

## Background

All museums in the UK which borrow objects for temporary exhibitions/displays, and/or acquire objects for their collections, need to understand the history and origin of the object's ownership to ensure that museums do not breach laws and codes of ethics regarding the movement and acquisition of objects. This process is called Due Diligence.

## Due Diligence

Glasgow Life Museums operates an ethical loans and acquisition policy and recognises and complies with the ICOM Code of Ethics and the (UK) Museums Association Code of Ethics.

Glasgow Life Museums recognises and complies with the principles of Combating Illicit Trade (DCMS 2005), the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Glasgow Life Museums will not knowingly acquire, borrow or display any work for which there is reasonable cause to believe that the work may have been stolen, spoliated, illegally exported or illegally imported from its country of origin.

## Due Diligence Procedure

Full provenance checks (history of ownership) are required for any object entering Glasgow Life Museums for any of the following reasons:

- Acquisition: purchase, gift (donation), bequest, exchange, allocation or transfer, joint ownership, or other
- Loans in - short and long term

For new acquisitions:

The **Due Diligence Questionnaire** and **Curatorial Checklist and Risk Assessment** forms must be completed prior to the progression of a NAP, and submitted with the NAP to the Collections Meeting.

For loans in:

The **Due Diligence Questionnaire** and **Curatorial Checklist and Risk Assessment** forms must be completed during the Initiation period (between project proposal and project plan stages) during which objects for borrowing from third parties are identified.

## Process

Third parties will be contacted by the curator and be required to complete a **Due Diligence Questionnaire (See Appendix 1)**

Upon receipt of the Due Diligence Questionnaire, the curator will complete the **Curatorial Checklist and Risk Assessment** form (*see Appendix 2*) to ensure that all questions have been answered fully to enable a Risk Assessment to take place. The curator will liaise with the third party to arrange/complete any other additional research to complete this process.

Thereafter the completed Due Diligence Questionnaire and Curatorial Checklist and Risk Assessment will be reviewed for Loans In as part of the exhibition planning process (MORPHE) or for Acquisitions as New Acquisitions Proposals through the Collections Meeting.

For both Loans In and Acquisitions, the Due Diligence Questionnaire and Curatorial Checklist and Risk Assessment will be reviewed, authorised/declined, and signed, by the Head of Museums and Collections, at the subsequent Collections and Loans Panel meeting chaired by the Head of Museums and Collections.

The signed Due Diligence Questionnaires and Curatorial Checklist and Risk Assessments for Loans In will be filed by the Loans Section with the object's Loan In Agreement and be retained as per Record Management retention policy, and for Acquisitions filed by the curator in the acquisition's Object File in perpetuity.

All files are retained in locked filing cabinets in compliance with GDPR requirements.

The **Due Diligence Questionnaire** and **Curatorial Checklist and Risk Assessment** will comprise the following checklist:

- Legitimate title of the current owner and their authority to lend or transfer ownership.
- Lender's legal authority to lend (if acting on behalf of the owner)
- Verification of the object's ownership history with the lender/owner
- Evidence of ownership for the period 1933–45 period, with consideration of information which may suggest irregularity of ownership or means of acquisition.
- Art Loss Register

These checks uphold the requirements of the following standards:

- Combatting Illicit Trade: Due diligence Guidelines for Museums Libraries and Archives on collecting and borrowing Cultural Material (DCMS Oct 2005)
- UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1, 2002
- ICOM 'Red List' which illustrates the categories of cultural goods most vulnerable to illicit traffic.
- National or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country
- CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora)
- The laws of bona vacantia including Treasure Trove

- Statement of Principles issued by the National Museums Directors Conference on spoliation of works of art during the Holocaust and WW2 period (1933-45) 1998 and 2016 renewal.
- ICOM Code of Ethics
- Museums Association Code of Ethics
- Spectrum: UK Documentation Standards for Museums
- HMRC import/export regulations.
- The Ivory Act (2018)

Glasgow Life Museums will not progress any acquisition or loan should there be any doubt of the object's legal status or ownership.

