

# **Sheffield Trees Archive**

## **Access and Disclosure Protocol**

# Sheffield City Council

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## Full Title

- 1.1 Protocol governing access to and disclosure of information to the Sheffield City Council Archives Service and publication into the public domain.
- 1.2 This protocol sets out the arrangements for disclosure of information to the City Council Archives Service (SCCAS).

## 2. Aims and Objectives of the Trees Dispute Archive

- 2.1 The aims of the Trees Dispute Archive are to gather together in one place all of the material relating to street trees generated by the City Council between January 2013 to December 2018; to catalogue and publish it; and to ensure its long term availability as part of the city's archive collection.
- 2.2 Much of the documentation has already been placed in the public domain, via answers to Freedom of Information requests or published on the Council website. A key benefit of the archiving project will be to publish more comprehensive data all in one place. It will be properly indexed and will be significantly easier to access information. Information which has so far only been accessible to an individual who requested it will now be available to all members of the public.
- 2.3 Creating a tree dispute archive has two main objectives
  - 2.3.1 Openness and transparency - to publish all relevant materials within the next few months thus enabling anyone with an interest in the issue to access information without having to make a formal request.
  - 2.3.2 Ensuring documentation is retained in perpetuity through the development of a comprehensive archive from the Council but also from other stakeholders to record a rounded and balanced view of what happened for researchers of a variety of disciplines in the years and decades to come.

## 3. Scope of the Project

The tree dispute archive will comprise information relating to the controversy over tree felling which first began in 2013; thus, subsequent to the Cabinet resolution the project Management Board agreed to extend the Archive project so it incorporates information from the beginning of the issue. The archiving project will encompass all information through to the Joint Position Statement on Mediated Talks

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between Sheffield City Council, Amey, and the Steering Group for Sheffield Tree Action Groups (STAG SG) issued in 2018.

### 4. Project Management

The Project is overseen by a Project Management Board. This comprises:

- Mike Crofts, Interim Executive Director of Place Portfolio
- James Henderson, Director of Policy, Performance and Communications
- Catherine Hodgkinson, Senior Information Management Officer

### 5. Background and aims

5.1 This protocol is designed to ensure that:

1. The Project Management Board, external partners and the public know how the SCCAS is processing the information in relation to the Sheffield Trees Archive publication project.
2. The SCCAS receives proper access to the documents it requires to create a comprehensive and complete public archive.
3. There is clear understanding about how information made available to SCCAS will be dealt with.

5.2 The Sheffield Trees Archives Project has been established to develop a public archive of SCC tree dispute related material to be held within the City Archives in perpetuity. The scope and parameters of the archive will be determined by SCCAS but will specifically include the period of dispute and controversy including the judicial review and civil litigation and the period January 2013 to December 2018. The Archive will comprise a detailed catalogue of all Council records in relation to the street trees element of the Streets Ahead programme and will be publicly accessible. Appropriately redacted versions of documents will be available via the catalogue.

5.3 The Project Management Board will oversee public disclosure of all relevant documentary information; it has tasked the City Archives with obtaining full disclosure of all relevant documentation and processing this according to international archive cataloguing standards to allow all interested parties to view the documentation themselves.

5.4 The City Archives team works to a professional code of ethics. This code includes:

*As professionals, record-keepers have a broad responsibility to the public interest which they must keep in mind alongside their responsibilities to their employer. Records and archives have an*

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*important organisational, legal, historic and societal role. Preserving accurate information for the efficient and effective management of organisations, and for wider social benefit. Professional record-keepers should keep this societal role in mind when conducting their work.*

*The primary duty ... is to manage, preserve and protect the integrity of documentary heritage and records in the public interest, in order to ensure that they continue to provide reliable evidence of past actions and decisions.*

*Members [Archivists] should ensure open and equitable access to records and archives as far as they can, compatible with respect for other concerns such as the privacy of information subjects and their organisational context.*

- 5.5 Records disclosed to the Archives team will be catalogued and published on the City Archives online catalogue to allow for wide public access. Original 'master' documents will be confidentially preserved within a digital preservation system to ensure their longevity while meeting legal obligations.

## 6. Provision of documents

- 6.1 In this protocol, 'document' means anything in which information of any description is recorded. They may be digital or hard copy. Where possible, hard copies will be digitised to enhance access.
- 6.2 Where City Council Departments are thought to hold information that may be relevant to the work of the Project Board, they will be asked to institute a thorough search for such information. Search terms will be defined by SCAAS and organisations will be expected to demonstrate to the Board the extent of their search for relevant information. They must also maintain accurate logs of searches completed in order to produce documents to be supplied to the Project Board. These will form part of the context to the disclosed archive, and will themselves, be archived.
- 6.3 To ensure the Archive is as comprehensive as possible and that it preserves as many viewpoints and experiences as possible the Archive Service may approach organisations and individuals outside of the Council to suggest they deposit relevant information as part of the project. The Council recognises, however, that a decision to participate and lodge information with the Archives is entirely voluntary. There is no compulsion. Ownership and rights over any third-party information submitted as part of the project would be retained by the contributing organisation/individual, unless mutually agreed otherwise. Information

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would be processed in accordance with UK GDPR (General Data Protection Regulation), and, if applicable, Freedom of Information (FOI) and Environmental Information Regulations (EIR).

