

Public Access to Archives Policy

Introduction

This policy describes how the National Records of Scotland (NRS) makes archives publicly available using a variety of channels including onsite services, digital services, education and learning and in partnership with other organisations.

The policy supports the National Records of Scotland's purpose: "We collect, preserve and produce information about Scotland's people and history and make it available to inform present and future generations."

The Principle of Access

As a major holder of information of potential use for personal, historical, legal and commercial purposes, NRS is committed to making as much of it as possible available to the public. This commitment reinforces our legal obligations arising from acts of the Scottish and UK parliaments, most particularly the Scottish and UK Freedom of Information acts of 2000 and 2002 respectively, and from the various statutes governing the registration of vital statistics and the recording of Scottish title deeds, other legal instruments and court records.

NRS 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 records are made available on our premises to historians of all types, whether amateur, student, or professional.

Access to Principal NRS Public Services

NRS offers a wide variety of services for customers and stakeholders

ScotlandsPeople

ScotlandsPeople is the brand name of NRS's service to provide access to digital copies of the principal records of use in researching Scottish genealogy. These include the post-1855 statutory registers of births, marriages and deaths; the records of Scottish open censuses, 1841 to 1911; Old Parish Registers (OPRs) of baptisms, marriages and burials, pre-1856; Roman Catholic registers from 1703; wills and testaments from 1513 to 1925; military service appeal tribunal records from 1916 to 1918; valuation rolls for various years from 1855 to 1935; Coats of Arms from 1672 and a variety of other record series known to be of use to genealogists and historians.

The service can be accessed on-line, on site and at local family history centres throughout Scotland.

On-line access is through www.ScotlandsPeople.gov.uk. This is a pay-per-view site although registered customers can search all of the indexes for free. Customers purchase credits to view the majority of the records, although images of the transcriptions of the 1881 Scottish census and the Registers of Corrected Entries (RCEs) that are associated with specific statutory records are free to

view. Customers can also order official certificate copies from the statutory registers and our open census records.

On site access to the service is available at the ScotlandsPeople Centre in Edinburgh. Access to customers is provided in the Centre's search rooms where trained staff are on hand to provide guidance and advice. Limited, free two-hour 'taster' sessions to explore the resources on offer are available for first time customers, thereafter the fee of £15 per day is applicable or a season ticket can be purchased. Applications for free access for the purposes of historical or literary research or education are considered on a case by case basis. Our search rooms also offer access to a small library and some microfiche and microfilm copies of genealogy related collections.

As part of its support both for local authority archives and for the Scottish ancestral tourism industry, NRS has since 2007 encouraged the development of local family history centres. Local authorities that can demonstrate to NRS both that they have suitable facilities and that they have co-located their archive and statutory registration functions may receive access to the indexed statutory, archive and Catholic records offered through the ScotlandsPeople centre in Edinburgh. Authorities pay the NRS an annual subscription but can recoup some or all of their costs by charging their users. Currently Glasgow, East Ayrshire (Kilmarnock), Scottish Borders (Hawick), Highlands (Inverness) and Clackmannan (Alloa) have local family history centres with these facilities.

Historical Search Room

The Historical Search Room based in General Register House, Edinburgh offers on-site access to the principal records for researching Scottish history. These include the archived records of central government departments and agencies, the records of the Scottish central and many local civil and criminal courts, archives of former nationalised industries (rail, coal, steel) and a large number of collections belonging to private families and major companies. The room seats 44 and access is free of charge, provided that the visitor can produce photographic proof of identity and address, and is not engaged in research for a commercial or legal purpose. Trained staff are present to provide guidance and advice.

The Legal Search Room

The Legal Search Room, based in General Register House, Edinburgh is for researchers who are examining the public records (primarily public registers of land ownership, land sales, mortgages and other legal obligations) for legal or commercial purposes. They may be members of the public, members of the legal profession, or professional searchers working by proxy for law companies outside Edinburgh. Access to the records is chargeable, according to a statutory table of fees. Trained staff are present to provide guidance and advice.

