

Gloucestershire Archives

Information sheet for depositors and donors

Deposit or donate?

We accept records on two different sets of terms:

- as a gift: the owner transfers ownership of the documents to us
- as a deposit, or a long-term loan: the owner retains ownership of the documents and we look after them on their behalf

We encourage people to consider making their records a gift to us wherever possible, as it makes things more simple long-term. However, we understand that sometimes people like to retain ownership of their documents, and we are very happy to accommodate that. We simply ask that you notify us of any change in ownership of the documents, or any change of contact details, so that we can keep in touch with the owners of the collections in our care. If you represent an organisation which is still functioning, we will take the records from you on deposit. If you represent an organisation which no longer functions, we will recommend that they are made a gift to us, as the organisation no longer exists for us to keep in touch with it.

Freedom of Information & Data Protection

Most records held by Gloucestershire Archives are covered by the Freedom of Information Act 2000 (FOIA). This means that information contained in these records must be produced in response to written requests unless certain exemptions apply. The most common exemptions used in connection with records held at Gloucestershire Archives are:

- where information is protected by the Data Protection Act 1998 (people's personal details; see below for more information)
- where information was provided in confidence

In the same way, most records held by Gloucestershire Archives are subject to the Data Protection Act 1998 (DPA). In the case of personal information the DPA over-rides the FOIA and access to this information is restricted. However, we are able to make most records less than 100 years available under the section 33 exemption to the DPA. This permits personal data to be kept and consulted for historical and statistical research, subject to the following certain conditions:

- the research will not be used to support measures or decisions relating to particular individuals
- the research will not cause, or be likely to cause, substantial damage or distress to any living person who is the subject of the data

Anyone undertaking research which involves personal data less than 100 year old will therefore have to agree to abide by these conditions when using the restricted information.

Records less than 100 years old which contain sensitive personal information, such as medical records, will only be made available to the person who is the subject of the data.

For further information please contact our Freedom of Information and Data Protection Officer on 01452 425071

Copyright

Copyright in unpublished works, which covers most of the records that come to us, rests with the creator of the document, if this person is known, or his or her heirs or representatives. Copyright expires at various different times, depending on the type of work, whether it is published or unpublished, and whether the creator is known. Because many of our researchers need to take copies of the records in our care, we try to clarify the copyright situation at the time of deposit or donation. We deal with two kinds of copying:

- copies taken for private study or research: under the “fair dealing” principle (Copyright Designs and Patents Act 1988) one copy of a document can be made. It must be used only by the person doing the copying, for his or her own private research. It may not be published or used for commercial purposes.
- copies taken for publication or for commercial purposes (including use by professional genealogists, carrying out paid research on behalf of others)

We ask whether you own the copyright in the items you are depositing with or donating to us. If you are the copyright owner, we then ask:

- whether you donate copyright along with the items (if we are receiving the items themselves as a donation)
- whether you are happy to let us have discretion to grant requests to publish the material or use it for commercial purposes, or would rather we refer such requests back to you
- whether you are happy to allow us to use copies of the items for our own use (for educational, exhibition and promotional purposes)
- whether you are happy for people to take copies of the records under fair dealing without further reference to you

If you are donating or depositing digital material, we also ask whether you are happy for us to make multiple copies and change the format so that we can ensure that the information can be preserved long term.

If you are concerned about copyright issues in the material you are depositing or donating, please ask for a copy of the “Duration of Copyright” information sheet produced by the National Archives