Appendix 1



**Due Diligence Questionnaire. For completion by the donor, vendor, maker, lender etc.**

**Background**

All museums in the UK which borrow objects for temporary exhibitions/displays, and/or acquire objects for their collections, need to understand the history and origin of the object's ownership to ensure that museums do not breach laws and codes of ethics regarding the movement and acquisition of objects. This process is called Due Diligence.

Please read Glasgow Life Museums' Due Diligence statement and complete the questionnaire before returning to the issuing officer to e-mail/address as noted below.

Thank you.

**Due Diligence statement.**

Glasgow Life Museums operates an ethical loans and acquisition policy and recognises and complies with the ICOM Code of Ethics and the (UK) Museums Association Code of Ethics.

Glasgow Life Museums recognises and complies with the principles of Combating Illicit Trade (DCMS 2005), the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Glasgow Life Museums will not knowingly acquire, borrow or display any work for which there is reasonable cause to believe that the work may have been stolen, spoliated, illegally exported or illegally imported from its country of origin.

**For completion by you (the vendor, donor, maker or lender):**

In order to assist us in carrying out our Due Diligence obligations, please could you complete the following **Due Diligence Questionnaire (DDQ)** to supply an account of the provenance of the object and supply copies of documentary evidence to support your account where available/applicable. **Note:** A separate DDQ will have to be completed by you for each object.

**Due Diligence Questionnaire**

**1.Object Details**

Name / Title of object .....

Object reference number .....

Materials .....

Dimensions (mm) .....

Object reference number .....

Artist / Maker .....

Date of Production .....

For artworks and objects made by the owner please also complete the 'Artist's Questionnaire' provided.

## 2. Account of Provenance

Please continue on a separate page as necessary.

The following boxes will expand as you type into them.

<b>1</b>	<b>Proof of your ownership</b> Full ownership/shared ownership (please provide full details) A letter from a solicitor (lawyer) may be requested:  If you are acting on behalf of the owner, please describe and provide proof of your relationship with the owner of the object and your agency to act on their behalf. Evidence of your relationship may be required from the owner or solicitor (lawyer):  <b>If you are the maker of the object</b> please state this relationship to the object and complete the separate 'Artist's Questionnaire' provided.
<b>2</b>	<b>Provenance History</b> (history of the object's ownership prior to your own, if known):
<b>3</b>	<b>History of Import into the UK</b> <b>Note:</b> Immunity from Seizure (IFS) applies only to borrowed objects usually kept out with the UK. New import from EU January 2020 (Brexit full legislative change).
<b>4</b>	<b>Exhibition History</b> (exhibitions where you know that the object has been displayed)
<b>5</b>	<b>Bibliographical References</b> (citing publications, websites and other media where the object may have been referenced):
<b>6</b>	<b>Types of Documentary Evidence Supplied with this form to support account where applicable.</b> (please indicate):  <input type="checkbox"/> Will <input type="checkbox"/> Family correspondence <input type="checkbox"/> Receipt of purchase <input type="checkbox"/> Auction catalogue entry

	<input type="checkbox"/> Inventory / probate listing <input type="checkbox"/> Photographic evidence <input type="checkbox"/> Export licence from country of origin (includes the EU from January 2020) <input type="checkbox"/> Publication in a reputable source prior to 1970 <input type="checkbox"/> Museum acquisition record <input type="checkbox"/> Excavation field notes <input type="checkbox"/> Artist's Questionnaire (if you are the maker of the object) <input type="checkbox"/> Other (please specify)
<b>7</b>	<b>Found/abandoned items</b> If the item was an abandoned item, i.e. placards or banner left abandoned by owner/maker after the event, state the nature of how the item was found/collected, and any circumstances that the item may have been connected with.
<b>8</b>	<b>Please supply details if you are aware of any prior or current third-party claims to the object:</b>

### 3. Materials

Please make a note here if the object contains any material derived from animals. For example: ivory, bone, shell, or other:

.....

### Signature

Please confirm that you have full legal title to this object/ authority to act on the owner's behalf.

Signed: .....

Date: .....

Full Name (print): .....

Official Position/Company (*if applicable*): .....

Address: .....

Email: .....

Telephone/Mobile no: .....

**Note: General Data Protection Regulations**

The personal information we collect from you is used solely for the purpose(s) of managing Glasgow Life Museums Collections. The data will not be shared with any third party and will be held securely in accordance with current data protection legislation: the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018).

