Tasglann nan Eilean

Archive

# Tasglann nan Eilean Collections Development Policy

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Comhairle nan Eilean Siar

## 1 Background

### 1.1 Purpose

Tasglann nan Eilean is the archive service of Comhairle nan Eilean Siar. The service began under the Tasglann nan Eilean Siar project in 2010, funded by the European Regional Development Fund, and has been part of the Heritage Service of the Comhairle since 2013.

The purpose of Tasglann nan Eilean is to identify, collect and preserve:

(i) the records of the Comhairle and its predecessor bodies which need to be retained permanently for legal or historical reasons

(ii) the archives of organisations, businesses, estates or individuals connected to the Outer Hebrides which have been gifted or deposited

and to make these accessible to the widest extent possible for research, education or enjoyment.

Tasglann nan Eilean manages the historical records which have been entrusted to its care to professional standards to ensure they are preserved for future generations. The archives held provide a unique insight into the historical development of the Outer Hebrides, documenting the activities, people and events which have shaped the islands, and are a valuable and irreplaceable resource.

### 1.2 Statutory position and authority to collect

Tasglann nan Eilean supports the Comhairle in meeting its statutory duties under all relevant legislation pertinent to local government records. Section 1(2)(b)(iii) of the Public Records (Scotland) Act 2011 requires Comhairle nan Eilean Siar, as a public body, to make provision for the archiving of those of its official records which are of 'enduring value'. The Comhairle must ensure that there are arrangements in place for the transfer of records which need to be preserved permanently to an appropriate archive repository. Official records include not only the records of Comhairle nan Eilean Siar, but those of all preceding authorities vested in the Comhairle under prior Local Government legislation.

Section 54 of the Local Government (Scotland) Act 1994 permits a local authority to acquire or accept the gift or deposit of records which appear to the authority to be of general or local interest.

Tasglann nan Eilean aims to preserve and make accessible in accordance with current legislation, directives and national guidelines all records transferred to its care. Relevant legislation includes Copyright, Designs & Patents Act 1988 and subsequent directives, the Local Government (Scotland) Act 1994, Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004, Public Records Scotland Act 2011, Re-Use of Public Sector Information Regulations 2015 and Data Protection Act 2018.

The National Records of Scotland exercises a statutory responsibility for the records of Government bodies and Courts. Local authority archive services may apply to the National Records of Scotland for the transfer of records under 'charge and superintendence' agreements, with the Keeper of the Records of Scotland's approval. It is normally expected that the receiving archive will be accredited under the UK Archive Accreditation Scheme, or be actively seeking archive accreditation.

## 2 Definitions of terms used in the Policy

*Records*

Recorded information in any form or medium, created or received and maintained, by an organisation or person in the transaction of business or the conduct of affairs.

*Non-current records*

Records which are no longer required for administrative or business purposes.

*Archives*

Original records which have been selected for permanent preservation because of their continuing value.

*Depositor*
A person or organisation that transfers custody of historical records to the archive service.

*Archival value*
The value of records for future use as evidence of past activities for historical research and insight.

*De-accessioning / disposal*
The process of withdrawing records from the archive service either by transferring them to another institution, returning them to the depositor, or destroying them.

## 3 Policy Statement

### 3.1 Objectives and priorities
Tasglann nan Eilean will seek to acquire archival material relating to the Outer Hebrides. Records relating to places outside the Outer Hebrides will not be acquired unless they have a close connection with the Outer Hebrides.

Within this broad policy statement, Tasglann nan Eilean has the following priorities.

#### 3.1.1 Acquisition of official records
Tasglann nan Eilean is the repository for the records of enduring value relating to the core functions and statutory duties of Comhairle nan Eilean Siar and its predecessor authorities, and will seek to acquire these.

Tasglann nan Eilean will work with the officers and services of Comhairle nan Eilean Siar to ensure the systematic transfer of public records to its custody which need to be retained permanently, regardless of medium or format, in compliance with the Public Records (Scotland) Act 2011.

Public records encompass those of Comhairle nan Eilean Siar and its predecessor authorities of which ownership was vested in the Council by the Local Government (Scotland) Act 1994. These authorities include the pre-1975 island-based statutory bodies that came under the counties of Inverness-shire and Ross and Cromarty, burghs, parochial boards, parish councils, district committees, district councils, education authorities, schools and other bodies that amalgamated with, or whose powers were acquired by, the Comhairle and its predecessors.

