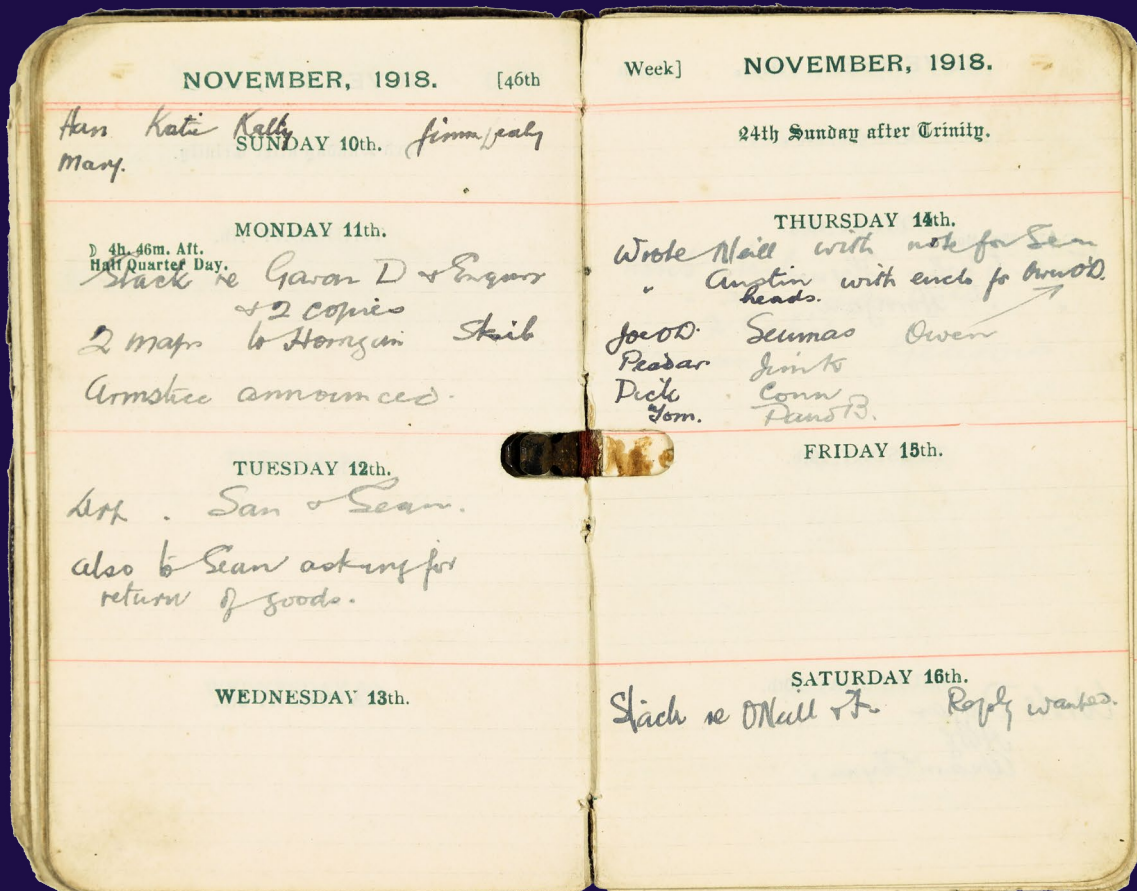




# Acquisition Policy



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# Contents

<b>Introduction</b> .....	<b>3</b>
<b>Aims</b> .....	<b>3</b>
<b>Departmental records</b> .....	<b>4</b>
<b>Records outside the scope of the Acquisition Policy</b> .....	<b>6</b>
<b>Places of deposit</b> .....	<b>7</b>
<b>Appendices</b> .....	<b>8</b>

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## Introduction

The National Archives holds the official records of the modern Irish State and administrative records from the preceding British administration which document its historical evolution and the creation of our national identity.