**Return address for completed form.**

Please return this document to the following officer at the following e-mail/mail address:

Name:

E-mail:

Office address:

Upon receipt Glasgow Life Museums may contact you to verify the information which you have provided.

## Appendix 2



### Curatorial Checklist and Risk Assessment Procedure

Upon receipt of the **Due Diligence Questionnaire** from the third party (see Appendix 1), the **Curatorial Checklist** (see as follows below) must be completed by the curator responsible for the loan in/acquisition, following up with the third party if necessary.

Upon completion the checklist can progress to **Risk Assessment** and authorisation as described as follows:

#### Loans In

1. A **Risk Assessment** meeting will be conducted to review the Due Diligence Questionnaires and Curatorial Checklists for Inward Loans as part of the exhibition/project **Project Planning** phase.
2. Thereafter, sign off of Due Diligence Questionnaires Checklist and Risk Assessment forms will take place at the Collections and Loans Panel meeting chaired by the Head of Museums and Collections.
3. The completed **Due Diligence Questionnaire** and approved **Curatorial Checklist and Risk Assessment** forms will be retained by the Loans Section with the Loan In Agreement file in compliance with Record Management Retention Policy.

#### Acquisition

1. The Curatorial Checklist and Risk Assessment to be appended to the New Acquisitions Proposal (NAP) at point of submission to the Collections Meeting.
2. Thereafter, sign off of Checklist and Risk Assessment forms will take place at the Collections and Loans Panel meeting chaired by the Head of Museums and Collections.
3. The completed **Due Diligence Questionnaire**, and approved **Curatorial Checklist and Risk Assessment** forms will be retained in the acquisition's Object File in perpetuity.

#### 1. The Curatorial Checklist and Risk Assessment form.

Checklist item	Tick to confirm check	Outcome /Actions required
<b>1. Proof of ownership/agency to act on behalf of another</b>		
<b>1.a</b>		
Legitimate title of the current owner and their authority to lend or transfer ownership.		
<b>1.b</b>		
Lender's legal authority to lend (if acting on behalf of the owner)		
<b>1.c</b>		
Verification of the object's ownership history with the lender/owner		



<b>1.d</b>	Evidence of ownership for the period 1933 – 45 period, with consideration of information which may suggest irregularity of ownership or means of acquisition.		
<b>1.e</b>	Art Loss Register		
<b>2. Uphold requirements of the following standards:</b>			
<b>2.a</b>	Combatting Illicit Trade: Due diligence Guidelines for Museums Libraries and Archives on collecting and borrowing Cultural Material (DCMS Oct 2005)		
<b>2.b</b>	UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1, 2002		
<b>2.c</b>	ICOM 'Red List' which illustrates the categories of cultural goods most vulnerable to illicit traffic.		
<b>2.d</b>	National or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country		
<b>2.e</b>	CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora)		
<b>2.f</b>	The laws of bona vacantia including Treasure Trove		
<b>2.g</b>	Statement of Principles issued by the National Museums Directors Conference on spoliation of works of art during the Holocaust and WW2 period (1933-45) 1998 and 2016 renewal.		
<b>2.h</b>	ICOM Code of Ethics		
<b>2.i</b>	Museums Association Code of Ethics		
<b>2.j</b>	Spectrum: UK Documentation Standards for Museums		
<b>2.k</b>	HMRC import/export regulations.		
<b>2.l</b>	The Ivory Act (2018)		

## 2. Risk Assessment Review and Authorisation

Officer	Position	Approved/ Declined	Date of Collections and Loans Panel Meeting	Officer signature
	Head of Museums and Collections, Glasgow Life Museums			

For retention in perpetuity as follows:

- **For Loans In:**  
**Due Diligence Questionnaire** & approved **Curatorial Checklist and Risk Assessment** forms will be **retained by the Loans Section with the Loan In Agreement file** in compliance with Record Management Retention Policy.
- **For New Acquisitions:**  
**Due Diligence Questionnaire** and approved **Curatorial Checklist and Risk Assessment** forms will be **retained in the acquisition's Object File** in perpetuity.