

**REPORT  
OF THE  
ACTION GROUP  
ON A  
NATIONAL  
RECORDS INDEX**

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## **Members of the Action Group on a National Records Index**

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Heather Houston	Adoption Board
Helen Gilmartin	Adoptive Parents Association
Jimmy Maloney	Department of Education and Science
Mark Farrell	Professional Archivist
Siobhan Kennan	Department of Health and Children
Colm Hassett (secretary to group)	Adoption Board

## **Report of the Project Action Group on Adoption Records**

This Group met on four occasions, on 26<sup>th</sup> January 2004, 1<sup>st</sup> March 2004, and 5<sup>th</sup> and 19<sup>th</sup> April 2004. Its specified role was *'to identify and prioritise the tasks to be undertaken to ensure all adoption records throughout the State are identified and appropriately secured, stored and maintained, and to determine how the National File Index is to be established'*.

The purpose of the Records Index is to create a directory of adoption records in the state, which will be openly available to all interested parties and will be available on the Adoption Board website. **[Note for Board; The publicly available record index will only contain the address of the holders of records, not the records themselves.]**

The following is its report and final recommendations, grouped under the specific issues which the Group was asked to consider:-

### **Scope of Records to be included in the National Records Index**

The Group considered that the Index should have the broadest possible scope, and that it be designed to enable the possible eventual inclusion of fostering and residential care records as well as adoption records. 'Adoption records' refers to both the Adoption Board's own files, adoption files held by health boards, private adoption agencies and other private individuals and bodies (such as nursing homes and doctors).

As an immediate priority, the Group recommends that the Adoption Board's files be microfilmed, scanned and placed on a computerised index. This process should then be 'rolled out' to include the files of health boards and adoption agencies and others.

### **Identification and Location of Records**

Before the Group was established, the Board's Adoption and Information Unit had compiled incomplete information from the Health Boards, Council of Irish Adoption Agencies and a number of other sources on the location of the files of a substantial number of institutions and organisations. The Group noted the information to hand.

In relation to those records about which there was uncertain or incomplete information, it agreed the text of a letter from the CEO to various record-holders seeking to confirm the location of these records, what condition they were in, and whether they held any other records other than those specified in the letter. This letter was issued to 33 record-holders and to date 15 of these letters have been responded to.

The Adoption Information and Tracing Unit will follow up cases where there is no reply or where records may have to be inspected to ascertain their relevance and condition.

The intention is ultimately to complete a directory of adoption, fostering and residential care records in the State (and in relation to Irish children adopted *to and from* abroad) which will be publicly available and routinely updated when new information comes to hand.

### **Storage of Records**

The Group is concerned that many adoption and related records are in a fragile and deteriorating condition and it recommends that where necessary professional archivist services be used to determine the nature and condition of records and the measures required to ensure their preservation.

In the course of its deliberations on this subject, the Group has availed of the expertise in this area of Arcline Records Management Services, the Department of Education and Science, and the Freedom of Information Unit of the Department of Health and Children. In particular the Group has been very impressed with the work done by the FOI Unit of the Department of Health and Children in the microfilming, scanning and indexing of its childcare records under the Access to Institutional and Related Records (AIRR) project.

The Group recommends that the National Records Index should be developed as part of this ongoing project. It is doing so for the following reasons:-

1. The project is already underway and a separate tendering process will not be required. A certificate can be obtained from the Department of the Taoiseach to the effect that adoption records are of unique public importance and that the normal public tendering process is not required;
2. There are substantial similarities and cross-references between the Adoption Board's files and the Department of Health's child care files which would mean that the Board's files could be included in the project without any major difficulty. In fact, the intention at the time of commencement of the AIRR project was that it would ultimately include the Adoption Board's records. The Board would also have access to adoption related information from the Department's files. Procedures can be put in place to ensure that only staff of the Adoption Board would have access to the index of the Board's records.
3. The level of professionalism displayed and the speed at which the indexing and microfilming of the child care records has progressed gives the Group confidence that the files will be scanned, microfilmed and indexed in a careful, timely and confidential way without causing damage to the files.
4. Since commencement of the AIRR indexing project in October 2003, 200,000 records have been microfilmed. 20,000 names have been indexed since February 2004. The Group is of the belief that the AIRR project underway in the Department of Health and Children represents the most appropriate means of achieving the objective of indexing adoption files.

5. The group understands that it should be possible to begin work on the records of the Adoption Board without waiting for the Department of Health to complete its own work.

The Group further recommends that the Adoption Board's files be scanned in the Board's offices if possible, and that they afterwards be stored in the National Archives or a similar repository where appropriate standards of security, fireproofing and temperature control are maintained.

The project will then be extended to the adoption files of health boards, adoption agencies, any other records made available to the Board, and also the USA adoption files held in the National Archives and the Department of Foreign Affairs. This should be done either immediately after or in tandem with the Board's own files. This process might also encourage record-holders to donate their records in the knowledge that they would be lodged in the National Archives.

The Group wishes to express its gratitude to Sarah Lundberg and Deirdre Meehan of the FOI Unit for their assistance in explaining the AIRR system to the Group.

### **Design of National Records Index**

See Proposed Specification for National Record Index (attached).

### **Board's Powers of Inspection under the Adoption Act, 1952**

The Group sought the views of Geoffrey Shannon on this issue. His view is that while the Board has extensive powers of inspection under Section 38(1)(b) of the Act, this '*does not extend to allow the Board to seize files and is confined to allowing the Board to inspect all books and documents relating to adoption in the possession of the [adoption] society*'. However, he also took the view that the ownership of adoption agency files may ultimately vest in the State, and that Section 38(1)(b), if litigated, would have to be interpreted in a manner compatible with the European Convention of Human Rights Act, 2003.

### **Experience of Record Management in other Areas**

The Group is grateful for the advice of Jimmy Maloney of the Department of Education and Science and Mark Farrell of Arcline Records Management Services who contributed to its early meetings.

## **Steps to be taken**

In summary, the group recommends that the Adoption Board take the following steps:

- The Adoption Board should identify and locate all relevant adoption related records and create a full directory of these
- The Board should begin work on indexing and scanning/microfilm its own records as soon as possible and that the Board do so as part of the Department of Health and Children's AIRR project
- The Board should either begin work on indexing and scanning agency records in tandem with the work on its own records or, if this is not possible, to begin work on scanning agency records immediately on completion of work on its own records