For the avoidance of doubt ownership of items transferred to Sheffield City Archives from third party organisations is retained by the donating organisation. All intellectual property rights together with obligations under the UK GDPR (General Data Protection Regulation) and the Data Protection Act 2018 (DPA 2018), and the Freedom of Information Act 2000 remain with the donating organisation. Sheffield City Archives acts as a facilitator to enable access to documents. It does not own the documentation that is passed to it, but rather acts as a custodian for security and preservation purposes.

### 7. Disclosure of information to the City Archives

The Project Management Board will require all documentation to be disclosed to the City Archives in an unredacted format.

### 8. Onward disclosure of documents by City Archives

Sheffield City Council is subject to the Freedom of Information Act 2000 and Environmental Information Regulations 2004 (EIR). The views of the Project Management Board in relation to its interpretation of the limited number of exemptions that apply, is attached at **Appendix B**.

For the avoidance of doubt any unintentional publication of data which inadvertently breaches the Access and Disclosure Protocol does not set a precedent for further releases of similar data. Inadvertent publication shall be rectified to ensure all documentation is published in compliance with the Protocol.

Peter Evans  
Archives and Heritage Manager  
Jan 2021

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### Appendix A

#### Trees Dispute Archive Project – Terms of Reference

The Sheffield Trees Archives Project has been established to develop a public archive of SCC tree related material to be held within the City Archives in perpetuity. The scope and parameters of the archive will be determined by SCCAS but will specifically include the period of dispute and controversy including the judicial review and civil litigation and the period January 2013 to December 2018. The Archive will comprise a detailed catalogue of all Council records in relation to the street trees element of the Streets Ahead programme and will be publicly accessible. Appropriately redacted versions of documents will be available via the catalogue.

There will be a detailed Freedom of Information Act/Environmental Information Regulations redaction scheme, setting out the principles of where redaction would be applied by the Archivists. The archive will be prepared and structured in such a way as to deliver FOIA/EIR obligations by means of each document having been considered and appropriate exemptions applied.

The archive will look to answer the ongoing FOIA/EIR requests which the Council continues to receive through providing information publicly and with appropriate exemptions already applied by archivists in accordance with the scheme.

The archive will be hosted digitally. Digital preservation software will be included in the project. This ensures that any future obsolescence of the file encodings used for any of the documents does not prevent future access.

### Appendix B

**Project Management Board views on exemptions to disclosure which might be engaged under the UK GDPR (General Data Protection Regulation) and the Data Protection Act 2018 (DPA 2018), the Freedom of Information Act 2000, and the Environmental Information Regulations 2004.**

#### 1. Introduction

1.1 The fundamental aim of this project is to provide full disclosure of documentation to the public, taking into account legal and other considerations.

1.2 Much of the information relevant to the work of the project will be subject to the UK GDPR (General Data Protection Regulation) and the Freedom of Information Act 2000 (FOIA) or Environmental Information Regulations 2004 (EIR).

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1.3 Where information is redacted, this will be obvious to the reader. The majority of redactions are likely to be in relation to personal data, legal and professional privilege or commercial sensitivity and will in general require no specific explanation. Redactions for other reasons will include a short explanation.

### **2. UK GDPR (General Data Protection Regulation)**

2.1 It is the expectation of the Project Management Board that the identities of currently serving, as well as former, Council Officers, Elected Members, contractors, and individuals from other agencies, will be redacted prior to publication. In addition, work roles / designation and job titles will also be redacted.

2.2 Where redaction of identities is required, this will normally be accomplished by the redaction of names, contact details and other personal data such as signatures. In some instances, it may also be necessary to redact other information (for instance a job title and name and address of employer) where this could reasonably be used to identify an individual.

### **3. Freedom of Information Act 2000 and Environmental Information Regulations 2004**

#### **Legal and professional privilege**

3.1 Some records will potentially be covered by litigation and legal professional privilege (LPP). This information may be exempt under section 42 of the Freedom of Information Act or Regulation 12(5)(b) of the Environmental Information Regulations. Subject to the public interest test, such information will be redacted.

#### **Information provided in confidence**

3.2 For information provided in confidence, information holders should refer to the requirements of section 41 of the Freedom of Information Act or Regulations 12(5)(d), 12(5)(e), and 12(5)(f) of the Environmental Information Regulations, which set out criteria which must be met if information is to be withheld from release.

#### **Commercially sensitive information**

3.3 For commercially sensitive information, information holders should refer to the requirements of section 43 of the Freedom of Information Act or regulation 12(5)(e) of the Environmental Information Regulations 2004, which set out criteria which must be met if information is to be withheld from release.

3.4 With regard to 'Inter party data' in relation to the operation of the Streets Ahead highways renewal contract with Amey plc the following categories are specifically highlighted as provided in confidence:



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- Commercially sensitive (as defined in the contract)
- Documentation subject to the application of common interest privilege, legal professional privilege and/or litigation privilege
- Information provided in confidence
- Personal data

### **Unintentional Publication**

For the avoidance of doubt any unintentional publication of data which inadvertently breaches this Access and Disclosure Protocol does not set a precedent for further releases of similar data. Inadvertent publication shall be rectified to ensure all documentation is published in compliance with the Protocol.

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