In keeping with the mission statement, the National Archives collects, manages, and preserves the public record of Ireland and ensures its availability both as a resource and to safeguard citizens' rights. The core of the National Archives' acquisition activities is framed by the National Archives Act, 1986. The archive holdings relate to all parts of Ireland and have enormous research potential as they provide essential primary source material for people seeking to understand the political, economic and social forces which have shaped our nation.

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## Aims

This document details the acquisition functions of the National Archives, explaining which records are included in its collecting scope.

It seeks to illustrate to the public how records are acquired in an open, transparent and responsible manner, in accordance with the National Archives Act, 1986.

### **Record formats**

The National Archives does not differentiate between hardcopy records and electronic media when acquiring archives. Records acquired by the National Archives can be in any format, including paper files, bound volumes, maps, plans and drawings, photographs, films, sound recordings and increasingly in the future, born digital records.

The amount of born digital information has increased dramatically in the past number of decades. The rapid rate of technological change means that the dangers of loss, corruption and obsolescence of born digital records are very real.

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## Departmental records

The National Archives acquires records in accordance with its responsibilities under the National Archives Act, 1986.

The National Archives acquires records of:

- Departments of State, including the courts
- Bodies named in the schedule to the National Archives Act
- Committees and Commissions of Inquiry established by the Government, by a member of Government or by the Attorney General

In general, all departmental records which are more than 30 years old and are worthy of permanent preservation, must be transferred to the National Archives and made available for inspection by the public.

### **Criteria governing the acquisition of departmental records**

Under the National Archives Act, 1986, the National Archives collects departmental and court records that are more than 30 years old where there are reasons for their long-term preservation.

Records which are eligible for transfer to the National Archives must:

- Be of historical value and enduring public interest
- Provide evidence of the functions of the body that created them
- Be unique and not duplicate the records in existing holdings

## **Exemptions**

Particular records may be retained by departments and/or be withheld from public inspection, if they are the subject of a certificate signed by the appropriate Certifying Officer and countersigned by the Consenting Officer in the Department of the Taoiseach. The certificate must detail that the records in questions are either:

- In regular use in a department or are required in connection with its administration or:
- That making them available for inspection by the public would/might:
  - Be contrary to the public interest, or
  - Constitute a breach of statutory duty, or a breach of good faith on the ground that they contain information supplied in confidence, or
  - Cause distress or danger to living persons on the grounds that they contain information about individuals, or would or might be likely to lead to an action for damages for defamation

## **Acquisition of archives by purchase or donation**

The National Archives Act, 1986, permits the acquisition of archives from public service organisations, institutions or private individuals by purchase, donation, bequest or loan.

### **Purchase of archives**

The National Archives may occasionally purchase records which are of direct relevance to its archival holdings.

Although the National Archives Act permits the purchase of archives, the National Archives does not wish to promote or encourage the sale of archives or a commercial market in archives. The National Archives does not offer finders' fees or valuations of individual records and record collections.

### **Acquisition by donation (gift or loan)**

The National Archives may accept deposits either as a gift or loan. Where a collection is acquired by gift, the National Archives requires depositors to sign a depositor's agreement which transfers all rights they may have in relation to the archives, including intellectual property rights, to the National Archives. Where a collection is acquired on loan, the National Archives requires depositors to sign a loan agreement. This stipulates that such records remain the property of the depositor, who may withdraw them subject to agreed terms of withdrawal. A loan can be converted into a gift at any time during the period of deposit.

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## Records outside the scope of the Acquisition Policy

In general, the National Archives does not acquire archives emanating from:

- Local government
- Areas of defined subject interest which may be more appropriately directed towards other repositories
- Political and public figures and individuals or organisations engaged in artistic and creative endeavours

Archives by their nature are unique and therefore the National Archives does not acquire:

- Published material, including collections of newspaper cuttings, prints and drawings
- Copies of documents already held (including transcripts and personal genealogical research)

Ephemera is only acquired in exceptional circumstances.

