

Dear All

See legal opinion on the issue of ownership of Group / Intergroup and Region records vis-à-vis the new Question for Conference on

1. Group archivists and who owns the Archives in the event of the archivist's death,
2. Advice on IG/ Region transferring their archives to the Charity.

Hereafter Group means Group / Intergroup or Region.

1. Ownership of Group records

- The informality of the Groups means that clarity as to who owns the group records can be difficult. However, the best interpretation is that archivists act as informal officers/agents of their Groups and produce the records for and on behalf of their Groups. In a company sense, this would be a similar analysis to the records kept and maintained by a company secretary.
- An amendment to be made to the Service Handbook to make ownership and transfer on rotation clearer. **On Rotating out of service the outgoing Archivist should ensure safe transfer of all the *Group**Archives from their *custody* to that of the incoming Archivist. NB An Archivist is the custodian, not owner of a Group Records, which always remain property of the Group**
- Archivists should be made aware of this revised position as set out in the Service Handbook as appropriate junctures. That archivists are expressly referred to the Service Handbook and informed of the ownership position and transfer on rotation obligations on appointment should happen at the relevant meeting and minuted.

2. Ownership of Group records on transfer to the Charity (General Service Board of AA / General Service Office)

- The best interpretation is that title passes on transfer, but the intention should be spelled out in communications between the Charity AAGB and the donating Group at the time of transfer. The Group's archivist should acknowledge this in correspondence at the time of transfer, either by written record either email or letter from the Archivist confirming they understand this, and amend the Service Handbook to make this clear as well.
- Clarity as to title to these records is important, because the contract with the Borthwick requires the Charity to confirm that it owns the records and has the right to archive them with the Borthwick.

I can also confirm that the Questions for Conference on Archives was not submitted by any member of the Archives Sub-Committee. It is however an opportunity to reiterate that the archives of the entire Fellowship are available to the entire Fellowship to study, as per the original question in 2016, and that this new question further facilitates this by reiterating that as ownership of the archives resides with the Groups, therefore by transfer to the Charity, and on to the Borthwick, ***ownership therefore passes to the Charity AAGB Ltd and therefore the Fellowship as a whole*** : the Charity having been created by the Fellowship is therefore for all intents and purposes the Fellowship manifest as legal entity.

Ranjan
General Secretary