

## National Records of Scotland Policy on the Selection of Private Records

### 1. Introduction

1.1 This policy has been approved by the Keeper of the Records of Scotland. It supports that part of National Records of Scotland's mission statement which says that "We collect, preserve and produce information about Scotland's people and history and make it available to inform present and future generations."

1.2 'Record' means anything in which information is recorded in any form and so covers electronic records, records in microform and other types of specialised media, as well as paper and parchment records.

1.3 Historic records of private individuals, families and businesses form an important part of the holdings of National Records of Scotland (NRS). Although these records have been created by private individuals, families, companies or other bodies, they contain much that is vital to understanding the history of the Scottish peoples and it is self evident that they must be preserved. Some are accepted as a gift in lieu of inheritance tax, some come from generous donors as outright gifts, some are purchased, but many are still held only as deposits (loans) governed by agreements with the owners or creators and so remain private property.

1.4 Over the last forty years the provision of archive facilities in Scotland has changed dramatically, moving from the near monopoly position enjoyed by NRS and the National Library of Scotland (NLS) to the current situation where there are also 32 local authority archivists and 14 university archives.

1.5 NRS has only a small annual budget for the actual purchase of records and sums used from this fund can include *ex-gratia* payments for *extra commercium* material which turns up in private hands. For exceptional purchases of costly collections, for instance the Dalhousie and the Melville papers, we have had to turn to outside funding bodies. Purchases should in general conform to the collection criteria set out below, but there may be other considerations to weigh. One of these is the extent to which a document is truly unique and irreplaceable. Some material may be well known and have been published as facsimiles or reliable transcripts, making it questionable whether the public good would be served by the NRS spending money on acquiring them. Sadly, over the years, losses of manuscripts held privately, whether through accident or neglect, have been considerable. There have also been cases where documents have been exported and lost to the nation.

1.5 This document, therefore, sets out NRS policy on the future acquisition of collections of private records. The regular offers of sometimes large quantities of private records to NRS requires that we maintain a stringent selection policy. The stringency of this policy and its rigorous application will ensure the selection of a representative archive of the Scottish private sector, but it will also mean that NRS can operate within reasonable resource limits for storage and preservation.

## 2. Background

2.1 Over the last century or so NRS has acquired a very large quantity of private records, at first those of major and minor landed families, more recently those of industrial undertakings of greater or lesser size. This accumulation of private records was a conscious policy but began without statutory authority, which was only latterly acquired through the National Heritage (Scotland) Act, 1985 (s.18(2)).

2.2 The enormous power of the principal Scottish landowners before 1914, and their influence on politics and on the social and economic condition of large parts of the Scottish people had long been obvious to Scottish historians. Consequently their papers were regarded as of national importance and it was thought fitting that they should rest in the national archive repository alongside the public records. Indeed, with their control of Scottish central and local government, many of these family archives supplement the sometimes sparse public records, revealing the 'wheels within wheels', the mindset and private thoughts absent from the official record. The Breadalbane papers, acquired as early as the 1920s, are a case in point.

2.3 On the World stage, it is from the private collections that we can best see the nation's participation in what historians now call 'The Scottish Empire'. The wholehearted participation of Scottish soldiers, administrators, travellers and settlers in the history and development of Africa, India, Australia and the Americas is fully illustrated in the private archives held in NRS. The Dalhousie, Dundonald, Seaforth, Loch and Melville Castle papers all provide examples of this.

2.4 The records of major industrial concerns with significant regional economic power are also seen as of national importance. An obvious example is the records of Upper Clyde Shipbuilders, purchased (with Glasgow Corporation and Clydebank Burgh Council) in the 1970s.

2.5 In some cases, however, the accretion of this private material, particularly family and other papers of very local interest, simply reflected the lack of any other appropriate home in Scotland. Its presence, however, has at the very least tended to confirm our status as a national archive.