Our Legal Search facility supports the Scottish business community and private citizens in their use, for commercial and legal purposes, of the public registers and other court records relating to property ownership and financial and other obligations.

The Extracts Services Team

The Extracts Services Team, based in New Register House, Edinburgh provides personal callers, postal, telephone and online enquirers with formal copies ('extracts') of certificates of Scottish births, marriages or deaths, taken from the post-1855 statutory registers and open Scottish census records. These are required by individuals for family history and a wide variety of other purposes (e.g. for getting a passport; for job applications; for confirming a death). The team charges according to a statutory table of fees and also charges for postage.

Adoptions Unit

The Adoptions Unit, a small, specialist team based in General Register House, Edinburgh assists individuals (or their appointed representatives) aged 16 or over who have been adopted in Scotland to identify their natural parents, using statutory registers and closed court records. The sensitive and confidential nature of the records means that access to them is confined to the adopted persons (or their representatives). Access is free and is usually by appointment.

The NRS Plans Unit

The NRS Plans Unit is based at Thomas Thomson House (TTH), Sighthill, Edinburgh and oversees access to the large collection of printed and manuscript maps held by NRS. Access is free for visitors undertaking historical research but is chargeable, according to a set table of fees, for those doing commercial or legal research. Plans access is given to readers either by providing images of plans on viewing screens in the Historical Search Room or, where a plan cannot be copied, by appointment at TTH. Trained staff are present to give advice and guidance.

The NRS Library

The NRS Library serves as a reference service to support the research needs of both the staff and visitors. It is not a lending library and its holdings must be consulted on the premises. The library includes smaller separate collections (e.g. the Statistics Library) which have separate access arrangements, normally by appointment. The collections are fully catalogued but the catalogues are currently only accessible to personal visitors. The ScotlandsPeople Centre provides access to library records that will assist genealogists with their research.

The National Register of Archives for Scotland (NRAS)

The NRAS, based in West Register House, Edinburgh maintains a register of catalogues of archives of historical interest held privately in Scotland. Readers are allowed to inspect paper copies of almost all of these catalogues and many may also be viewed on the NRS website. Since almost none of the actual records are held by the NRAS, access to them is entirely at the discretion of the owners. The staff of the NRAS can give advice on how to obtain such access and will answer enquiries remotely. While the NRAS welcomes personal callers, this must be by appointment only.

The Scottish Register of Tartans

The Scottish Register of Tartans, established by an Act of the Scottish Parliament in 2008, offers a registration service for and information about tartans for anyone interested in tartan, private user or industry member, whether in Scotland or anywhere around the world. The Register is virtual and was set up to promote and preserve information about registered tartans. Details of registered tartans are available online at www.tartanregister.gov.uk. Samples of registered tartans and physical documents supporting the Register may be inspected in the Historical Search Room. The staff of the Register can give advice on registration and answer enquiries thereon. Whilst the Register staff welcome personal callers, this must be by appointment.

NRS Education and Learning Services

NRS Education Service provides teachers, pupils and learners of all ages with access to and an understanding of historical records. It is designed to support the Scottish Curriculum for Excellence and National Qualifications. From September to March within the school year, the NRS Education team delivers an annual Schools Programme of free workshops and Glow Meets (web conference sessions delivered through the Government's secure schools digital network) to Scottish primary and secondary schools. It is advertised through their website *Scottish Archives for Schools*. The development of topics and themes across the Scottish curriculum is ongoing.

The NRS Education Team supports users of all ages in developing their knowledge and understanding of the records, and their skills in accessing, reading and interpreting their content. The service can be accessed online at www.scottisharchivesforschools.org giving access to online

resources and the NRS Schools Programme of workshops and web conferencing sessions for primary and secondary schools.

Practical tuition in palaeography is provided at www.scottishhandwriting.com which has an emphasis on supporting the ability to read Scottish historical manuscripts from the 16th to 18th centuries. NRS staff also deliver an annual in-house course on Scottish handwriting, delivered in conjunction with Edinburgh University's Lifelong Learning Department.

