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# City of Vancouver Archives

## ACQUISITION POLICY

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# 1 Purpose

This document describes the acquisition policy of the City of Vancouver Archives (hereafter “the Archives”), including the authority and means by which the Archives acquires records and other material (as defined herein), and the rationale by which the Archives selects records and other material for preservation.

# 2 Scope

This document applies to all staff of the City of Vancouver Archives involved in the acquisition and selection of records and other material for long-term preservation.

# 3 Definitions

“**Collection**” means a grouping of documents of any provenance intentionally assembled on the basis of some common characteristic. Collection does not include groupings of documents naturally accumulated by a creator in the course of a practical activity (see “fonds”).

“**City records**” means those records subject to the Records Management By-law 9067 and that are created or received in the course of City business by a body, City Council, Council Committees, and the Office of the Mayor and that that support, or are required to fulfill, the City’s administrative, operational, legal, fiscal, auditing or historical obligations. City records protect City or individual rights and interests. These records relate to the services and functions provided by City business units, according to mandate, policy or statute, and must be kept as evidence of actions. City records do not include the records of individual Councillors or the Mayor.

“**Creator**” means the individual, group or organization responsible for the production, accumulation or formation of a grouping of records.

“**Deaccession**” means the permanent removal of material from the Archives holdings.

“**Discrete item**” means an individual object containing or displaying recorded information that is not part of a larger body of material (e.g., a fonds or collection). Examples of discrete items include: a textual record such as a single letter, diary, or logbook; graphic material such as a single photograph, postcard, or drawing; cartographic material such as a map or atlas; or an object such as a sculpture or medal.

“**Fonds**” means the whole of the records, regardless of form or medium, automatically and organically created and/or accumulated and used by a particular individual, family or corporate body in the course of that creator’s activities or functions.

“**Material**” means objects, including records, that bear recorded information and that the Archives may acquire, preserve and make accessible.

**“Private sector”** means juridical and physical persons not acting under the authority of a public body such as the City of Vancouver. Such persons may include organizations (including but not limited to businesses and not-for-profit organizations), families and individuals.

**“Record”** means a document made or received in the course of a practical activity and set aside for future reference or as evidence of that activity.

**“Respect des fonds”** means the core archival principle that no subset of a creator’s archival records should be alienated from the whole, nor should it be intermixed with the records of other creators.

**“VanRIMS”** means Vancouver Records and Information Management Standard, the City of Vancouver’s records classification and retention scheduling standard. VanRIMS mandates how City records should be organized and filed, how long they must be retained, and whether they are eventually destroyed or transferred to the Archives for permanent preservation.

## **4 Acquisition mandate**

The mandate of the City of Vancouver Archives is to acquire, preserve, and make accessible the records of the municipal government and its various boards and agencies (hereafter “City records” or “the City’s records”), as well as private-sector records and other recorded information that document the City’s history. This is consistent with the Canadian practice of Total Archives, in which public body archives acquire the records of their sponsoring body, as well as private-sector records that provide documentary evidence of broader historical events within the relevant jurisdiction.

### **4.1 City records**

The Archives’ authority to acquire, preserve, and provide access to the City’s records is established by:

- Vancouver Charter [SBC 1953, c. 55, part IV]
- City of Vancouver Council Motion to Adopt Clause 3 of the Board of Administration Report (Finance Matters - City Clerk’s Office - Archives Division: Statement of Purposes and Objectives), November 23, 1971
- City of Vancouver Records Management By-law 9067 (July 2005) and Amending By-law 11854 (July 2017)
- City of Vancouver Corporate Records and Information Management Policy ADMIN-009 (March 2021)

City records are selected for preservation based on the disposition values (“archives” or “destroy”) present in VanRIMS. VanRIMS disposition values are approved by the Corporate Records Committee, based on the recommendations of the City Archivist in consultation with records creators and other stakeholders as appropriate. Criteria taken into consideration when assigning a disposition include, but are not limited to:

- the need to support the City’s continuing legal, financial or moral obligations
- the need to establish the City’s rights against other parties
- the need to establish individual citizen’s rights against the City
- the need to preserve corporate memory and evidence of significant City activities
- the presence of documentary evidence of significant historical events in the records
- the presence of unique or valuable information in the records

## **4.2 Private-sector records**

The Archives’ authority to acquire, preserve and provide access to private-sector records and other materials is established by:

- City of Vancouver Council Motion to Adopt Clause 3 of the Board of Administration Report (Finance Matters - City Clerk’s Office - Archives Division: Statement of Purposes and Objectives), November 23, 1971
- City of Vancouver Corporate Records and Information Management Policy ADMIN-009 (March 2021)

The City of Vancouver Archives identifies, selects, and acquires private-sector materials created by:

- businesses and corporations
- not-for-profit groups, organizations and societies
- individuals and families

Criteria taken into consideration when acquiring private-sector materials include, but are not limited to:

- whether or not the records creator was based in, or conducted a substantial portion of their activities in Vancouver or had substantial relationships with the City, its citizens, or other organizations operating in Vancouver
- the degree to which the records provide additional context to City records that are, or will become part of the Archives holdings
- the degree to which the activities of the records creator affected the history, culture and character of Vancouver
- the presence of documentary evidence of significant historical events in the records
- the presence of unique or valuable information in the records
- the ability of the Archives to preserve the materials

## **4.3 Other government and public-body records**

The City of Vancouver Archives does not acquire records created by other government jurisdictions or public bodies except in exceptional circumstances, where the records strongly meet multiple acquisition criteria, and the records would otherwise be abandoned or destroyed by the creator.

## **5 Principles**

The Archives carries out the acquisition of City and private-sector records in accordance with the following principles:

### **5.1 Adherence to the principle of respect des fonds**

In accordance with the principle of respect des fonds, the Archives endeavours to acquire fonds in their entirety. If only part of a fonds is available for acquisition, the Archives may choose to accept it if it meets established selection criteria; when possible, the Archives will acquire the remainder of the fonds as a later accrual.

### **5.2 Acquisition of collections and discrete items**

The Archives recognizes that records and other material may be physically severed from fonds before they are available for acquisition. Therefore the Archives also acquires individual records and other material in the form of collections and discrete items, provided they meet established selection criteria.

## **6 User community**

The Archives serves a diverse user community composed of City staff and private-sector organizations and individuals. Both groups make use of City records and private-sector records.

City staff consult the Archives in support of current City business.

Members of the public, including citizens of other jurisdictions, consult the Archives for a variety of academic, professional, personal, commercial, legal, recreational and other purposes.

## **7 Methods of acquisition: City records**

### **7.1 Transfer according to records retention schedules**

In accordance with the City of Vancouver Corporate Records and Information Management Policy, City government records with enduring value to the people and institutions of the City are identified in VanRIMS and other records retention schedules. Once these records' departmental retention requirements have been met, City departments transfer these records to the Archives.

### **7.2 Transfer of unscheduled records**

Occasionally, City records that have not been scheduled are offered to the Archives. Before acquiring these records, the Archives will direct the department to the Corporate Records Centre to schedule the records or prepare appropriate transfer documentation.

### **7.3 Recovery of alienated records**

Occasionally, the Archives is offered donations of City records that, for whatever reason, have fallen into the custody of private-sector individuals or organizations. Such records should be treated as City records and considered for acquisition on that basis. Despite being alienated from the City's custody, the City asserts ownership over such records. It is permissible to issue a receipt acknowledging the transfer of custody. A donation form should not be completed as the custodian does not have ownership of the records.

## **8 Methods of acquisition: Private-sector records**

In order to conduct preservation activities, provide access to materials, and otherwise manage its holdings, the Archives seeks to have complete ownership of physical property and associated intellectual property rights, particularly copyright.

The Archives prefers to acquire ownership of or licence to reproduce and provide ongoing access to the private-sector material it acquires. Loans and offers of sale will not be accepted, except in extraordinary circumstances.

### **8.1 Physical property rights**

The Archives may acquire custody of physical property through the following methods:

#### **Donation**

Donation is the preferred method of acquisition of private-sector materials.

To donate materials to the Archives, a donor must have clear title to the material. That being the case, the donor must assign and transfer to the City of Vancouver ownership and title to the material.

Tax receipts for the fair market value of a donation may be provided by the City of Vancouver to donors of private-sector material. The City does not provide tax receipts based on third-party monetary appraisals provided by donors; independent appraisals must be processed through the City. The donor's gifting of material to the Archives must not be conditional upon the results of any appraisal or valuation.

#### **Loan or Purchase**

In exceptional circumstances, the Archives may acquire private-sector material by loan or purchase. Materials being considered for acquisition through loan or purchase must demonstrate a strong fit with multiple acquisition criteria, and any agreement must take into consideration the effect on the Archives' current and future resources and operations. Any materials considered for acquisition through purchase must receive the approval of the City Clerk.

#### **Abandoned or orphaned material**

The Archives may acquire material for which documentation of legal transfer of custody or ownership is not available (i.e., for which a formal donation agreement was not created) provided that the Archives has a good-faith belief that its actions to

acquire, preserve, and provide access to the material will not infringe upon any existing intellectual or physical property rights to the material.

In cases where material is abandoned at the Archives, the Archives may assert ownership over and incorporate into its holdings said material provided that it is reasonable to believe that the material was intentionally abandoned or anonymously donated to the Archives, and that a reasonable and sufficient amount of time has elapsed since the discovery of the material without any third party enquiring about or asserting a claim to the material.