## 3. Criteria for the acquisition of private records by NRS.

### 3.1 Criteria for Future Acquisition of Private Records

Records and manuscripts originating with or held by private individuals or bodies may be acquired by NRS by legal right, gift, bequest, purchase, donation in lieu of tax, or deposit on indefinite loan, in the following categories:

1. Public records in private hands and as such identified as *extra commercium*.
2. Papers of national (Scottish or UK) or international importance, especially those which supplement the public records. These would include papers of families whose members have held significant political, administrative or judicial offices and in consequence can be seen as supplementing the public

records. Acquisition of these is particularly important to NRS where the existing public records are known to be deficient.

3. Records of landowners (especially pre-1914), and of commercial, technical, or industrial enterprises of national or regional historical significance. This includes records of the private companies who succeeded the nationalised industries (rail, coal, steel and shipbuilding).
4. Records of private bodies of national standing whose activities are aimed at improving the social or economic wellbeing of one or all of the communities that make up the people of Scotland. (e.g. *SSPCK; Children 1<sup>st</sup>; Outright Scotland; Carnegie Trust*).
5. Papers which it is judged would significantly contribute to the family history services offered by NRS, (e.g. artificial compilations of names of public officials or employees of particular bodies; privately created indexes to record series).
6. Papers which would constitute appropriate additions to collections already in NRS.
7. Collections of mainly local or regional interest *only where* the records are judged of significant historical interest, and where there is no suitable local repository. There would be a reserved right to transfer to a local repository when one is established.
8. Any other series of records not falling into the above broad categories, but which it is felt to be in the national interest to add to the holdings of NRS and which could not be more appropriately taken by another institution. This would be gauged by the importance of the individuals or bodies covered by the records, or the events or activities that they relate to.

## 3.2. General Principles

3.2.1 The difference between NRS policy and that of local archives is one of scope, national as opposed to local. Other archives may have specialised interests which do not impinge on those of NRS. There is the danger of overlap but also the possibility of co-operation.

3.2.2 As part of our general collecting policy, NRS will liaise with other repositories, whether national, university, local or other. We shall take into account, where appropriate, their known collecting policies in all cases where interests appear to overlap. We shall try to avoid competing claims and to achieve if possible a united voice on any recommendations to owners about places of deposit.

3.2.3 It is worth noting some differences between the collecting policies of NRS and the NLS. In general the NLS has a focus on the papers of individuals (e.g. writers, politicians, historians, musicians, artists) and on the records of associations, groups of individuals and corporate bodies (e.g. businesses, estates, political and trade union

organisations, cultural associations, learned societies), while NRS tends to be more focused on institutions, broadly interpreted. A recent NLS collecting policy identified sixteen subject areas of records that they currently collect in. While there are some topics that have little overlap with NRS (e.g. music, foreign missions, sport), the two organisations had acted independently for many years and there had inevitably developed areas where they had crossed over each other's paths. This is now most obvious in the acquisition of family and estate archives, some of which contain bodies of papers on subjects that would not necessarily have fallen within NRS remit had they stood on their own. For this reason the two organisations have established the National Records of Scotland/National Library of Scotland Private Records Group. This meets regularly to ensure good communications, together with co-operation in the operation of their respective acquisition policies.

3.2.4 NRS is the primary collector of archives relating to the history of the Railway Industry in Scotland. It is a member both of the Railway Heritage Designation Advisory Board (RHDAB), part of the Science Museum Group, and of the National Collections with Railway Material Group. We work closely with both them and with the Rail Industry National Archive (RINA) to ensure that the historically significant records relating to the Scottish railways are preserved.

3.2.5 From time to time NRS encounters videos and reels of cine-film in collections that it receives. These require specialist storage and conservation and so are normally deposited by us on loan with the Scottish Screen Archive (part of the NLS), as the national moving images collection. Otherwise we do not seek specifically to collect such media. Similarly, NRS receives audio tapes and other sound recordings as incidental parts of private collections. The NLS is developing the Scottish Sound Archive as a national facility and NRS will harmonise its collecting policies with this new body.

3.2.6 Although NRS has its own substantial collections relating to industry and commerce, it recognises the expertise of Glasgow University Business Records Centre in this area. The two bodies work to co-ordinate their collecting, both bilaterally and through their membership of the Business Archives Council for Scotland (BACS).