The archive service will prioritise acquisition of non-current records held in unsuitable locations.

#### 3.1.2 Other records of interest
Tasglann nan Eilean will seek to acquire records of private individuals and organisations which document aspects of the life of the Outer Hebrides, both past and present, and are considered by the Archivist to be of archival significance, including material relating to communities, subjects or activities which are under-represented in our collections, in order to increase the range and depth of the collections held.

### 3.2 Methods of Acquisition
Records are acquired by the Tasglann in the following ways:

*Transfer*
Internal transfer from a Comhairle department, or from another local authority.

*Gift or Bequest*
Legal ownership is transferred to Comhairle nan Eilean Siar for management by Tasglann nan Eilean.

*Deposit*
Custody and responsibility for the records is transferred for a fixed, or in some cases indefinite, period to Tasglann nan Eilean whilst the depositor retains legal ownership.

*Charge and Superintendence*
Transmission from the National Records of Scotland by the Keeper of the Records of Scotland.

*Purchase*
Purchase from the owner of the records or a reputable source.

**3.3 Acquisition Conditions**
In acquiring records, Tasglann nan Eilean requires that:

- all records be non-current
- private records fall under the criteria outlined above
- the depositor is authorised to transfer title, including intellectual property rights, to the material and signs a deposit agreement
- the records are free of legal encumbrances or excessive access restrictions which will diminish their research potential
- the records either become the property of the Tasglann or its responsibility, to be administered as it sees fit

All material is appraised to ensure:

- it is unique
- its authenticity and integrity is well documented
- its historical/archival value can be demonstrated
- it is in a reasonable physical condition
- the Tasglann is able to care for it properly

**3.4 Records not acquired**
The following records will not be acquired by Tasglann nan Eilean:

- records that relate to areas outside of the Western Isles
  Such records will be referred to the appropriate local archive service. However in certain circumstances, if such records form an integral part of a collection which has a connection to the Outer Hebrides they will be kept together, and catalogue information provided to the appropriate archive service.

- Records deemed to be more appropriately held elsewhere, including:
  - Records of national rather than local remit
  - Records usually managed by the Keeper of the Records of Scotland (such as those of the Church of Scotland)
  - Records of the Catholic church which are managed by the Scottish Catholic Archives
  - Records requiring specialist skills and equipment beyond the service's resources or for which there is another more suitable repository. (Film archives, for example, will normally be deposited with the Moving Image Archive, and access copies held locally)
  - Photocopies and published material such as that managed by the authority's library service
  - Artefacts, objects or works of art. These should be referred to Museum nan Eilean
  - Individual genealogies or family history research unless of considerable historical importance to a particular archive collection. It is likely that such collections will be better placed with an appropriate Comman Eachdraidh

- Records may not be acquired if staffing, storage, conservation or preservation resources are considered to be inadequate for the collection needs

**3.5 Mixed collections**
Collections containing a mix of documents, published material and three-dimensional objects may be separated, with relevant sections held by Tasglann nan Eilean, Western Isles Libraries and Museum nan Eilean as appropriate, following consultation between the services. Where collections are so divided, full cross referencing to the rest of the collection will be made. Only in exceptional circumstances where the items are integral to the archive collection would we seek to keep the collection together.

**3.6 Format**
As records are increasingly being created in digital format, the archive service aims to ensure that we can permanently preserve and manage archives which are in digital format in accordance with recognised and recommended standards.

As Tasglann nan Eilean does not have the specialised facilities or expertise to ensure the permanent preservation of audio-visual material, originals will, as a general principle, be transferred to the Moving Image Archive and access copies retained by the archive service.

**3.7 Disposal**
Archive material is usually acquired as a result of having been appraised and deemed worthy of permanent preservation. There is therefore a strong presumption against disposal, by any means, of records held by Tasglann nan Eilean, unless it is considered that the material belongs more properly with records held in another repository for reasons of archival integrity.

Records which are deemed to fall outwith the terms of the collection criteria set out in this Policy, following careful review and reappraisal, may be deaccessioned. This would normally mean that the material in question would be transferred to a more appropriate repository, returned to the depositor, or destroyed. Decisions on the rationale for deaccessioning would be recorded and retained.

After consulting the donor or depositor, the Archivist shall evaluate and select for destruction or return those documents deemed not to be worthy of permanent preservation. This intention shall be made clear at the time of transfer.

**3.8 Co-operation**
In acquiring records Tasglann nan Eilean will seek to co-operate and avoid duplication of effort with neighbouring archive authorities or with other archive repositories such as the National Records of Scotland.

