

## MEMORANDUM OF UNDERSTANDING

Between

THE KEEPER OF THE RECORDS OF SCOTLAND (“The Keeper”)

and

THE MET OFFICE

### PURPOSE

1. The purpose of this memorandum is to set out the understanding between The Keeper and the Met Office on the operation of the deposit, storage and access to historical records of the Met Office and the former Scottish Meteorological Society (“SMS”), pertaining exclusively to Scotland, which are deposited with The National Archives of Scotland (“the NAS”). These records would usually be transferred to The National Archives at Kew (“TNA”), or an equivalent place of deposit as designated by them. Deposit in the NAS is pursuant to section 5 of the Public Records (Scotland) Act 1937 (“the PR(S) Act 1937”) and section 3 of the Public Records Act 1958 (“the PR Act 1958”).

### BACKGROUND

2. The NAS is an agency of the Scottish Government. The NAS is headed by The Keeper of the Records of Scotland (“The Keeper”), who is responsible to the Scottish Ministers for records transmitted to him under various statutory provisions including the PR(S) Act 1937, and section 3 of the PR Act 1958, as well as for records of the courts and those of independent origin selected for permanent preservation. The NAS mission is to select, preserve, and make available the national archives of Scotland in whatever medium, to the highest standards; to promote the growth and maintenance of proper archive provision throughout the country; and to lead the development of archival practice in Scotland.

3. The Met Office is a Trading Fund within the Ministry of Defence. The Chief Executive of the Met Office is responsible to the Secretary of State for Defence. The Met Office is required to hold on behalf of the nation an archive of weather observations and records for the purpose of assembling a climatological record, thus maintaining the national ‘memory’ of the weather, a collection of rare and historical books, and information on occasions of memorable weather and on dates of historical significance

### STATUTORY FRAMEWORK

4. Section 5.(1) of the PR(S) Act 1937 states that *“It shall be lawful for any Government Department, board of trustees, or other body or person having the custody of any records belonging to His Majesty and relating exclusively or mainly to Scotland (other than the documents specified in section four of this Act) to transmit such records to the Keeper.”*

5. Section 3.(1) of the PR Act 1958 states that *“It shall be the duty of every person responsible for public records of any description which are not in the Public Record Office or a place of deposit appointed by the Lord Chancellor under this Act to make*

*arrangements for the selection of those records which ought to be permanently preserved and for their safe-keeping.”*

6. Section 3.(8) of the PR Act 1958 further states “*the provisions of this section shall not make it unlawful for the person responsible for any public record to transmit it to the Keeper of the Records of Scotland or to the Public Record Office of Northern Ireland.”*

## **RECORDS TRANSFERRED TO THE KEEPER, OWNERSHIP AND TERMS OF DEPOSIT**

7. The records defined by this memorandum are the Met Office weather records relating to Scotland (e.g. scientific observations by the Met Office and its observatories, meteorological registers from weather stations, meteorological logs prepared on board Royal Navy and Board of Trade ships, charts and schedules of the Daily Weather Service). The records mainly, though not exclusively, exist in paper format.

8. The memorandum also includes those records held by the Met Office on behalf of the SMS prior to its amalgamation with the Royal Meteorological Society in 1921. Those records will be deposited with the NAS as part of a unique series within the Met Office collection.

9. The Keeper agrees to the deposit of the Met Office records, as a UK public body operating in Scotland. The Keeper accepts them on behalf of the Scottish Ministers as a collection of national importance under the PR(S) Act 1937, s.5(1).

10. TNA has confirmed that the deposit of these records to the NAS can take place under the PR Act 1958, section 3(8).

11. For the purposes of this memorandum, the NAS would not be considered as a designated “place of deposit” as defined under s.4(1) of the PR Act 1958. As a national archive in its own right, the NAS will not therefore be subject to inspection by representatives of TNA.

12. Ownership of the records and ultimate responsibility for the information and record content rests with the Met Office and the Royal Meteorological Society.

13. Records not defined by this memorandum include electronic meteorological data, which The Keeper does not seek for transfer to the NAS at this time. The Keeper reserves the right to consider the selection, transfer and preservation of electronic meteorological data pertaining to Scotland to the NAS in the future.

