

Subject: Request for information on CH3 records viewable on the FamilySearch website.

FOI reference: FOI/19/01725

Date received: 16 July 2019

Date responded: 14 August 2019

Information requested:

Request for information on CH3 records viewable on the FamilySearch website.

NRS Response:

A request was made to see the agreement regarding the copying of these records reached between the National Archives of Scotland (NAS) (one of the predecessor bodies to what is now the National Records of Scotland), the Church of Scotland and the Genealogical Society of Utah (GSU).

If this agreement was unavailable, alternatives were requested:

1. Did NRS/National Archives of Scotland approve or did not oppose that the images on the FamilySearch website would be made freely available without restriction to people who are LDS members, but non-LDS would face restrictions (they can only view the records at certain locations called Family History Centers and Affiliate Libraries)?
2. Is National Record of Scotlands committed to upholding the Equality Act, and to ensuring that one's (non)-religion is not a barrier to accessing records?

Response:

Although the agreement was arrived at in May 2003, we regret to say that we are not currently able to produce it. We are continuing to try to identify a copy of the document. If and when we succeed in doing so, we shall supply it after any necessary redactions have been made, explaining the reasons for these.

In order to answer other questions, we have consulted with colleagues who were familiar with the subsequent workings of the agreement. At the time it was made, NAS did not have the staff capacity to do the work of imaging the CH3 records. In entering the agreement, the GSU undertook to provide a team of trained volunteers who would do the imaging. NAS retained a high-quality colour image of each page for public access, while the GSU retained a greyscale image for their purposes. Although no money changed hands, this represented a very considerable in-kind contribution by the GSU to NAS over several years.

The *quid pro quo* for doing this work was that the GSU were allowed to make use of the greyscale gif format images, and information derived from them, on their own

site. The task simply could not have been accomplished otherwise and NAS took the view that the wider public benefit derived from this agreement by allowing digitized copies of the CH3 series to be made broadly available, justified the subsequent usage rights accorded to the GSU. The extent of this contribution was seen as entitling the GSU, which is a not-for-profit organisation, to grant free access to the greyscale gif images and information derived from them to its membership. The decision to enter into this arrangement was based purely on the public benefit it could deliver and the religious element of the GSU and access to FamilySearch was entirely irrelevant in coming to the decision.

Today, if any organisation (religious or otherwise) came to us with a similar proposition, NRS would consider it in the same manner, assessing the public benefit of being able to make a new record set widely accessible against any undertakings that might be proposed.

The public set of full-colour images created by the GSU team may be viewed free of charge in the Historical Search Room of the National Records of Scotland. The indexes of those parts that cover baptisms, marriages and deaths may also be accessed free of charge through the ScotlandsPeople site. ScotlandsPeople only charges to view and download the actual colour images relating to individual index entries. There are no religious barriers to access through these routes.

The GSU images are a subset of the full set of images in NRS, since NRS has accessioned, imaged and indexed more CH3 records since the imaging partnership with the GSU ceased. There are now more full-colour CH3 images available to the general public via NRS search rooms and ScotlandsPeople website than the equivalent greyscale versions available to GSU members.

In general, it is NRS policy to seek to make digital images of our records available via ScotlandsPeople.gov.uk where this is judged to be in the public interest. Our normal policy is to make indexes freely available but to charge for access to copies of images. Our charges are designed to be cost effective for our users and to support the overall development of the service and on-going running costs

National Records of Scotland is indeed committed to upholding the Equality Act and from what we have said above, we do not believe that religion was a factor in entering the publically beneficial agreement with GSU and that alternative public access arrangements are in place via ScotlandsPeople and our on-site search rooms that are entirely free of any suggestion of religious barriers.