### **Copying**

In cases where the donor is unable or unwilling to donate the original physical media, or where it is otherwise impractical or unnecessary to acquire the original physical media (e.g., because the materials exist only as digital versions), the Archives may instead choose to create or acquire a copy of the materials.

In cases where the materials exist on analogue media (paper documents, photographs, films, audio tapes, etc.) the Archives will consider making copies by digitization or another suitable process if:

- the amount of copying is limited to a single item or small number of items; and,
- there are no legal obstacles to creating or receiving a copy, including but not limited to copyright restrictions.

Copying for the purpose of acquisition of a large volume of materials is considered only under exceptional circumstances.

## **8.2 Intellectual property - Copyright**

### **Transfer of copyright in donated or copied material**

In all cases when the Archives acquires materials for its holdings--including both the donation of physical property, or the creation or receipt of copies--the Archives prefers that the donor transfers to the Archives all copyright, and waives any moral rights, that the donor has in the donated material.

### **Creative Commons licence**

An acceptable alternative to transferring copyright to the Archives is for the donor to assign a Creative Commons (<http://creativecommons.org/licenses>) or similar licence to all donated material the donor has rights to, before donating it to the Archives. Suggested Creative Commons licences, in order of preference, are:

- CC0: No Rights Reserved
- CC BY: Attribution Only
- CC BY-SA: Attribution-ShareAlike

### **Other licence types**

The Archives may only acquire material under other types of licences if:

- the material has a strong fit with multiple acquisition criteria;

- licence of intellectual property rights is the only means of acquiring the material; and,
- the Archives has no responsibility for enforcing restrictions on third parties beyond administering access to materials in the Archives custody and informing users of the existence of other restrictions or limitations present in the licence

### **Unlicensed materials**

Nothing in the preceding section prevents the Archives from acquiring materials without a transfer of rights or licence. The Archives respects copyright and other intellectual property legislation. The Archives relies on the Copyright Act's Fair Dealing section and other sections specifically to manage and provide access to materials in its holdings for which it does not own copyright or have a licence.

## **9 Access Restrictions**

Regardless of the method of acquisition proposed or undertaken, the Archives reserves the right to refuse private-sector material that is subject to limitations on its use, reproduction, location, access and disposal.

The Archives will administer:

- limited periods of records closures on part or all of an acquisition
- access restrictions consistent with privacy legislation

The Archives will not administer:

- restrictions that privilege or discriminate against certain groups or classes
- restrictions that are not consistent with privacy legislation and that require researchers to seek the donor's permission to access donated material

## **10 Retention of material**

Records acquired by the Archives by any means may not be retained in their entirety.

### **10.1 Appraisal and selection - public records**

Public records may have an associated VanRIMS retention and disposition plan that provides guidelines for permissible selection criteria. In the absence of a retention and disposition plan, the Archives may perform appraisal and selection consistent with the best interests of the City, based on archival principles. Records not selected for preservation are destroyed.

### **10.2 Appraisal and selection - private-sector records**

The Archives may perform appraisal and selection on donated private-sector material in a manner that reflects and supports the Archives' acquisition mandate and criteria, and that is consistent with archival principles.

The Archives will offer to return to the donor any donated material not selected for preservation. Materials not returned to the donor will be securely destroyed.

### **10.3 Deaccessioning**

The Archives may deaccession material in its holdings that clearly falls outside the conditions of the Acquisition Mandate.

The Archives will not deaccession material that, if removed from the Archives, would damage the integrity and decrease the usefulness of the remaining fonds.

As much as possible, the Archives will seek to transfer deaccessioned material to a suitable repository.

## **11 Referral to other repositories**

If material offered to the Archives for donation is considered to be outside the scope of the Acquisition Mandate, the Archives may refer the donor to other/another, more pertinent institution(s).

If material is considered to be within the scope of the Acquisition Mandate, but may be more appropriately preserved and made accessible at another local repository, the Archives will refer the donor to the other repository. If the other repository declines the donation, the Archives will acquire the donation.

## **12 Roles and responsibilities**

The City Archivist has final authority for all acquisition and deaccessioning decisions, with the exception of materials acquired through purchase. Materials acquired through purchase require the additional approval of the City Clerk.

Acquisitions of private-sector records and other material are considered on a case-by-case basis by a committee of the Archives' staff.

The Preservation staff will advise on the preservation implications in the development of acquisition strategies and plans, and on the acquisition of public and private records and other material.

## **13 Policy Guidelines**

More detailed information about the implementation of aspects this policy may be found in the Archives *Acquisition Guidelines* document.