Outreach seminars are run by NRS Outreach Services and staff can hold small-scale events for parties of university students visiting with their tutors to investigate particular topics. Similarly, we can accommodate a small number of visits each year from local history or other special interest groups. Such visits are by appointment only.

Annually, usually in March, NRS hosts a day-long Post Graduate Training Visit to the Edinburgh Repositories (PTVER). The Scottish universities are invited to nominate newly-started postgraduate students in history or other appropriate disciplines, to attend a series of talks on potential archival research resources from the staff of the NRS, the National Library of Scotland, Historic Environment Scotland and the Scottish local archives.

Exhibitions, Events and Media Services

NRS provides access to a wide range of records either through entering into partnerships with other bodies offering temporary loan of records to support exhibitions or by providing in-house displays of records either to mark historic anniversaries, to tie in with current events, or to publicise developments in NRS's own services.

A notable example of this is the highly successful hosting in 2015-16 of 'Family Portrait: the Scots-Italians, 1890-1940'.

All exhibition loans are governed by strict conditions and must begin with a formal online application to our Conservation Services Team, using a form available on our website.

NRS staff members regularly give public talks about the services that we offer.

NRS welcomes the opportunity to work with the media where the records in our holdings can assist their enquiries.

Annually at the end of December or in the first days of January, NRS staff hold an event for the media, allowing them a preview to examine what are thought to be the most interesting of the 'closed' files that are about to fall open under the 30 (now 15) year rule. These are produced under embargo until the early New Year, after which the media may freely publish findings and opinions based on the material released.

NRS Digital Services

In addition to the digital services referred to above many of NRS's users now access its resources and learn about its services online, through its website www.nrscotland.gov.uk. This takes them in turn to a number of other sites.

NRS in partnership with several other Scottish national institutions gives access to a wealth of historical information about Scottish places, buildings and topography. This includes many maps, plans and historical taxation and other records from NRS holdings. This service can be accessed at www.ScotlandsPlaces.gov.uk.

Our two records collection and cataloguing branches provide advice and assistance to the Scottish and UK government departments, agencies, courts and other bodies that deposit records with us. They also engage with a wide variety of private and commercial record creators.

Commitment to Customer Engagement

NRS has a national and international audience and the overwhelming majority of our customers have a positive experience, whether as visitors to our Edinburgh offices or as users of our online services. We strive to maintain this standard of service by engaging with user groups to assess their satisfaction. We welcome and consider seriously all user suggestions about service improvements.

The *ScotlandsPeople* users are regularly surveyed. The Historical Search Room participates in the 18-monthly users' survey administered by the UK Public Services Quality Group (PSQG). NRS holds quarterly meetings of a search room user group, which includes representatives of the Scottish Association of Family History Societies (SAFHS) and the Association of Scottish Genealogists and Researchers in Archives (ASGRA). Minutes of this are published online. It is intended to extend our user groups to include representatives from other sectors of our audience.

NRS surveys traffic to its websites using various analytical tools.

Forms of Access

General

Records available through *ScotlandsPeople* are found using specialist software with advanced, easy to use search facilities and are viewed using an image browser compatible with computers, I pads and mobile phones. This is not always the case with original records to be examined in the Historical Search Room, where many are stored off-site. The online catalogue identifies documents in this category.

On-site

Personal visitors form a significant part of our audience. *ScotlandsPeople*, the Historical and Legal Search Rooms and Extracts Services are all open to callers Monday to Friday, from 0900 to 1630. With the exception of the Plans Unit which is open 0930 to 1600 on Wednesdays, the other services observe these same hours but require that access be by appointment only. In addition, evening group visits can be booked to the *ScotlandsPeople* Centre. Information about closures for public holidays is posted on www.nrscotland.gov.uk.

Remote

The majority of NRS customers use our remote and online services. The primary access to these services is, as noted above, through our websites www.nrscotland.gov.uk., www.ScotlandsPeople.gov.uk and www.tartanregister.gov.uk.