## **RESPECTIVE OBLIGATIONS, PUBLIC ACCESS AND FURTHER USE**

14. The Met Office agrees to provide The Keeper with essential cataloguing information about the records before transfer. The information shall be supplied in an electronic format which will enable it to be migrated into the NAS electronic cataloguing system (CALM).

15. The Keeper will supply the Met Office with necessary CALM field information to permit the Met Office to provide the essential electronic cataloguing information in advance of any transfer of the records to the NAS.

16. The Keeper will place the catalogue of Met Office record information onto the NAS on-line electronic catalogue to give public access to the collection.
17. The Keeper may refuse to accept for preservation records which have poor explanatory documentation, or which are not considered suitable for permanent preservation, e.g. published information, library material and records still considered to be current or semi-current, which may include items from the former SMS library. These will remain in the custody of the Met Office, unless alternative appropriate places of deposit are sought by them (e.g. the National Library of Scotland).
18. The Met Office agrees to supply and box records, which have been agreed for transfer to the NAS, in approved archival boxes.
19. The Met Office and TNA agree to phased batch transfers of the records to the NAS, over a period of several years. The frequency, batch size and quantity of records transferred will form part of a mutually agreed timeframe that will not exceed 10 years.
20. The Keeper confirms that the Met Office records, including the SMS records, currently stored at their Edinburgh Office and that are to be transferred into the keeping of the NAS, will not be subject to conservation intervention prior to their transfer to the NAS. Ongoing preservation and conservation of the records will be the responsibility of the Keeper once they are in his care.
21. The Keeper confirms that the NAS will bear the cost of transporting the Met Office records, including the SMS records, from their current store in Edinburgh to NAS's repositories.
22. The Keeper's staff will handle public enquiries of a non-technical nature about the records transferred to the NAS. These will form part of the normal NAS search room service. The Met Office will supply The Keeper with sufficient information, background or training to permit NAS to deal effectively with such general enquiries.
23. Enquiries of a more detailed technical nature will be referred to the Met Office, who would either 1) provide direct assistance to NAS staff or 2) inspect the records in the NAS search room at West Register House. The return ("retransmission") of specific records to the Met Office would only be undertaken should it not prove possible to deal with matters under 23(1) or 23(2).
24. The Keeper agrees to the periodic retransmission of records, on request, to the Met Office. The Keeper agrees to return these records to the Met Office within 2 working days of receipt of a request.
25. Records created by the Met Office are subject to Crown copyright protection unless such protection under current UK intellectual property legislation has expired owing to passage of time. The copyright of records created by SMS are vested with the Royal Meteorological Society, unless such protection under current UK intellectual property legislation has expired owing to passage of time. Copyright in any other records will vest with the creator of such copyright as determined by current UK intellectual property legislation. To the best of the Met Office's knowledge and belief, no third party copyright will be infringed by this transfer or by making the records available to the public in accordance with the Public Records Acts. The Keeper will be responsible for advising users of the records of the need to obtain permission from third party copyright owners as appropriate and for obtaining such permission as is required for the use of the records by the NAS. Copyright is waived in such of the records as are Crown copyright, in accordance with OPSI guidance on Crown copyright in public records

26. The Met Office authorises The Keeper to use the records for any purpose which he deems suitable to “make available the national archives of Scotland in whatever medium” in line with the NAS mission statement, and to improve public access to the records. Where permitted by copyright law this may include use for any publicity, marketing or educational initiatives, and include the creation of surrogate digital images to answer public enquiries, or for use in NAS search rooms and the Scotlands People Family History Centre.

27. Third-party requests for commercial re-use of any items referred to in Paragraph 1 will be handled by The Keeper, in accordance with the normal processes of the NAS (currently such requests are administered by the NAS image library, ScotlandsImages). Acknowledgement will be as follows: SCOTLANDSIMAGES.COM / National Archives of Scotland / The Met Office.

**REVIEW OF THE MEMORANDUM OF UNDERSTANDING**

28. Ad hoc amendments to this memorandum can be made in writing, and by agreement of all parties at any time, with the provision of 1-3 months advance notice.

29. Formal review of the memorandum should take place every 3 to 5 years.

Signature for Met Office on behalf of the Secretary of State for Defence	Signature on behalf of The Keeper of the Records of Scotland
Signed:	Signed:
Name:	Name:
Position:	Position:
Date:	Date: