

Motion # 9

Standing Resolution on Church Registers

Mover: Dr Peter Lineham

Seconder:

That this General Synod Te Hinota Whānui, pursuant to Title C Canon II, move into Committee to consider a Standing Resolution.

In Committee

That this General Synod Te Hinota Whānui adopt as a Standing Resolution the Schedule to Motion 15 of GSTHW 2016, and that this becomes SRA 16.

Provided that any reference in the Schedule to New Zealand legislation or government body, shall, where applicable, be also deemed to be a reference to the equivalent legislation or government body in each of the jurisdictions of the Diocese of Polynesia.

Schedule:

Guidelines for the Ownership and Use of Parish Registers

Agreed to by the Archives and History Committee: Te Puna o Neherā, 11 March 2016

Ownership of Registers

All registers (baptism, marriage, burial, confirmation and other services) are the property of the Episcopal Unit, who will make suitable arrangements with a Ministry Unit for the storage, care and use of the Ministry Unit registers, according to the following Guidelines:

Location of Registers

1. The Episcopal Unit must arrange for registers to be removed to the agreed Episcopal unit archival repository (which might be the archives of the Episcopal Unit or of a contracted third party) when registers:
 - a. Have an oldest entry which reaches 50 years old, whether or not they have room for further entries.
 - b. Are completed and are not in current use for new entries (i.e. there being a successor register).

2. A Ministry Unit may copy information from a register prior to deposit if they wish to have access to the information within the Ministry Unit. A Ministry Unit may have access to the registers held by the Episcopal unit archival repository.

3. Arrangements with a third party for storage and access should be approved by the Archives and History Committee: Te Puna o Neherā, in consultation with the Episcopal Unit. Copyright and ownership remains with the Episcopal Unit.

4. A legally effective written agreement covering potential copyright, ownership, possession and use issues, must be completed before any deposit of registers with a third party takes place.

Information in Registers

5. The information contained in a register is restricted by both the Copyright Act and the Privacy Act.

6. The guidance of the Registrar-General Births, Deaths and Marriages, as to when registers can be accessed by the general public, must be followed, so that people or families who might still be alive can be protected. This allows access to

a. baptism records that are at least 100 years old

b. marriage records that are at least 80 years old

c. burial records that are at least 50 years old — or the deceased's date of birth was at least 80 years ago

d. confirmation records – no restrictions e. service registers – no restrictions

(NB: Some pastoral discretion may be exercised over these restrictions by the respective Episcopal Unit.)

7. Under the Privacy Act, an individual has access to her or his own record, without time restrictions.

8. Custodians of Episcopal unit archival repositories may allow the verified descendant of an individual to have access to that individual's records within the restricted periods noted above.

Copyright issues

9. Copyright of the original material in registers is held by the Episcopal Unit, who should control the copying and dissemination of the information to any third party according to any policy or Guidelines agreed to by the Church.

(Note that with marriage registers, not all information will be copyright to the Church because some information will be copied from a government issued marriage licence).

10. Where an historical agreement is already in place, this should be reviewed in the light of the above Guidelines, and where possible a modified agreement made to better protect the interests of the Church in the registers.

11. A legally effective written agreement covering potential copyright, attribution and use issues must be completed before any external party is permitted to access and use (including copying, digitising, scanning, etc.) any registers.

12. Any new form of existing records (e.g. electronic or transcription) will be regarded under the Copyright Act as a literary work and have copyright of its own (but only to the extent it is original). If it is simply a copy of the existing record, then it is subject to the Church's copyright in that existing record. However, if the copy incorporates new original material then there will be mixed copyright. The Church's rights in the existing records should be preserved wherever possible.