Highland Archive Service holds many important records relating to the Outer Hebrides as a result of its historic links to the counties of Ross and Cromarty and Inverness-shire. Tasglann nan Eilean will work with Highland Archive Service to transfer archives of relevance to the Outer Hebrides where this aligns with best professional practice.

When advising potential depositors, Tasglann nan Eilean will draw attention to the existence of other repositories with similar or overlapping interest, to ensure that material is offered to the most appropriate institution. Tasglann nan Eilean will work in partnership with other custodians of heritage such as the Comainn Eachdraidh to avoid duplication and to best ensure the preservation of, and access to, original archive material.

**3.9 Terms and Conditions of Gift or Deposit**
The terms on which we acquire records are described in our Standard Terms and Conditions of Gift or Deposit, a copy of which is appended to this Policy.

**3.10 Access**
Archives are made available to members of the public by appointment, five days per week, in the archive reading room.

Archive collections will normally be available for public access without restrictions unless an owner or depositor wishes to impose reasonable restrictions and these have been agreed. Access restrictions may also apply as a result of legislation.

Catalogues of collections held are made accessible online via the archive service website, subject to sufficient staff resource, and resolution of technical issues following the cyber attack on Comhairle nan Eilean Siar. Notice of new accessions and of any restrictions on access or use will be made public at the earliest opportunity.

Finding aids to collections held will be created within a reasonable period of time of receipt, and copies supplied to the owners or depositors.

**4. Related Policies**

- Comhairle nan Eilean Siar Archives Policy
- Tasglann nan Eilean Access and Engagement Policy: provides a fuller statement on how archives are made accessible to the community
- Comhairle nan Eilean Siar Records Management Policy
- Heritage Service Collections Care and Conservation Policy
- Tasglann nan Eilean Collections Documentation Policy
- Tasglann nan Eilean Loans Policy

**5. Policy Review**

This policy will be reviewed every 5 years, or earlier if required in response to changes in legislation.

**APPENDIX A**

Tasglann nan Eilean
Archive

Comhairle nan Eilean Siar

# Tasglann nan Eilean

## STANDARD TERMS AND CONDITIONS OF GIFT OR DEPOSIT

**Version 4 July 2024**

### 1 Statutory Powers

Tasglann nan Eilean, the archive service of Comhairle nan Eilean Siar, accepts official and private records relating to the Outer Hebrides both for the care, safe storage and preservation of the records and to make them accessible to the public under controlled conditions. This is in accordance with powers received under the Public Records Scotland Act (2011) and Section 54 of the Local Government etc. (Scotland) Act 1994, and in line with the Collections Development Policy of Tasglann nan Eilean.

Records are received either by outright **gift**, by **bequest** from an individual, by **deposit** on indefinite loan, by **temporary deposit**, under **Charge and Superintendence** from the Keeper of the Records of Scotland or, in terms of official records, as a **Comhairle transfer**.

### 2 Ownership

2.1 Records received by gift or bequest means that the collection becomes the legal property and responsibility of Comhairle nan Eilean Siar from the point of transfer. In contrast, the placing of records in the custody of Tasglann nan Eilean by deposit on indefinite loan or temporary deposit in no way alters the ownership of such documents which remains with the depositor.

2.2 In terms of records deposited on indefinite loan, the depositor is required to notify Tasglann nan Eilean of any change of address, and, if possible, to indicate to whom the ownership of the documents should pass after his/ her lifetime.

2.3 All records gifted to Tasglann nan Eilean will be subject to the provisions of the Data Protection Act 2018, Freedom of Information (Scotland) Act 2002 and other relevant legislation.

2.4 The depositor retains the right to withdraw all or part of the archives deposited by them upon reasonable notice and at their own cost (subject to section 10.1 below) or to any other conditions agreed at the time of the loan.

### 3 Appraisal

3.1 Tasglann nan Eilean reserves the right to return to the depositor any records not deemed to be of historical value. Records which fall outside the scope of the Tasglann nan Eilean Collections Development Policy may be transferred to a more suitable archive repository or destroyed (with the consent of the depositor).

### 4 Care of the Records

4.1 Records are cared for in accordance with the Collections Care and Conservation Policy.

4.2 Records are stored in secure archive facilities which conform to British Standard Recommendations for the Storage of Archival Documents (BS 5454).

