

## 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

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

The 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 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 third party.**

**Please read the following 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.**

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 for each object.

**Due Diligence Questionnaire**

**Object Details**

Name / Title of object .....

Object reference number .....

Artist / Maker .....

Date of Production .....

## Account of Provenance

Please continue on a separate page as necessary

<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>2</b>	<b>Provenance History (prior to your acquisition of object(s)):</b>
<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.
<b>4</b>	<b>Exhibition History (prior to your acquisition of object(s)):</b>
<b>5</b>	<b>Bibliographical References (prior to your acquisition of object(s)):</b>
<b>6</b>	<b>Types of Documentary Evidence Supplied with this form to support account (please indicate):</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Museum acquisition record</li><li><input type="checkbox"/> Export licence from country of origin</li><li><input type="checkbox"/> Publication in a reputable source prior to 1970</li><li><input type="checkbox"/> Will</li><li><input type="checkbox"/> Inventory</li><li><input type="checkbox"/> Photographic evidence</li><li><input type="checkbox"/> Family correspondence</li><li><input type="checkbox"/> Auction catalogue entry</li><li><input type="checkbox"/> Excavation field notes</li><li><input type="checkbox"/> Receipt of purchase</li><li><input type="checkbox"/> Other (please specify)</li></ul>
<b>7</b>	<b>Please supply details if you are aware of any prior or current third-party claims to the object:</b>

**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: .....

**Note: General Data Protection Regulations**

The personal information we collect from you is used solely for the purpose(s) of managing Glasgow 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 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. Check lootedart.com and artloss.de.		
<b>1.e</b>	Art Loss Register for theft.		
<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
Duncan Dornan	Head of Museums and Collections, Glasgow Life Museums			

Copy to Loans File

Copy to Object File