Organisation: Lecturer (1), School of History and Anthropology, Queen’s University Belfast

Rule Number	Point Raised	DfC Response
General	<p>PRONI should keep being a public service and not introduce full costing fees which will end (almost) free services from the state and ended equality of citizen. The search and administration fees are particularly high and unfair – 100£ per hour – meaning extensive research will become an expensive and affordable only to few people.</p>	<p>Access to records in the PRONI building will remain free of charge to the general public.</p> <p>Advice and assistance from PRONI staff will continue to be provided free of charge.</p> <p>Search and administration fees relate to optional services as a means of alternative access to records. For example, Fee No. 1 in the draft Schedule 1 relates to a search of specified records undertaken by PRONI staff on behalf of a customer.</p> <p>The draft Statutory Rule will withdraw the photocopying service in favour of an alternative (and less invasive) means of</p>



copying. The removal of a charge for personal digital photography (2009 fee 34) will enable visitors to use their own personal device (i.e. camera, phone or iPad etc) free of charge to make copies of records, subject to any copying or copyright restrictions. Charges for self-service reproduction using equipment provided by PRONI remains at the current level for self-service copying (2009 fee 8).

PRONI will continue to offer a service whereby members of the public can request PRONI staff to make copies of records for them. Increases to these fees reflect increases to staff costs and other overheads since the existing fees were calculated in 2009.

Organisation: Private Researcher (3)

Rule Number	Point Raised	DfC Response
General	The proposals for changes to fees for services at PRONI seem reasonable. The proposals for changes to regulations seem simpler than those of 2009.	Noted

Organisation: Lecturer (2), School of History and Anthropology, Queen's University Belfast

Rule Number	Point Raised	DfC Response
General	Access to historical documents should not be seen as a service which the government provides to individuals. It is a fundamental duty which government owes to society as a whole, ensuring that our history is preserved, shared and understood. Consequently, it is a basic principle of public record keeping that individuals should be able to access historical documents without charge.	Access to records in the PRONI building will remain free of charge to the general public. Advice and assistance from PRONI staff will continue to be provided free of charge.
Schedule 1, fee 3	Requesting multiple items is a fundamental requirement of	The Department will remove the fee for

historical research. By all means set sensible limits on how many items can be ordered at once, but charging almost £19 for large orders only has the effect of slowing down and inhibiting research. Such a high fee is entirely prohibitive for students and for most younger scholars as well. Nor is it rational to impose this charge. In many cases, researchers will need to review large numbers of files from the same box. It makes absolutely no sense for PRONI staff to make two separate trips to the same box, getting five files each time, when they could have made a single trip to collect all ten.

bulk orders from the proposal.

Schedule 1, fee 6

This seems self-defeating. Where possible, the public should always consult digital records unless the paper one is required. Using digital records protects the original documents and saves staff time in fetching the paper copy. Introducing this will simply encourage readers to make more paper orders.

This fee relates to self-service copying in the search room or reading room, using PRONI equipment to make a single paper copy of a microfilm entry or a digital copy of an original record to download the digital copy to a memory stick.

Organisation: Reader, School of English, Queen's University Belfast

Rule Number	Point Raised	DfC Response
General	<p>I am very concerned to note the proposed introduction of a wide range fees and the revocation of the Public Use of the Records rules. I would like to point out academic interests in the records and research into the records would be greatly stymied by such measures. Academic researchers and graduate students in particular would be put off from using PRONI with the introduction of such measures.</p>	<p>The draft Statutory Rule will replace the existing Statutory Rule, <i>Public Use of the Records (Management and Fees) Rules (Northern Ireland) 2016</i> (SR 2009 No. 69).</p> <p>Access to records in the PRONI building will remain free of charge to the general public.</p> <p>Advice and assistance from PRONI staff will continue to be provided free of charge.</p> <p>Search and administration fees relate to optional services as a means of alternative access to records. For example, Fee No. 1 in the draft Schedule 1 relates to a search of specified records undertaken by PRONI staff on behalf of a customer.</p>



The removal of a charge for personal digital photography (2009 fee 34) will enable visitors to use their own personal device (i.e. camera, phone or iPad etc) free of charge to make copies of records, subject to any copying or copyright restrictions.