3.2.7 NRS will not normally seek to collect discrete bodies of private records, including architects' papers, that relate either largely or wholly to the built environment. These fall within the collecting policies of the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS).

### **3.3 Conditions for accepting Private Records**

3.3.1. We welcome gifts of records that fall within the above criteria. Any gift should, where possible, assign the donor's copyright as well as ownership and, where known, indicate any other copyright holders for material in the collections.

3.3.2 We now accept deposited (loaned) collections only with reluctance. In such cases, the material would have to conform to the selection criteria (3.1 above), and there will be strong contractual obligations agreed before deposit. These will particularly cover notice periods for withdrawal of the collection and compensation for any significant preservation work carried out. We shall expect a general permission to make

images of deposited documents for access, security and preservation purposes and we would retain copyright over these images. In the event of an owner subsequently deciding to sell their papers, we would expect to be offered first refusal and we would also expect some reduction in the price as a consideration for the costs of storage, cataloguing and conservation.

3.3.3 In certain cases we shall require owners to give additional undertakings before accepting a deposit. In particular we may reserve the right to expect payment for any cataloguing work should the papers be withdrawn before a certain agreed time has elapsed. Again, in some cases we will expect payment of an agreed percentage of the price of any records deposited in, listed and arranged by, NRS and subsequently sold to a third party. This will be reckoned to cover part at least of the public money expended on cataloguing, storage and conservation work.

3.3.4 Some or all of these points, as appropriate, will be set out in separate, bespoke contracts agreed with each depositor.

3.3.5 NRS may accept copies of original records, in various media, where their content meets the selection criteria (3.1 above). We would have to be satisfied that the originals had been lost, destroyed or were not readily available for public access. In this way, our possession of copies would be seen either to preserve important information for posterity, or to provide a more convenient form of access than would otherwise be available.

3.3.6 Where it is appropriate, and where the funding is available, we shall purchase private records.

### **3.4 Development of this policy**

3.4.1 In general, if a major collection is offered to NRS that involves a significant physical quantity of records, or where there is debate about historical importance, advice can be sought from NRS Records and Archives Board. It will also be open to NRS, with appropriate safeguards for confidentiality, to take advice from third parties (e.g. academics, experienced researchers) as to the significance of particular collections offered to us.

3.4.2 This policy will be reviewed every three years.

Laura M Mitchell  
Deputy Keeper of the Records of Scotland  
8 November 2017

## **Annex: 'National Importance'**

The subjective expression 'National importance' is easily understood but difficult to define. The ACE notice UK Export Licensing for Cultural Goods Issue 5 (revised), 2014, p. 5 recites the relevant 'Waverley' criterion of 1950 for opposing the export abroad of such items as are 'so closely connected with our history or national life that [their] departure would be a misfortune.' This was originally intended to catch objects such as the Alfred Jewel or the manuscript of Gray's *Elegy* but it is now interpreted in a somewhat wider context to include items which are of major importance for local history, or which are part of collections which are of the greatest historical significance, or which are associated with significant historical events. In accepting manuscripts in lieu of tax, MLA as successor to DCMS used a concept of 'pre-eminence' which is based on the Waverley criteria and similarly recognises that this can include material of a local or regional character (MLA, *'Acceptance in Lieu Report 2005/06'*, pp. 8-9). The Scottish Museums Council report, *'A Collective Insight: Scotland's National Audit: Full Findings Report'* (July 2002) did include several archives in its coverage and defined (appendix 2) five levels of significance - International, UK-wide, National (i.e. Scottish), Regional and Local. The 'National' significance of a collection can arise from one or more of five attributes: 1) quality, rarity or uniqueness; 2) outstanding cultural, spiritual or social value to Scotland; 3) they have a significant quality which relates to national developments in science, technology, agriculture or industry; 4) they are an outstanding example, or examples, of a form or style of a national artistic/aesthetic period; 5) they have special associations with the life and works of a Scottish citizen or group, or with an event of national importance.