

Archives Academic and Learning/Research Policy

Introduction

This policy describes how National Records of Scotland (NRS) supports publicly beneficial academic research by making archives available to the research community based in or supported by universities, Higher Education Institutions or funding bodies. It supports NRS's purpose: "We collect, preserve and produce information about Scotland's people and history and make it available to inform present and future generations."

NRS is one of Scotland's National Collections and holds the primary records for understanding all aspects of the history of Scotland, its peoples and their lives, its government, economy and society and the way in which the nation shaped the development and history of many other countries across the globe. These include parchment and paper records dating from 1127 until modern times, as well as microfilm and digital records, including more recent historical census and civil registration records. These records are made available on our premises to historians of all types, whether amateur, student, or professional. A growing proportion is also becoming available online.

Policy Statement

As a major holder of information of potential use for personal, historical, social and legal research, NRS is committed to making as much of it as possible available to our users. We are committed to supporting academic research and learning activities that are legal, ethical and in the public interest.

This commitment reflects our legal obligations arising from acts of the Scottish and UK Parliaments, including the Scottish and UK Freedom of Information Acts of 2002 and 2000 respectively, and from the various statutes governing the registration of vital events, the recording of Scottish title deeds, other legal instruments and court records. This commitment is tempered by our privacy obligations relating to the personal information we hold such as census information, and our adherence to the General Data Protection Regulation (GDPR) and the Data Protection Act, 2018 but also by other statutory, regulatory and contractual constraints and by our public duty to preserve and protect the historic records entrusted to our care for the nation.

In implementing this policy, from time to time NRS may make adjustments to services to protect the health and welfare of our staff and visitors and ensure we maximise the public benefit we deliver as a whole (for example during a public health emergency).

Scope and audience

This Academic and Learning Policy specifically relates to academics and educators who are pursuing projects and programmes that require the provision of NRS staff and other resources over and above what would normally be given to users carrying out research under our Public Access Policy.

This type of additional support might include letters of support, protracted staff supervision or advice, partnership working, mediated access to uncatalogued or otherwise restricted records, or provision of large volumes of copies of records or other data.

The use of NRS materials, resources or expertise to support projects that will deliver commercial gain are not covered by this policy. Commercially framed projects should be discussed with appropriate

NRS staff and will be considered separately, taking account of financial and procurement rules and policies.

Ethical, legal and public interest issues

NRS does not seek to restrict individuals going about lawful, private research. It is, however, a condition of providing NRS support or resources to academic or other projects that any proposed research must be legal, ethical and in the public interest. In particular, it must not act to prejudice the private rights of groups or individuals. If a project sponsor is in doubt about an ethical or legal aspect of their proposal, they should first take advice from their university or college ethics committee or lawyers and then discuss this with NRS. As a matter of policy, NRS reserves the right to seek its own ethical or legal advice and to refuse to support any project that it believes cannot demonstrate its ethical and legal nature.

NRS generally expects non-commercial, academic research carried out under the auspices of an established institute of learning and that is legal and ethical to be in the public interest. The characteristics we expect in public interest research are that it contributes to our general societal knowledge and understanding; it will not be excessively expensive; it will have clearly defined objectives; it will be delivered efficiently through rigorous and reliable methods; be open to peer review and be published, shared and accessible. NRS will advise on steps that can be taken to demonstrate public interest in projects but reserves the right to refuse to support projects where it is not satisfied that this has been achieved.

Contacting NRS

We welcome as much advance notification as possible of planned projects. This is especially necessary where we may have to consider work and access implications associated with data preparation, or where researchers intend to make extensive use of records that might have conservation or copyright requirements. Researchers should write in the first instance to lsrhe@scotlandsppeople.gov.uk with details of their project and they will be directed appropriately. All requests about academic projects will be subject to consideration under this policy, however, whatever their initial point of contact.

Approval route and transparency

NRS's willingness to participate in academic projects will be conditioned by an assessment of the significance of public good likely to arise from a project and to the benefits, financial or otherwise, likely to accrue to NRS and its audiences and the public in general. While we recognise that ethical research and learning activities contribute positively to society as whole, we must also demonstrate that we can deliver value for money to the public of Scotland. Balancing the benefits against both the anticipated demands on available NRS resources and any existing commitments will form a significant component of any assessment. NRS participation in projects will be included in management planning and staff job objectives to ensure that we have the resources to support an agreed project.

Requests to NRS to assist or join in an academic or learning project involving either the allocation of staff or other resources, flexibility in the fees that would normally be charged, or some other departure from our usual procedures, will require the approval of NRS staff at different levels. Where the resource implications are judged to be minimal or low, decisions about approval will normally be made between the relevant branch and the appropriate Director. Where resources are required from more than one branch or business area, the final decision will be made with the knowledge and

approval of the appropriate directors. The perceived call on resources will condition the amount of supporting information required from applicants, as also the time for NRS to reach a final decision.

Where a project proposal has a potential strategic impact on NRS operations or has a significant impact on finances or resources, the relevant Director will escalate the request through normal internal governance arrangements.

Where approval of a particular project might be considered to set an undesirable or insupportable precedent, this will be a factor in NRS's final decision. NRS default policy is to attempt to support legitimate academic endeavour where we believe this to be possible and to the public benefit.

NRS expectations from academic projects

Within its resources, NRS is committed to supporting academic research as part of its wider mission statement. As a minimum, we would expect appropriate acknowledgement of our contribution as a partner or supporter in any publicity or branding associated with a project.

Where a project takes us into activities that are removed from our normal operations or strategic priorities, or where we have to engage extra resources to participate, we may require a financial contribution from the project partners to cover our reasonable costs. This would be negotiated and agreed at the outset. Where a financial contribution to our costs is deemed to be required we shall provide an estimate of this to inform funding applications.

Where a project creates products using NRS resources, we may reasonably ask for joint or sole rights to use or exploit these beyond the life of the project for the benefit of our different audiences.

We support projects that are scientifically sound and professionally delivered in order to produce insights that contribute positively to our national collective knowledge and capacity, the development of public policy and that are delivered in a collaborative manner.

We welcome and look favourably upon approaches for assistance from early-career researchers, post-graduate and under-graduate students.

While we continue to value traditional academic research outputs such as journal articles, we also seek to encourage projects that can deliver broader benefits and easily accessible outputs such as free-to-use school learning material, outputs designed to support the development of public policy, public web resources or presentations to non-academic audiences

As stated above, commercially framed projects are not covered by this policy and should be discussed separately with appropriate NRS staff.

Collaborative Doctoral Awards (CDAs)

NRS welcomes invitations to participate in CDAs where the records held in NRS together with the expertise of particular staff can be utilised in a way that benefits both the research project and NRS or any of the audiences that we serve. For instance, a CDA might deepen our understanding of some part of the information that we hold. Outputs might take the form of a new catalogue for records or data, or an improvement to an existing finding aid. If a researcher already has contacts within NRS staff, they are welcome to make a direct approach, otherwise initial approaches should be made to lsrhe@scotlandspeople.gov.uk.

Support for projects

Where NRS staff have agreed to join in a project as a partner, we shall be willing to write letters of support to funding bodies. Where we are not a partner but have an involvement in a project, or would otherwise benefit from it, we shall consider applications for letters of support on a case-by-case basis.

In general, NRS's contribution as a partner in academic projects will take the form of contributing staff time or other resources. In some cases it might involve the provision of credits to use our ScotlandsPeople services or loaning existing digital images of our records for the duration of a project. It may also include the preparation and production of original material or new digital images. Provision of resources to outside projects will be governed by formal written agreements and all 'in principle' support offered to projects will be subject to such agreements being put in place. NRS takes great care to ensure that security and privacy are respected and that our records are protected from commercial exploitation to the public detriment. Agreements will therefore include both formal contracts and agreements governing information management and security.

NRS is not a grant-awarding body and so we will only very occasionally and exceptionally contribute financially to projects. Again, this would be agreed on a case-by-case basis, will be governed by separate rules and policies and would require approval by the NRS board and would be subject to government rules relating to grant awards.

While NRS will often wish to make use of data or other resources created by projects in which we are partners or supporters, we cannot undertake to host or maintain bespoke websites or micro-sites generated by partner projects.

Intellectual Property Rights (IPR)

As a public body, NRS will seek to ensure that all IPRs residing in the records held by us are appropriately managed. This is to avoid prejudicing the rights either of the IPR owners (if not NRS) or of our other customers who might also wish to make use of them. In particular, we cannot assign IPRs owned or held by NRS to third parties. All IPR-related questions associated with a project will be discussed and agreed before the project commencement.

Security Considerations

NRS takes the security of all the material and resources we hold extremely seriously. Demonstration of appropriate and proportionate security arrangements will be a requirement of all projects.

ScotlandsPeople

[ScotlandsPeople](#) is the online resource by which NRS gives paid public access to the principal records for researching Scottish family history. These are primarily records of births/baptisms, marriages, deaths/burials, church records and open census records. The site's primary audience is private genealogists but its resources are of potential use in research across a wide variety of historical and other disciplines. Where an academic project requires extensive access that would prove financially prohibitive to the project, it may be possible, to remit or waive some fees by the provision of credits to a specified amount, or to lend images for the duration of a project.

The fees charged by NRS to access our resources are used to support the ongoing provision of our archive facilities. It is in the public interest to continue to provide value for money to the taxpayer using this model and we will not support projects that undermine the financial viability of ScotlandsPeople or any of our other activities designed to further the provision of archive services. As a public body, NRS does not generate profit and any income is re-invested in the development and maintenance of the public services we provide.

We shall also consider applications for free credits for teaching and demonstration purposes. These will be considered on a case by case basis, taking account of the relative public benefit of providing such access. As a minimum, credits will be provided exclusively for the learning or demonstration purpose specified and NRS must be appropriately acknowledged.

In March 2021, the [ScotlandsPeople](#) Service launched Virtual Volumes, an online image viewer allowing researchers to view unindexed historical records free of charge, with a small fee for those users who wish to download copies. At launch, the site had over a million images of individual records from the courts of the established Church of Scotland. Virtual Volumes will continue to expand and in time will include a wide variety of other historical records including series from the Scottish civil and criminal courts and the Scottish government. It will become a major resource for academic and private researchers.

Registration records and vital statistics

The statutory registers of births, marriages and deaths from 1855 constitute a prime source for Scottish family history and demographic studies. While the principal public access to these is through the ScotlandsPeople website, digital images of modern records of births (less than 100 years old), marriages (75 years) and deaths (50 years) are not made available online and can only be viewed within secure settings. With prior arrangement and following written agreement, including assurances around privacy and security, NRS can accommodate appropriate research projects that require the use of these records.

Closed Census records

The records of the ten-yearly censuses conducted by NRS are closed to public access for 100 years. Scottish Censuses up to 1911 are currently open and available for historical use. Further details about the Scottish Census are given at <https://www.scotlandscensus.gov.uk/confidentiality>.

Other closed or restricted records

NRS holds many records, public and private in origin, that are closed to (or exempt from) public access for different periods of time. Although there are various reasons for these closures (or exemptions), most commonly arise with public registers and records because of the need to protect sensitive information relating to living individuals. Examples are still-birth records, court and other adoption records, and records concerning gender recognition. The rights of individuals to this protection are founded in the UK General Data Protection Regulation (UK GDPR). Data protection law can also affect access to privately created records relating to living individuals.

In some (but not all) cases there are circumstances where access can be legally granted to closed or restricted records for legitimate academic research purposes. This would require prior written agreement between the project and NRS (where NRS owns the records) or between the project and the depositor/owner. Any privacy and information security risks associated with the proposed

research will need to be assessed and appropriate measures and controls put in place to reduce risk before access can be granted.

In cases where NRS is not the owner of the records concerned, we shall act in good faith to facilitate any discussions between parties concerned. We have strong communication links with Scottish Government, with the Scottish Courts and Tribunals Services and with other Scottish and UK Government bodies who deposit with us. We cannot, however, force record owners to go against their own legal obligations or wishes and so their decisions regarding access requests must be regarded as final.

Privately created records held in NRS (records of major families, politicians, individuals, businesses, etc.) are generally open for research access. Projects that seek to make extensive use of privately owned collections, however, particularly where imaging work is proposed, will require the owners' permissions.

If researchers seeking access to closed or otherwise restricted records do not already have a contact person on the staff, they should write to lsrhe@scotlandsppeople.gov.uk and they will be directed appropriately.

Privately held and privately owned records

There is a vast body of Scottish records still owned and held privately, whether in the archives of businesses, charities and other institutions, or in private residences. The National Register of Archives for Scotland (NRAS) is a branch of the NRS working to identify and collect catalogues of such papers and to facilitate public access to them. Their work is described at <https://www.nrscotland.gov.uk/record-keeping/national-register-of-archives-for-scotland>. NRAS staff are available to facilitate discussions between parties concerned where an academic project identifies records of interest in private hands. As with private records generally, however, the NRAS cannot go against the owners' own wishes, whose decisions regarding access requests must be regarded as final.

Provision of images

NRS has an extensive and growing body of digital images, surrogates of the original paper and microfilm records held by us. Where possible it is our preference that researchers make use of digital images in order to protect the original material. Provision of copies, whether digital or hard copy, is normally done on payment of fees. For major projects requiring to use large volumes of *pre-existing images* and where the researchers cannot reasonably visit NRS premises, we shall consider requests for access to sets of images (other than those on ScotlandsPeople) on loan. Such access would be governed by prior agreements, with the access given by NRS lending out images on encrypted hard-drives, or providing privileged access to the images through the NRS website. Where NRS is asked to create new images specifically for an academic project, the apportioning of costs will be agreed in advance. The use of digital images will be strictly limited to the project at hand. As a matter of policy, no onward sharing of images will be permitted outside of the project, nor use of the images for additional purposes by the project team beyond those originally agreed and in particular the images must not be used in any commercial manner.

Facilities for Public Talks and Conferences

NRS has two city-centre buildings with excellent facilities for holding talks, lectures and conferences for up to 70 participants. These can be used in support of academic projects, and are also available

for stand-alone talks. NRS normally charges for use of these facilities but will consider reducing or waiving fees for academic projects with which we are associated.

Exhibitions

NRS has spaces suitable for small exhibitions in its two city centre buildings. These can be made available for use in support of academic or other projects that require an exhibition component. The resources for preparing and managing these would be agreed as part of the project discussions.

Review

This policy will be reviewed annually and updated as necessary.

Anne Slater
Head of NRS Operations and Customer Services

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