

# Archives of the University of Notre Dame

## ACCESS TO RECORDS

### I. PUBLIC UNIVERSITY RECORDS

Public records are defined as University records that were intended for public use at the time of their creation, such as University publications, newsletters, brochures, and Notre Dame's student newspaper, *The Observer*. These records are available to all researchers at any time with no restrictions on access. This includes public records scheduled for eventual destruction as per their retention period.

### II. ALL OTHER UNIVERSITY RECORDS

Out of necessity, all records are available to the Archives staff in the performance of their assigned duties.

#### **A. RECORDS SCHEDULED FOR DESTRUCTION**

These are records that the University Archivist, in conjunction with the originating office, has scheduled for eventual destruction as per their retention period. The originating office remains the Data Steward over these records. These records, excepting those designated as public, are available only to the originating office and to the President of the University or any Officer/Office of the University acting under his explicit direction. Any exceptions to these principles must be clearly defined by the originating office when records are transferred to the University Archives.

#### **B. ARCHIVAL RECORDS**

Archival records are historically valuable University records of any format (paper, electronic, photograph, audio-visual, etc.) that have been transferred, physically and/or intellectually, to the custody of the Archives for permanent retention and access control. The University Archivist is the Data Steward over these records and therefore has the responsibility to decide, in consultation where appropriate with the President's office and/or the originating office or its Data Steward, what level of access is permitted and to whom.

Generally speaking, records in the University Archives will be open for use under the supervision of the University Archivist by anyone, including outside researchers, 72 years after the date of their creation, except for student records, faculty and other personnel records, personal medical records, and any other records restricted by federal or state law.

### **For Notre Dame offices:**

A Notre Dame office may request the return of any of its restricted files that have been accessioned into the Archives as permanently valuable records, provided no special limitations to that effect were placed on the records at the time they were accessioned into the University Archives collections.

If a situation arises in which one campus office requests access to information in the permanent files of another office during the period in which access is restricted, the requesting office must contact the Archives with a request to view those records or research their contents. The Archivist shall take the appropriate steps to either grant or deny the request.

All restricted files that have been accessioned as permanent files of the Archives that are subsequently transferred back to the originating office or loaned to non-originating offices must be returned to the University Archives in a timely manner.

### **Subpoenas:**

Subpoenas to the University Archives for records are always directed to the Office of General Counsel, who will advise the Archives staff on what records or information to release.

### **For Outside Researchers:**

An outside researcher is defined as any individual or organization outside of the Notre Dame administration that is making a request for records or information. As stated above, permanent University records remain closed for 72 years. If a researcher identifies files of interest less than 72 years old, he or she may petition the University Archivist to review the files to determine whether or not they contain restricted information. If they do not contain restricted information (defined as information protected by individual rights to privacy or information that, if disclosed, may compromise ongoing University business), the University Archivist may grant an exception to the 72-year rule. This process may take several days or weeks, as it involves the examination of each item in the files. Some exceptions to the 72-year rule are noted below:

#### *Student Files*

The Family Education Rights and Privacy Act (FERPA) governs access to student files. No student record (official transcript or student file) shall be released to anyone but the student without his or her written permission, during the student's lifetime. Student files will be closed to researchers for the lifetime of the student plus 50 years, or for 100 years from the date of creation, whichever comes first.

The University has designated certain information contained in the records of its students as “directory information” for the purposes of FERPA. This includes: 1) full name, 2) address, 3) telephone number, 4) date and place of birth, 5) college, major, or level, 6) weight and height of members of athletic teams, 7) dates of attendance, 8) full or part-time status, 9) degrees and awards received, 10) the most recent previous educational agency or institution attended by the student, and 11) other similar information such as a photograph. Directory information may be disclosed for any purpose, without the consent of the student.

Students have the right to refuse to have this information disclosed. In the event that a refusal is not filed with the Registrar’s Office, the University assumes that the student does not object to the release of directory information. Since the Archives does not maintain the file documenting requests to withhold directory information, the Archives will only provide this information for students still protected by FERPA if the information may be found in a published source.

### *Employee Files*

These files relate to staff and faculty members at Notre Dame and contain personal information about individuals. No employee file shall be released to anyone but the employee without his or her written permission, during his or her lifetime. Employee files are closed for the lifetime of the employee plus 50 years, or 100 years from the date of creation, whichever comes first.

### **Petitioning for Access**

An outside researcher wishing to have an exception to the access rules as stated above may petition the University Archivist in writing. The researcher must clearly state his or her research goals and the precise reason why viewing the closed files would be important for the outcome of the proposed project. The University Archivist, in consultation where appropriate with Officers of the University and/or the originating office or its Data Steward, will decide whether to grant or deny the petition.

### **III. CATHOLIC HISTORICAL COLLECTIONS**

Collections of organizational and personal papers that originate beyond the administration of the University are classified as Catholic historical collections. These collections may include manuscripts, microfilm, photographs, audio-visual material, digital files, objects/artifacts or printed material, which generally come from outside donors who sign contracts giving their material to the University Archives and, in many cases, specifying restrictions. Access to these materials is governed by the terms of those contracts and subject to the permission and supervision of the University Archivist.