PRONI will continue to offer a service whereby members of the public can request PRONI staff to make copies of records for them. Changes to these fees reflect increases to staff costs and other overheads since the existing fees were calculated in 2009.



Organisation: Head of Information Security and Records Management, Police Service of Northern Ireland

Rule Number	Point Raised	DfC Response
General	No amendments or comments were added to the draft as the comprehensive paper clearly outlines PRONI's processes and procedures. The Consultation Paper has been written in a clear and methodical manner regulating access to original documents while securing and preserving PRONI Records.	Noted

Organisation: Private Researcher (4)

Rule Number	Point Raised	DfC Response
General	I suggest that there is a fundamental disconnect between PRONI's mission statement to preserve and make available the archival heritage of Northern Ireland, and the apparent intentions behind the draft Rule.	<p>The draft Statutory Rule will replace the existing Statutory Rule, <i>Public Use of the Records (Management and Fees) Rules (Northern Ireland) 2016</i> (SR 2009 No. 69).</p> <p>Access to records in the PRONI building will remain free of charge to the general public.</p>

Schedule 1, fee 1

I have lost count of the number of occasions when searches have been conducted for missing or misplaced files, access decisions queried, or - to take my most recent adventure - when the electronic catalogue of the entire FIN18 class fails to list more than a handful of the thousands of files existing under that heading.

Advice and assistance from PRONI staff will continue to be provided free of charge.

Access to records in the PRONI building will remain free of charge to the general public.

Advice and assistance from PRONI staff will continue to be provided free of charge.

Search and administration fees relate to optional services as a means of alternative access to records. For example, Fee No. 1 in the draft Schedule 1 relates to a search of specified records undertaken by PRONI staff on behalf of a customer.

Schedule 1

How is the time spent on such searches monitored? What processes are involved? Is there any guarantee that the most efficient and expeditious means are being used, and the

Search and administration fees relate to optional services as a means of alternative access to records.

temptation is avoided to protract the exercise in the interests of garnering a larger fee? If these searches are to cost me in the region of £80 an hour, I believe I am entitled to some assurance that the fee has been incurred in an appropriate manner.

A summary of costs incurred will be calculated in advance, allowing each potential customer to decide whether or not they wish to proceed with their order.

This service is managed and monitored by PRONI staff.

General

This draft Rule conveys to me an impression that PRONI is putting up barriers to deter the public from using its services. Charging £8.33 for each yearly renewal of a Visitor Pass. Signing a Code of Conduct and giving an undertaking to abide by the Rules. Wearing the Visitor Pass at all times. Not making unnecessary noise in the search or reading rooms. Giving notification of a change of name and address. I suppose there must be some kind of justification for imposing such conditions, but in my years of using PRONI I have yet to discern what abuses on the part of your users that they are intended to rectify.

Access to records in the PRONI building will remain free of charge to the general public.

Advice and assistance from PRONI staff will continue to be provided free of charge.

All Visitor Cards with a fault will be replaced free of charge.

Schedule 1, fee 20, will be charged to replace a Visitor Pass that has been lost or stolen.

The points made in the Code of Conduct relate to security of the documents and upholding respect and courtesy to others in the Office.

The requirement under draft rule 6, *A person to whom a Visitor Pass has been issued under rule 5 shall notify the Office in writing of any change of name or address*, relates to the Information Commissioner's Office data protection principles, no. 4: personal information must be accurate and up to date.

General

If research is going to become so expensive an undertaking, then the levels of service provided by PRONI will have to increase exponentially in order to justify the costs and inconveniences involved.

Access to records in the PRONI building will remain free of charge to the general public.

Advice and assistance from PRONI staff will continue to be provided free of charge.