All the public service teams in NRS answer correspondence, whether by post or e-mail. The bulk of this work involves provision of straightforward services (e.g. arranging to produce copies of records; answering simple enquiries). Many correspondents, however, make quite elaborate requests for information and where possible, staff will use their professional knowledge to suggest how a particular investigation might be carried out. Otherwise readers are expected to do their own investigations, either personally, perhaps through a friend, or by employing a professional searcher. NRS provides a list of such searchers on our website but this does not constitute a recommendation and NRS has no responsibility for the quality or quantity of work provided by searchers.

Distributed Access

Charge and Superintendence Agreements

The NRS has been committed for many years to fostering the development of local archive provision in Scotland. Since the late 1970s, we have entered into a number of agreements by which records considered to be of primarily local significance are, on certain conditions, transferred from NRS to Scottish local authority and university archives on long-term loan under the 'Charge and Superintendence' of the Keeper. This programme will continue, as staff and conservation resources permit. New receiving archives will now be expected to have accredited status under the UK Archives Accreditation scheme. Existing holders of such records are expected to work to become accredited.

Records that have been transferred to other archives are identified as such in the NRS online catalogue.

Restrictions on Access

In common with many other archives, there are restrictions on public access to some of the records in our holdings.

NRS staff will provide advice and explanations to the public about any access restrictions. They will also advise enquirers about any rights of appeal or other mechanisms open to them to obtain access to otherwise closed or restricted material.

We do not permit researchers to remove records from our premises and we have no public lending facility.

The records of Scottish Censuses are closed for 100 years under a confidentiality guarantee by the Registrar General for Scotland, which is supported by the Freedom of Information (Scotland) Act, 2002.

Records of adoptions are closed by Statutory Instrument 1971, No. 1162 (S.144) for 100 years from the date of creation, except to adopted persons over the age of 16, or their representatives.

Criminal records and family actions (including divorces) from the Scottish central and some local courts, are closed for between 75 and 100 years under the provisions of the Data Protection Act, 1998. The Rehabilitation of Offenders' Act, 1973 also places restrictions on the use of some court records.

The departmental files of the Scottish and UK governments and their agencies were formerly closed under the 30-year rule, with longer closure periods attached to files containing information relating to national security or likely to cause serious distress to identifiable individuals. All these closures are now subject to review and many have been reduced or even removed entirely. Following the Freedom of Information (Scotland) Act, 2002, there is now a presumption across the Scottish Government that departmental files are open unless data protection, freedom of information or other considerations come into operation. The NRS holds many files that originated in UK departments and these will retain closures applied under UK legislation.

Three further types of non-statutory restrictions exist in NRS. The first is common to most public and private archives; a small proportion of our records are fragile or damaged and so we cannot allow readers access to them. In some cases we have already made electronic images, microfilms or other surrogates, so that readers can at least view the information contained in such records. We also have an active conservation programme to identify and conserve damaged records. Secondly, all records are unique but some are of exceptional value, whether cultural, financial or both. In these cases readers will only be permitted to inspect surrogates, save in exceptional circumstances. The third category of restrictions relates to some of the many collections of private papers of national or regional historical significance held by us on deposit (loan) and which do not belong to us. Some owners have placed restrictions on access to their archives. Most commonly they require readers to give an undertaking to obtain their permission before publishing anything that uses their papers. Some restrict the making of copies. Nor is it permitted for readers to make use of private deposited collections for legal or commercial purposes without first obtaining the owner's permission.

The general statutory restrictions on access to our collections are set out at appropriate places on our website. The detailed online catalogue of our holdings, accessible through our website, states clearly which records are 'Open' and which are 'Closed', 'Exempt' from access under Freedom of Information legislation, or otherwise restricted. In many cases the full catalogue entry will state the reason for the closure.

How are our Policies and Services Communicated?

Our principal policies relating to access and to the collections can be seen on our website.

