

The Photographers' Gallery Limited

Due Diligence Policy

Approved on: October 2019

Date of next review: October 2020

1 INTRODUCTION

- 1.1 The Photographers' Gallery Limited (the Gallery) is committed to developing its collections and programme according to the highest ethical standards and in compliance with all applicable laws and national and international standards. The Gallery supports the principle that stolen or illegally imported exported items should not be acquired or exhibited.
- 1.2 This document sets out the principles regarding provenance and provenance research to which the Gallery adheres when considering acquisitions, loans, gifts or bequests and is consistent with the principles set out in Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material (DCMS 2005) (Combating Illicit Trade).

2 STATEMENT OF PRINCIPLES

- 2.1 The Gallery will only accept as a loan, gift or bequest any photographs or exhibition materials with confirmation that the donor or lender (or their agent) has valid and legal title to retain and transfer the work, and that there is no legal or ethical reason not to borrow.
- 2.2 The Gallery will adhere to the 1970 UNESCO Convention (on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property), rejecting photographs if there is any suspicion that, since 1970, they may have been stolen, illegally removed from a monument, site or wreck contrary to local law or otherwise acquired in or exported from the country of origin (including the UK), or any intermediate country, in violation of that country's laws or any national or international treaties, unless the Gallery is able to obtain permission from authorities with the requisite jurisdiction in the country of origin. Particular attention will also be paid to object provenance between 1933 and 1945, and on observance of all relevant national and international regulations governing the import and export of cultural property, and the control of trade in endangered species of wild flora and fauna.
- 2.3 The Gallery will only borrow photographs where the provenance is clear and has been established or, through presence in the public domain, are judged by the Director of the Gallery to have a history that is secure.
- 2.4 The Gallery recognises that in practice some photographs, particularly ephemera, vintage photographic objects and anonymous or orphaned photographs, are not always accompanied by detailed histories. In these circumstances, having taken into account information gathered through the curators' research, which must be conducted in accordance with this Policy and the Gallery's Due Diligence Procedure, best judgment must apply.

3 EXPERTISE

- 3.1 The application of the Gallery's Due Diligence Policy and Procedures is assigned primarily to the Senior Curators and checked by the Head of Exhibitions, who are required to follow this document and DCMS Guidelines.

- 3.2 Where appropriate, further guidance and advice will be sought from additional curatorial and specialist consultants, such as colleagues from the Gallery, other galleries in the UK, academic institutions, and major auction houses, as well as consulting art loss databases.
- 3.3 The Director of the Gallery has overall responsibility for ensuring the appropriate due diligence procedures are carried out.

4 DUE DILIGENCE PROCEDURE

Curators are required to complete full provenance checks for all objects proposed for loan to the Gallery, and existing long loans undergoing review and renewal. The procedure is described in the Gallery's Due Diligence Procedure.

The Gallery will not proceed with a loan if there is any doubt over the legality of its ownership, its removal from its country of origin, or its entry into the UK.

5 LOAN AGREEMENT

5.1 The Gallery's standard agreement for Loans In requests the lender to:

- 5.1.1 Declare their legal title and confirm their lawful right to lend the object(s);
- 5.1.2 Declare that they, as lender, are not aware of any past, current or potential claim by a third party; and
- 5.1.3 Declare that loans are agreed in accordance with the 1970 UNESCO Convention and in accordance with other applicable national and international conventions and agreements relating to the prevention of illicit trade and the control of trade in endangered species.

5.2 The Gallery's standard agreement for Loans In confirms the Gallery's commitment to:

- 5.2.1 Borrow objects in accordance with the 1970 UNESCO Convention;
- 5.2.2 Borrow objects in accordance with other applicable national and international conventions and agreements relating to the prevention of illicit trade and the control of trade in endangered species.
- 5.2.3 Return the object(s) to the same address as that from which it was lent, or a reasonable alternative by notification, at the termination of the loan.

6 RECORD KEEPING

6.1 Records and documentation of due diligence are to be retained and must include where appropriate:

- 6.1.1 Details of published information;
- 6.1.2 Signed loan agreements;
- 6.1.3 Evidence from lenders; and
- 6.1.4 Photographic evidence.

in accordance with SPECTRUM: UK Documentation Standard for Museums.