Organisation: *Researcher, School of Geography, Archaeology and Palaeoecology, Queen's University Belfast*

Rule Number	Point Raised	DfC Response
Schedule 1, fee 3	<p>A fee for such bulk ordering is likely to be a prohibitive cost to researchers, particularly in this time of cuts to education funding. Academic researchers may therefore have to resort to ordering just five items at a time, which could extent the timescale of the research so that it is unfeasible to complete in an acceptable timeframe. This may result in certain research projects not being carried out. As production of research is key to University rankings and funding, any impediments to this is potentially highly detrimental.</p>	<p>The Department will remove the fee for bulk ordering from the draft Statutory Rule.</p>
General	<p>Bulk orders do not necessarily increase staff labour and time to produce. Ordering these items five at a time would actually <i>increase</i> staff time and labour, compared to bulk ordering the entire box. It is illogical to apply a fee where staff labour and time is actually reduced.</p>	<p>The Department will remove the fee for bulk ordering from the draft Statutory Rule.</p>

Organisation: Chief Information Officer, Department of Justice NI

Rule Number	Point Raised	DfC Response
General	<p>Page 4 of the document ('Background') concludes with a statement which implies that PRONI is forced to use a simple full cost recovery model by <i>Managing Public Money (NI)</i>. This is misleading. Similar public bodies, e.g. TNA, allow discounts, for example for multiple copies. More importantly, <i>MPMNI</i> (p47) allows for exceptions "where charges are generally low or minimal <u>as a matter of policy</u>" (my emphasis) – in other words, opting for full cost recovery is an option that PRONI chose, not one you were forced into.</p>	<p>The rationale applied in calculating fees was approved at Ministerial level in March 2016. In accordance with <i>Managing Public Money Guidance 2008</i> (Department of Finance and Personnel NI), draft fees have been calculated at full cost to reflect staff time and other resources.</p> <p>Changes to fees reflect increases to staff costs and other overheads since the existing fees were calculated in 2009.</p> <p>Cost effective copying options are proposed, including:</p> <ol style="list-style-type: none"> a. Personal digital photography permitted in the reading room free of charge.



- b. Self-service equipment made available for visitors to produce a digital image or paper copy of a record for a charge of £0.30 per copy, inclusive of VAT.

Schedule 1

I feel PRONI is “missing a trick” here, presentationally. PRONI is unusual in the range of core services it offers for ‘free’ – i.e. covered from block vote. Yet the impression given by the Rule is of a blizzard of charges. Can I suggest a statement of scope, which would list out clearly all the services the customer gets for nothing?

Noted – the heading to draft Schedule 1 will be amended to make it clearer that there is no charge for access to records in the PRONI building.

Schedule 1, fee
21

Provides for a charge to be made for providing estimates. This is extremely unusual, and requires something like a blank cheque from the customer. It is standard business practice, including in the public sector, for the cost of providing estimates to be absorbed, by adding a nominal amount to all other charges.

The Department will remove the fee for providing an estimate for work from the draft Statutory Rule.

Schedule 3

It is not clear from this who owns the copyright you are asserting in this Declaration. In some cases, copyright may remain with the

All materials made available by the Office are governed by UK Copyright Law

original depositor, but in others (the majority?) is it Crown Copyright we are dealing with? In which case, the Declaration does not reflect the range of developments that have occurred over recent years – Open Government Licensing, the *Re-use of Public Sector Information Regulations*, and the NI Executive’s Open Data policy.

(Copyright, Design & Patents Act 1998). Crown Copyright applies to some archival material under s.163, whilst Copyright responsibility is retained by private individuals and/or organisations in the case of other records.

The Declaration is not a mechanism for identifying copyright ownership or enforcing copyright restrictions.

The Declaration sets out visitor responsibilities in relation to copies of original records made by visitors or made by PRONI staff and supplied to visitors. It advises visitors that it is their responsibility to ensure copyright is not infringed. This will have no bearing on initiatives whereby open access is provided, for example the Re-Use of Public Sector Information.

