



**State Archives
& Records**

Takedown procedure - online material

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1. Introduction

1.1 Objectives

The aim of this procedure is ensure that the State Archives and Records Authority of New South Wales (State Archives and Records NSW) responds to requests to takedown online material through a consistent, clear and transparent process that appropriately addresses the impact of publishing copyright material and personal and cultural information online.

The procedure is consistent with the *Online publication policy* and supports the widespread distribution of information about and access to the NSW State Archives Collection.

1.2 Background

State Archives and Records NSW is committed to increasing access to the State Archives Collection through online initiatives including providing online access to:

- Digital copies of State archives.
- Descriptive material about State archives.
 - Indexes
 - Lists
 - Catalogue information and description
- Digital records.

The following procedures set out the process for responding to requests to takedown, amend, redact or add attribution to material made available online by State Archives and Records NSW.

2. Website statement - online publication policy

State Archives and Records NSW provides a website policy statement that:

- Explains its' online publication policy.
- Provides a link to the full policy.
- Details how a person can make a request to takedown online material.
- Provides contact details for people requesting material be taken down.

2.1 Website statement

The State Archives and Records Authority of New South Wales (State Archives and Records NSW) publishes State archives online that are open to public access under the *State Records Act 1998*. Decisions to open information to public access are made by the public office responsible for the records and take into consideration the sensitivity of information including personal information.

When deciding to publish material online State Archives and Records NSW has made the best effort to ensure that copyright material and sensitive personal or cultural information is appropriately protected and balancing this with rights of access to information held in State archives. In the context of these considerations, material will be removed from online publication only in exceptional circumstances at the discretion of State Archives and Records NSW.

We do recognise that there may be rare instances where our online publication of State archives material breaches copyright or provides unintended access to personal and or cultural information.

If you are concerned by specific material we have published online and would like us to review its online accessibility or copyright attribution please contact the Manager of Archives Control & Management (wendy.gallagher@records.nsw.gov.au) in writing setting out in detail the material (including the URL where you found the material) and the reasons for having the material reviewed including the potential impact should it continue to be discoverable online.

We will acknowledge your request in writing and assess your request to review material available online within 20 working days of the request. The material will be assessed by staff with expertise in the *Government Information (Public Access) Act 2009* (NSW),

Privacy Personal Information Protection Act 1998 (NSW), Health Records and Information Protection Act 2002 (NSW), and the access provisions of the State Records Act.

Our Online Publication Policy [is available here](#).

Contact: Manager of Archives Control & Management
wendy.gallagher@records.nsw.gov.au

3. Steps in responding to a request

The following steps are completed within 20 days of the Manager of ACM receiving the request.

1. Manager Archives Control & Management (ACM) acknowledges receipt of the request in writing.
2. Manager ACM assesses the request. (see 6. Considerations when assessing a request).
3. Manager ACM consults with key staff:
 - Manager Public Access.
 - Policy Officer, Access & Information.
4. Manager ACM may consult with the public office responsible for the records
5. Manager ACM makes decision to:
 - Keep material online.
 - Takedown/remove the material identified in the request.
 - Redact only specific information from the material identified in the request to ensure non-sensitive supplementary information continues to be accessible.
 - Provide a care notice.
 - Amend attribution.
6. Manager ACM provides the applicant in writing with the decision, including the reasons, and the option of requesting a review by the Director Collections, Access & Engagement (CAE).

4. Steps in reviewing a decision

Applicant resubmits the request, with the reasons they disagree with the original decision, to the Director CAE for review.

The following steps are completed within 20 days of Director CAE receiving the request to review.

1. Acknowledge request to review a decision on online accessibility in writing.
2. Reassesses the request (see 6. Considerations when assessing a request).
3. Director CAE provides the applicant with a decision in writing.

5. Responsibilities and accountabilities

Each of the following has specific responsibilities in submitting and responding to a request to takedown online material including reviewing a decision not to takedown online material:

- Applicant.
- Manager Archives Control & Management (ACM).
- Manager Public Access.
- Policy Officer, Access & Information.
- Director Collections, Access & Engagement (CAE).
- The Executive.

5.1 Applicant

Applicant to contact the Manager ACM in writing to request online material to be taken down.

- Applicant to provide:
 - Identification of the online material to be considered for removal/redaction and/or the material that needs to have an attribution amended including the exact and full URL.
 - Reason the material should be removed – e.g. privacy /copyright. This should include the impact having the material online has on the applicant or other living people.
 - Contact details.

Applicant to contact the Director CAE in writing to request a review of a decision not to takedown the identified online material.

- Applicant to provide reasons the decision does not appropriately address the potential impact of keeping the material available on online.

5.2 Manager Archives Control & Management

The Manager ACM is responsible for completing the following steps within 20 days of receiving a written request to takedown online material.

- Acknowledge receipt of the request in writing.
- Assess the request. (see 6. Considerations when assessing a request).
- Consult with key staff:
 - Manager of Public Access
 - Policy Officer, Access & Information
- Make a decision to:
 - Keep material online.
 - Takedown/remove the material identified in the request.
 - Redact only specific information from the material identified in the request to ensure non-sensitive supplementary information continues to be accessible.
 - Provide a care notice.
 - Amend attribution.
- Respond to the applicant in writing with the:
 - Decision.
 - Reasons for the decision.
 - Details for requesting a review of the decision by the Director CAE.

5.3 Manager Public Access

The Manager of Public Access, with the Policy Officer, Access & Information, is responsible for:

- Providing advice to the Manager of ACM on the assessment made in response to the application to takedown online material.
- Ensuring the assessment has taken into account all appropriate considerations relating to the online availability of the material.

5.4 Policy Officer, Access & Information

The Policy Officer, Access & Information, with the Manager, Public Access, is responsible for:

- Providing advice to the Manager of ACM on the assessment made in response to the application to takedown online material.
- Ensuring the assessment has taken into account all appropriate considerations relating to the online availability of the material.

5.5 Director Collections, Access & Engagement

The Director CAE is responsible for completing the following steps within 20 days of receiving a written request to review a decision not to takedown online material.

- Acknowledge receipt of the request to review a decision in writing.
- Assess the request. (see 6. Considerations when assessing a request).
- Make a decision to:
 - Keep material online.
 - Takedown/remove the material identified in the request.
 - Redact only specific information from the material identified in the request to ensure non-sensitive supplementary information continues to be accessible.
 - Provide a care notice.
 - Amend attribution.
- Respond to the applicant in writing with the:
 - Decision.
 - Reasons for the decision.

6. Considerations when assessing a request

Assessment of a request to takedown online material is made considering, but not limited to, the following:

- Public access status of the material under the State Records Act.
- Content of the material:
 - Amount/nature/sensitivity of personal information.
 - Distressing/offensive/obscene.
 - Culturally sensitive.
- Age of the material.
- Extent already in the public domain.
- Similar information available online.
- Impact on the applicant and other living persons of the online availability of the material.
- Impact of exposure to online search engines.
- Consistency with other Acts regulating access to and protection of information, including privacy legislation and the *Government Information (Public Access) Act 2009*.
- Copyright status of the material.

7. Related Policies and Documents

Issuer	Reference	Document Name
State Archives & Records Authority		Online publication policy