4.3 Records will undergo such conservation and restoration as is deemed necessary by the Archivist.

4.4 For their security and identification, the records are numbered with a reference code. They may be copied for security purposes, and in appropriate cases the Archivist may restrict public access to facsimiles only, to avoid damage to the original records.

4.5 All reasonable care is taken of records placed in the custody of Tasglann nan Eilean, but the Comhairle shall have no liability for the loss of or damage to documents on deposit.

4.6 Owners of records deposited with Tasglann nan Eilean should make their own insurance arrangements.

4.7 The Comhairle does not make a charge for the deposit of privately owned records, or for the arrangement, cataloguing and repair of such records (subject to section 10.1 below).

## 5 Cataloguing

5.1 Records are catalogued to professional standards as part of the archive service's ongoing cataloguing programme and copies of the catalogue are supplied to the depositor and other appropriate bodies such as the National Register of Archives (Scotland).

## 6 Access to the Records

6.1 Supervised access to the records is granted in accordance with the archive service's Access and Engagement Policy and related handling and use regulations.

6.2 The Archivist reserves the right to refuse access to records which have not been catalogued or numbered, or which are in a fragile state, or in need of repair.

6.3 Tasglann nan Eilean may impose appropriate closure periods on certain records restricting public access under the terms of the Data Protection Act 2018 and Freedom of Information (Scotland) Act 2002 or other appropriate legislation.

6.4 Under the terms of the Data Protection Act 2018, a depositor remains the Data Controller for all records deposited and is responsible for all the implications of such a role under the terms of the Act. Where records are gifted to Comhairle nan Eilean Siar, the Comhairle will become the Data Controller.

6.5 Special conditions may be agreed between the Tasglann and the depositor to impose access restrictions on the records, although any restrictions must be reasonable, based on the exemptions detailed in the Freedom of Information (Scotland) Act 2002, Data Protection Act 2018 or other appropriate information legislation, and not overly inhibit public access or contravene legislation.

## 7 Freedom of Information (Scotland) Act 2002

7.1 All records which are owned by the Comhairle or gifted to it are subject to the terms of the Freedom of Information (Scotland) Act 2002 and other appropriate public records legislation. Access by members of the public will only be withheld if an appropriate exemption applies.

7.2 Records which are deposited on loan are held on behalf of the depositor and not subject to the Freedom of Information (Scotland) Act 2002.

## 8 Reproduction and Copyright

8.1 When a collection is gifted outright to Taglann nan Eilean, copyright is automatically transferred to the archive service. Where collections are deposited on indefinite or temporary loan, copyright can be transferred to Tasglann nan Eilean or remain with the depositor.

8.2 Where copyright is transferred the archive service may create or provide copies of records for the purposes of private study, education or exhibition.

8.3 Copies in any format supplied by Tasglann nan Eilean may not be further reproduced without the express permission of the Archivist.

8.4 Whole or extensive extracts of records or copies of records may not be published without the consent of the depositor unless this responsibility is delegated to Tasglann nan Eilean. It is the responsibility of the author and publisher to seek permission for publication through the Archivist, and to ensure conformity with the terms of all relevant copyright legislation.

8.5 Where it is known that research intended for publication is based extensively on a collection of deposited records, the author will be requested by the Archivist to inform the owner and make sufficient acknowledgement.

8.6 Requests for copies of archive material for purposes other than private study or education will be subject to the archive service's licensing policy, processes and charges. Any revenue from such licensing will be used to benefit the collections.

8.7 Tasglann nan Eilean may, without further consent from the depositor, publish records in its own education or information publications (e.g. annual reports, press notices, teaching aids or website). Such publication shall not be held to limit or infringe the copyright of the owner. Acknowledgement of the owner will be made in appropriate cases.

## 9 Events and Exhibitions

9.1 Original records may be displayed without the further consent of the depositor in premises owned or controlled by the Comhairle, or in circumstances where the records remain in the custody of Archive staff. Deposited records will not however be loaned to other institutions for exhibition without the written consent of the depositor.

## 10 Removal of Records

10.1 The depositor of documents, his/ her accredited representative or successor in title, may temporarily or permanently remove records deposited with Tasglann nan Eilean on giving reasonable notice and, if required, proof of ownership. The Tasglann reserves the right to reclaim the cost of cataloguing and conservation work if records are permanently withdrawn within ten years of such work being completed. The archive service reserves the right to make photographic or other copies of the records, and to retain the records for a reasonable period to permit this copying work to be carried out.