Rule 5

Has thought been given to providing two classes of pass, reflecting the two groups of customers PRONI has? Academics and others would still have the permanent pass described here, but short-term visitors (e.g. those from overseas here for a once in a lifetime visit to trace their family history) could be given a temporary pass. This is how a number of other archives, e.g. the National Archives in Dublin, operate.

Further information on PRONI's role in relation to Crown Copyright, Permission to Publish, and the Re-Use of Public Sector Information is provided on the PRONI website.

All Visitors are asked to display a Visitor Card which includes a photograph, name and visitor number.

The Visitor Card must be checked by PRONI staff at Issue Desk before original records are issued to each Visitor.

Two classes of access control would require re-development of the system, and would slow the process for checking Visitor identification at Issue Desk.

General

The current issue process (rightly) requires the customer to sign for each item that is issued to them; this is essential to prevent

Noted – the Visitor will be asked to sign the docket upon return of a record to Issue

loss or theft of items. However, when the customer is finished with an item, they receive no proof the item has been returned. This would be helpful in the case of mistakes or disputes.

Desk.
The docket will be retained by PRONI for a specified period as proof the item has been returned.

Organisation: Private Researcher (5)

Rule Number	Point Raised	DfC Response
General	Why change something for the sake of change? Why do you need to change? How much is this going to cost us? Surely Public Records should mean what it says.....For the Public's access!	Circumstances have changed since the existing Statutory Rule was made in 2009. PRONI has relocated to a new building, and how PRONI delivers its services has changed. Customer expectations have also evolved due to technological advances and availability. Changes to fees reflect increases to staff costs and other overheads since the existing fees were calculated in 2009. The key objectives of revising the existing



Statutory Rule are:

- to make Rules on management of the Office clear and easy to understand
- to introduce a Code of Conduct for visitors to the Office
- to sustain a service which provides greater access to the archives and value for customers, amending fees to reflect the cost of delivery.

Access to records in the PRONI building will remain free of charge to the general public.

Advice and assistance from PRONI staff will continue to be provided free of charge.

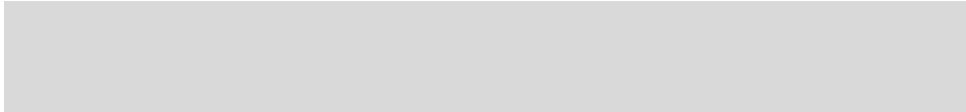
Search and administration fees relate to optional services as a means of alternative



access to records. For example, Fee No. 1 in the draft Schedule 1 relates to a search of specified records undertaken by PRONI staff on behalf of a customer.

The draft Statutory Rule will withdraw the photocopying service in favour of an alternative (and less invasive) means of copying. The removal of a charge for personal digital photography (2009 fee 34) will enable visitors to use their own personal device (i.e. camera, phone or iPad etc) free of charge to make copies of records, subject to any copying or copyright restrictions.

PRONI will continue to offer a service whereby members of the public can request PRONI staff to make copies of records for them. Changes to these fees reflect increases to staff costs and other



overheads since the existing fees were calculated in 2009.

Annex A – List of 20 Respondents to Public Consultation

Head of School, School of History and Anthropology, Queen's University Belfast

Lecturer, School of English and History, Ulster University

Office of the Attorney General for Northern Ireland

Ulster Historical Foundation

National Union of Students

Board of Irish Historical Studies Publications CLG

Irish Committee of Historical Sciences

Professor, School of History and Anthropology, Queen's University Belfast

Private Researcher (1)

Lecturer, Belfast School of Architecture, Ulster University

Private Researcher (2)

Lecturer (1), School of History and Anthropology, Queen's University Belfast

Private Researcher (3)

Lecturer (2), School of History and Anthropology, Queen's University Belfast

Reader, School of English, Queen's University Belfast

Head of Information Security and Records Management, Police Service of Northern
Ireland

Private Researcher (4)

*Researcher, School of Geography, Archaeology and Palaeoecology, Queen's
University Belfast*

Chief Information Officer, Department of Justice NI

Private Researcher (5)