NRS maintains a Twitter account @NatRecsScot

ScotlandsPeople readers who are registered on our internet service can receive newsletters and the service also maintains Facebook and Twitter accounts.

Users of the Scottish Register of Tartans can receive updates when new tartans are registered and the Register staff also maintain Facebook and Twitter accounts.

NRS also produces a variety of leaflets outlining its services, which are available on our premises or on application.

NRS's Commitment to Comply with Legislation

Many pieces of legislation regulate or impinge on the work of the NRS and we work to comply with all of them. Our main functions are governed by:

- The Census Act, 1920
- The Adoption of Children (S) Act, 1930
- The Public Records (S) acts, 1937 and 2011
- The Adoption Act, 1958
- The Registration of Births, Deaths and Marriages (S) Act, 1965
- The Local Government (S) Acts, 1973 and 1994
- The Health and Safety at Work Act, 1974
- The Marriage (S) Act, 1977
- The Copyright Act, 1988

- The Data Protection Act, 1998
- The Freedom of Information Act, 2000
- The Freedom of Information (S) Act, 2002
- The Civil Partnership Act, 2004
- The Environmental Information Regulations, 2004
- The Public Sector Information Re-use Regulations, 2005
- The Local Electoral Administration and Registration Services (S) Act, 2006
- The Scottish Register of Tartans Act, 2008
- The Equality Act, 2010
- The Marriage and Civil Partnership (S) Act, 2014

Where necessary, the legal obligations concerning particular aspects of our functions are set out at appropriate places on our website and in our online catalogues.

Copying

The majority of records in NRS are openly accessible. Readers may purchase copies of most records in our care. Copying is done by NRS staff, using digital imaging equipment. Depending on the circumstances, paper copies can be provided as certified or as formal extracts. NRS will decline to make copies if the records would be damaged by the process, or if there are copyright or ownership issues. In such cases, staff will provide an explanation.

Readers in the Historical Search Room are permitted to use their own digital cameras to make copies of original material for their private use except where: 1) NRS has already made digital copies available; 2) the records have conservation needs that require especially sensitive handling (e.g. glass plate negatives); 3) the records are from private archives held in NRS but owned by third parties; or 4) there are copyright issues present.

Charging Policy

NRS charges fees for readers wishing to use certain services on ScotlandsPeople, ScotlandsPlaces, Extracts Services, the Scottish Register of Tartans and for access to the public legal registers where the purpose of inspection is legal or commercial, and for provision of extract, certified or other copies of original records.

These charges are levied in accordance with Statutory Instruments of the Scottish Parliament: SSI 2005, No. 77 (fees for searching legal records and for obtaining copies of legal and historical records); SSI 2009, No. 6 (fees associated with the Scottish Register of Tartans); SSIs 2009, Nos. 64 and 65 (fees associated with the registration of births, deaths and marriages, etc.); SSI 2010, No. 427 and SSI 2016, No. 64 (fees associated with searching ScotlandsPeople resources).

Access to the public records for historical or literary purposes is free (Public Records Scotland Act, 1937, s.10).

Equality and Diversity

In the services that we provide and the employment of our staff, NRS works with the public sector equality duty in mind. All our buildings have lift and ramp access for staff and public use, as well as disabled toilet facilities and meet the requirements of health and safety and equality legislation.

Our search rooms have adjustable desks and staff can make provision for visitors with sight and hearing disabilities. The bulk of ScotlandsPeople website and network is written to be accessible and comply with W3C's 'Priority 1' guidelines on accessibility. There are limited parking facilities for disabled visitors at all our public buildings. Visitors wishing to use these should contact us in advance.

ARCHON and SCAN

NRS has an up-to-date entry on ARCHON, the directory of UK archives. We do not submit copies of our lists to the National Register of Archives at Kew, since these can already be seen on our online catalogue. Summaries of the contents of our principal series of historical records may also be seen on the Scottish Archive Network (SCAN) site www.scan.org.uk.

Policy Review

This policy will be reviewed annually.

Anne Slater
Head of NRS Public Services

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