

Terms of agreement for the Deposit of Records with Durham County Record Office

1 Deposit

- 1.1 In these terms of agreement the word *Depositor* means any person or organisation placing documents on deposit, or their lawful heir, personal representative or successor in title, and the word *Archives Service* means the Durham County Record Office administered by Durham County Council, including any officer, employee or agent of Durham County Council, or its successors. The *County Archivist* is the County Archivist for Durham County Council.
- 1.2 By the term *Deposit* it is understood that the Depositor has placed the records in the custody of the Archives Service, but that this does not transfer the ownership of the records. The records should remain in the custody of the Archives Service for a sufficient period to justify the Archives Service's expenditure on cataloguing and conserving them. This would normally be for a minimum of twenty years, but the loan will be considered to be an indefinite one unless agreed otherwise.
- 1.3 Documents may be reclaimed by the Depositor on the terms specified below in Section 5.
- 1.4 The Archives Service reserves the right, at the time of deposit or subsequently, to return to the Depositor any records deemed to be not of continuing interest, or with the consent of the Depositor to transfer them to a more appropriate place of deposit, or to destroy them confidentially.
- 1.5 The Depositor undertakes to notify the Archives Service of any change of address, or of ownership of the records. The Archives Service will not accept responsibility for any consequences which may arise from the failure to notify such changes. Any communication sent by the Archives Service to the Depositor will be sent to the contact details last advised to the Archives Service by the Depositor.

2 Storage and care

- 2.1 The records will be stored in the Archives Service in conditions at least equivalent to those considered acceptable for the storage of the records of Durham County Council.
- 2.2 The Archives Service will take all reasonable precautions compatible with the provision of public access to preserve the records from damage, loss or theft, and additions or fraudulent amendments, but shall not be liable to the Depositor for any damage to or loss or theft of them during the deposit period or for any consequential loss or expense caused to the Depositor, except as covered by the County Council's standard insurance.

- 2.3 The records will be listed, as resources allow, by qualified archivists or people working under professional supervision. The catalogue will be made available via the Archives Service' website. Copyright in all catalogues and finding aids will remain with the Archives Service. Catalogue reference numbers may be applied in pencil to the surface of individual records for identification and security purposes.
- 2.4 Appropriate preservation and conservation treatments including the physical repair of records may be carried out by qualified conservators or people working under professional supervision where and when considered necessary by the Archives Service.

3 Authorisations

- 3.1 The Archives Service will be entitled to take any of the following actions in respect of the deposited records.
- 3.2 To copy them, digitally or otherwise: the ownership of and copyright in all such copies to remain with the Archives Service even if the original records are withdrawn.
- 3.3 To publish them in whole or in part in its own publications, including websites, without seeking the prior permission of the Depositor.
- 3.4 To exhibit them, in original, digital or copy form, without further permission from the Depositor, subject to clearance of Intellectual Property Rights as necessary.
- 3.5 To withhold public access to the documents if in a fragile condition until all necessary conservation work on them has been completed.

4 Access

- 4.1 Subject to any restrictions agreed between the Depositor and the Archives Service and to any statutory or common law provisions, the records will be made available to the public for research free of charge at the Archives Service during its advertised opening hours and subject to compliance with the search room rules.
- 4.2 Under the provisions of current copyright legislation single copies of records may be supplied to members of the public on payment of an appropriate charge, for use only in private study. No further reproduction of such copies or commercial use shall be allowed without the Depositor's consent. The Archives Service cannot grant consent on behalf of the copyright owner and responsibility for obtaining copyright clearance rests with the applicant.
- 4.3 Deposited records will not be loaned to any party except the Depositor, except for purposes of exhibition, when the Archives Service must be satisfied with security and display arrangements, and the exhibitor must provide satisfactory insurance cover.
- 4.4 Any request for access to records which the County Archivist has reason to believe may lead to their use in legal proceedings will be notified to the

Depositor, and shall not be granted without the consent of the Depositor, except where a court orders their production.

- 4.5 Archives Service staff may, at the discretion of the County Archivist, check records for information when requested to do so by Depositors. There will not normally be a charge for this service, unless the information is to be supplied to a third party, if the work required is onerous, or if copies of documents are requested. In such cases, normal research and copying charges will apply.

5 Withdrawals

- 5.1 In the exceptional case that the Depositor wishes to reclaim records before the agreement expires, three calendar months' notice of intention to do so must be given. It may be possible to return small deposits within a shorter period.
- 5.2 The Depositor will give the Archives Service the option to buy the records before they are offered to other parties. A reasonable period will be given by the Depositor for appropriate funds to be raised by the Archives Service.
- 5.3 During the period of notice the Archives Service will be entitled to copy the records and to retain the copy as the property of the Archives Service after the removal of the records. The Archives Service may continue to make such copies available to the public.
- 5.3 The Archives Service reserves the right to require from the Depositor a payment reflecting the financial costs involved in storage, cataloguing and conservation of deposited records.
- 5.4 The Depositor or any other person requiring removal of the deposited records whether temporarily or permanently must prove their entitlement to receive the records to the satisfaction of the County Archivist.
- 5.5 Where owners cannot reasonably be traced, deposited records will be presumed to have been gifted to the Archives.

6 Gifts

- 6.1 Records stated to have been received as a gift shall become the outright property of Durham County Council.

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