There are certain archival repositories who specialise in acquiring photographic, film and sound archives. Therefore the National Archives will not usually acquire such records, unless they directly relate to our core holdings.

The National Archives has reviewed and modified its past acquisition practices in response to the collecting activities of other repositories and the passage of new legislation. Reviews of such practices will continue periodically (see section 7).

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# Places of deposit

## Places of deposit

The majority of records from all Departments of State are deposited at the National Archives. Alternative places of deposit are provided under Section 14 of the National Archives Act.

Currently, the following archives services are designated as places of deposit:

1. Military Archives, Cathal Brugha Barracks, Rathmines, Dublin 6.
2. National Museum of Ireland, Kildare Street, Dublin 2.
3. Geological Survey of Ireland, Beggars Bush, Haddington Road, Dublin 4.

In addition, the Representative Church Body Library, Braemor Road, Churchtown, Dublin 14, functions as an unofficial place of deposit for Church of Ireland parish records.

## Deaccessioning policy

Section 9 of the National Archives Act, 1986, permits archives in the custody of the National Archives to be disposed of or transferred to more appropriate archives or other organisations.

The National Archives periodically reviews its holdings and where it holds records which are not subject to its legislative conditions and there is a more appropriate repository, will, with the consent of the original depositor, transfer such records to a more appropriate body.

## Review of policy

This policy will be reviewed every three years to ensure consistency with the strategic direction of the National Archives and alignment with any statutory or other changes.

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## Appendices

### **Appendix 1: Template Deposit Agreement:**

#### **NATIONAL ARCHIVES, IRELAND AGREEMENT TO DEPOSIT RECORDS AS A GIFT**

The National Archives is mandated by law to preserve the records of central government in Ireland. It operates under the provisions of the National Archives Act, 1986, which provides for the preservation of such records and their transfer to the National Archives when thirty years old, in order that they can be made available for research use.

As part of a wider remit to preserve records and other documentary evidence relating to the origins, evolution and administration of the Irish State, the National Archives is authorised to preserve outstanding archives of private origin, including the personal papers of persons prominent in Irish public life, as well as the records of private institutions and organisations.

Gifts of records become the property of the National Archives. The National Archives will become data controller of the records as defined by the Data Protection Act, 2018.

This agreement is made between the National Archives, Ireland (hereafter the National Archives), and [name], [address], [status to undertake agreement] (hereafter the Depositor) on [date of agreement] concerning the gift to the National Archives of the records described below:



## **GIFT TERMS OF DEPOSIT**

1. The National Archives accepts in good faith that the Depositor is the owner of the records, or has the right to transfer to the National Archives, and responsibility for transfer remains with the Depositor. The Depositor confirms that no other person or body has any claim or interest in these records, and hereby transfers ownership of the records to the National Archives.
2. The National Archives undertakes that the records will be stored in conditions similar to those of other records in its custody and that the records will be professionally administered to the same standard with regard to preservation, access and use.
3. The records will be made available for public consultation as resources allow, subject to any statutory restrictions and closure periods, and any special conditions agreed between the Depositor and the National Archives. The National Archives will withhold access to records considered to be too fragile, damaged or otherwise unsuitable for consultation.
4. The Depositor and the National Archives agree that the latter may use the records at its discretion, including copying, digitisation, publication and exhibition, subject only to legal obligations and any agreed special conditions.
5. The Depositor and the National Archives agree that records deemed to be of no historical interest will be returned or, with the written consent of the Depositor, transferred to a more appropriate place of deposit or destroyed.
6. The National Archives undertakes to provide the Depositor with a copy of the completed archival finding aid (or any list or index) to the collection. The National Archives will retain copyright to any finding aid produced.
7. The National Archives undertakes to acknowledge the gift in the published Annual Report of the Director of the National Archives and in the archival finding aid to the records that is made publicly available, subject to any agreed special conditions.
8. A register of names and addresses of depositors is maintained. Such information will not be released to third parties without express permission of the Depositor. The National Archives cannot accept responsibility for any consequences that may arise from failure to notify it of any change of name or address.
9. Where the records or their content are subject to any provisions in law, each party to this agreement will take such measures as may reasonably be required in order to comply with such provisions.

- 10.** Any copyright or other intellectual property rights of the Depositor in these records are hereby transferred to the National Archives and therefore it holds responsibility for granting permission to publish these records. The Depositor agrees to provide the National Archives with any relevant information to enable it to identify any third party or parties owning similar rights in the records. In these instances, it cannot grant permission and responsibility for obtaining copyright clearance rests with those seeking permission to publish.
- 11.** In so far as the content of the records may be affected by the provisions of the Data Protection Act, 2018 or any similar legislation in force, the National Archives will, from the date of this agreement, be considered the data controller of any data in the records. The processing, use and disclosure of such data to data subjects will be governed by the provisions of the legislation.
- 12.** In so far as the content of the records may be affected by the provisions of the Freedom of Information Act, 2014, the National Archives will, from the date of this agreement, be responsible for the processing of requests for access to information made under the Act.
- 13.** The information contained in this agreement may be processed by either party to give effect to this agreement.
- 14.** These terms of deposit will apply to the gift of records as described in this agreement unless the Depositor notifies the Director in writing of any variations to specific terms at the time of deposit or within one calendar month of deposit, and agreement is reached.
- 15.** For all matters relating to this agreement, the Depositor should contact the Director, National Archives, Bishop Street, Dublin D08 DF85.

## **Appendix 2: Template Loan Agreement:**

### **NATIONAL ARCHIVES, IRELAND AGREEMENT TO DEPOSIT RECORDS ON LOAN**

#### **Introduction**

The National Archives is mandated by law to preserve the records of central government in Ireland. It operates under the provisions of the National Archives Act, 1986, which provides for the preservation of such records and their transfer to the National Archives when thirty years old, in order that they can be made available for research use.

As part of a wider remit to preserve records and other documentary evidence relating to the origins, evolution and administration of the Irish State, the National Archives is authorised to preserve outstanding archives of private origin, including the personal papers of persons prominent in Irish public life, as well as the records of private institutions and organisations.

For the purpose of this agreement, the term 'Depositor' is the person who is the owner of the records, or their lawful heirs or successors, or a person duly authorised to place the records on loan in the National Archives. The term 'records' is defined as the property of the Depositor placed in the custody of the National Archives. The term 'archival finding aid' is defined as any descriptive catalogue, box list or index to the records prepared by National Archives staff.

Records deposited as a loan remain the property of the Depositor, who may withdraw them subject to agreed terms of withdrawal. A loan can be converted into a gift at any time during the period of deposit.

This agreement is made between the National Archives, Ireland (hereafter the National Archives), and [name], [address], [position in relation to donation] (hereafter the Depositor) on [date of agreement] concerning the loan to the National Archives of the records described below:

National Archives accession number:	
General description of records:	
Quantity of records:	

Signature of depositor: .....

Position: .....

Date: .....

Signature of National Archives official: .....

Position: .....

Date: .....

## **LOAN TERMS OF DEPOSIT**

### **Deposit**

1. The National Archives accepts in good faith that the Depositor is the owner of the records, or has the authority to transfer them on loan to the National Archives. The deposited records are hereby loaned to the National Archives for an indefinite period but it is understood that the minimum period of this loan shall be 20 years.
2. These terms of deposit will apply to the loan of records as described in this agreement unless the Depositor notifies the Director in writing of any variations to specific terms at the time of deposit or within one calendar month of deposit, and agreement is reached.
3. The Depositor and the National Archives agree that records deemed to be of no historical interest will be returned or, with the written consent of the Depositor, transferred to a more appropriate place of deposit or destroyed.
4. The National Archives reserves the right to refuse to take records which may still be required by the Depositor for current administrative use or to support decisions concerning individuals.
5. The National Archives undertakes to acknowledge the loan by publishing details in the Annual Report of the Director of the National Archives and any archival finding aid to the records that is made publicly available, subject to any agreed special conditions.
6. A register of names and addresses of depositors is maintained. Such information will not be released to third parties without express permission of the Depositor. The National Archives cannot accept responsibility for any consequences that may arise from failure to notify it of any change of name or address.
7. The information contained in this agreement may be processed by either party to give effect to this agreement.
8. For all matters relating to this agreement, the Depositor should contact the Director, National Archives, Bishop Street, Dublin D08 DF85.

## **Custody and administration**

9. The National Archives undertakes that the records will be stored in conditions similar to those of other records in its custody and that the records will be professionally administered to the same standard with regard to preservation, access and use.
10. The National Archives will withhold access to records considered to be too fragile, damaged or otherwise unsuitable for consultation.
11. Appropriate conservation treatments including the physical repair of records may be carried out, as resources allow, by qualified conservators or people working under their professional supervision, where considered necessary by the National Archives.
12. Catalogue reference numbers may be applied to the surface of individual records in a non-detrimental fashion, for identification and security purposes.
13. Records deposited in the National Archives will be listed by professionally qualified archivists, or persons working under their professional supervision, according to current National Archives practice, but no fixed date can normally be given for the completion of such lists or catalogues. Priorities for such work will be set at the discretion of the National Archives. A copy of the archival finding aid will be provided to the Depositor of the records, but copyright remains with the National Archives.
14. In so far as the content of the records may be affected by the provisions of the Data Protection Act, 2018 or any similar legislation in force, the National Archives will, from the date of this agreement, be considered a data processor of any data in the records. The Depositor will be deemed to be the data controller of any data contained in the records that fall within the terms of the Act.
15. In so far as the content of the records may be affected by the provisions of the Freedom of Information Act, 2014, the National Archives will not be responsible for processing requests for access to information made under the Acts.
16. Where the records or their content are subject to any provisions in law, each party to this agreement will take such measures as may reasonably be required in order to comply with such provisions.

## **Access and use**

17. The records will be made available for public consultation as resources allow, in compliance with any statutory obligations (see 13 and 14 above) and closure periods, and any special conditions agreed between the Depositor and the National Archives.
18. Any copyright or other intellectual property rights of the Depositor in these records remain with the Depositor. Copies of records will be supplied by the National Archives only in accordance with current copyright legislation. The National Archives will take all reasonable measures to inform users of their responsibilities under such legislation, but is not liable for abuse of copyright by such users. Records will not be copied if their condition or format means they may be damaged in the process.
19. Any request for access to deposited records for declared use in legal proceedings will be notified to the Depositor and access will not be granted without the consent of the Depositor, except where a court orders.

## **Withdrawal**

20. In certain circumstances, the Depositor shall be entitled to withdraw the records temporarily, upon signing an appropriate undertaking, for up to three months after giving ten working days' notice in writing to the Director of the National Archives. The Depositor's agent or representative must show written authorisation to withdraw the records on collection. The National Archives accepts no liability for loss or damage to records while they are withdrawn.
21. In the exceptional case that the Depositor as owner decides to reclaim records, six months' notice must be given in writing to the Director of the National Archives. During the period of notice, the National Archives will be entitled to copy the records and retain these copies as the property of the National Archives after the originals have been removed. The National Archives will continue to make copies available to the public, subject to any statutory obligations or restrictions agreed between the Depositor and the National Archives.
22. In the event of permanent withdrawal of the records, the National Archives reserves the right to claim reimbursement for the cost of listing, administering and storing the records and any conservation/preservation work undertaken. The actual costs will be adjusted to reflect cost of living rises between the date the costs were incurred and the date of reimbursement.



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