

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: FOI-17-1503 - Pieces of Art
Date: 08 November 2017 15:46:14
Attachments: [Further Information - Right to Review & Appeal.pdf](#)
[FOI-17-1503 - Fine Art final.xlsx](#)

Dear [REDACTED]

Thank you for your information request of 17 October 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

1. A list of the pieces of art your respective local authority is in possession of. When they came into possession and if applicable who donated them.

To answer this question 'pieces of art' have been interpreted as: paintings, drawings, prints, sculpture and new media.

A list of these artworks is attached with the date of accession. Individual donors names are not included as we do not have the donor's permission to release their names for this purpose.

ACC is unable to provide you with information on **who donated them** as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 38(1)(b) in conjunction with 38(2)(a)(i) – Personal Information - of the FOISA.

In making this decision ACC considered the following points:

ACC is of the opinion that Section 38(1)(b) applies to the information specified above as any information held is personal information relating to living individuals, of which the applicant is not the data subject.

ACC is of the opinion that Section 38(2)(a)(i) applies, as we consider that disclosure of this information would be a breach of the first Data Protection Principle (that personal information must be processed fairly and lawfully). These individuals have not consented to the disclosure of their information, and ACC does not consider that they would expect ACC to release this information about them into the public domain under the FOISA.

2. The individual and collective value of the pieces of art that your respective local authority is in possession of.

We are unable to provide you with this information as it is exempt.

ACC is unable to provide you with information on **The individual and collective value of the pieces of art that your respective local authority is in possession of** as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 35(1)(a) – Law Enforcement - of the FOISA.

In making this decision ACC considered the following points:

How would the release of the requested information substantially prejudice the prevention or

detection of crime?

The release of information relating to the valuation of artworks would allow any persons interested in committing a crime of theft or damage to identify accurately the most valuable works in the collection. If a person were intent on criminal damage this could put the artwork and any staff or member of the public in the vicinity of that artwork at risk. The release of the information would therefore substantially prejudice the prevention of crime.

There have been several widely reported incidents of theft from museums recently, both of works on display and in storage. This increase in art-related theft has led Aberdeen Art Gallery & Museums to review its security procedures and take additional steps to protect its collections.

These and other robberies are carefully pre-planned and it is our view that releasing valuations of artworks in our collections would assist those intent on criminal actions.

Would disclosure of the requested information cause the level of harm required for this exemption? Please describe the likely consequence of release.

There have been a number of high profile thefts from museums in recent years.

Examples include:

In December 2014, 70 paintings worth an estimated £475,000 were stolen from a Madrid Gallery when three men broke through a wall from an adjoining building.

£15,000 of paintings and sculptures were taken overnight between 26 and 27 August 2015 in Hampshire.

14 members of an organised crime gang stole artefacts to the value of £57M from museums in Cambridge, Durham and Norwich over a number years before being caught and convicted in 2016.

As stated above, the release of information relating to the valuation of artworks would allow any persons interested in committing a crime of theft or damage to identify accurately the most valuable works in the collection. If a person were intent on criminal damage this could put the artwork and any staff or member of the public in the vicinity of that artwork at risk.

How likely is it that this harm will happen?

Security breaches and theft of art and artefacts is on the increase throughout the country including day time theft, inside jobs and violent crime. This has led a number of museums and galleries to form the National Museum Security Group working with the Association of Chief Police Officers to prevent heritage related crime and the establishment of the Art Loss Register which holds information on missing artworks.

Financial valuation of works of art is inherently difficult and of limited use. Valuation is necessary for insurance purposes but insurance proceeds cannot replace a unique destroyed work of art. The valuation of works in our collections is undertaken by staff, based on their knowledge of the current market value at auction or sale in commercial galleries; this can fluctuate dependent on a number of factors, such as current fashionable taste and the popularity of a particular artist, designer or maker.

The financial value of a work does not add to the appreciation of the collection. Seeing collections only in terms of their financial value wrongly turns cultural heritage into a notional financial figure. The Museums Association's Code of Ethics (2015) states that museums should encourage the cultural, rather than financial, value of items.

Releasing financial details can also have the unwanted effect of encouraging theft.

3. The amount spent on insuring and preserving pieces of art that your respective local authority is in possession of.

We are unable to provide you with this information as it is exempt.

ACC is unable to provide you with information on **The amount spent on insuring and preserving pieces of art that your respective local authority is in possession of** as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 33(1)(b) – Commercial Interests and the Economy - of the FOISA.

In making this decision ACC considered the following points:

Whose commercial interests will be damaged by the release of the information?

The commercial interests of ACC and the current Insurer would be damaged by the release of the information.

What is the nature of those interests and in what way will this harm occur?

Providing the amount spent on insurance has the potential to adversely affect the current Insurer. Disclosure would be detrimental to the current Insurer (by disclosing information to potential competitors) and to the Council (potentially discouraging tenders which are fairly produced and competitive).

How likely is that this harm will happen?

ACC believes that it is likely that harm will occur. By release, this information in relation to the Council's current insurer will become known in the public domain to other insurers prior to a tender exercise being undertaken.

Where does the public interest lie in relation to the information and how is the release of the information under consideration not in the interest of the public?

The exemption claimed by ACC is a non-absolute exemption. Where a non-absolute exemption applies, ACC is required by Section 16(2) of FOISA, to inform you as to why in all the circumstances of the case, the public interest in maintaining this exemption outweighs the public interest in disclosing this information to you.

ACC recognises that there is a clear public interest in maintaining a level of transparency around public finances, and in support of this interest, ACC actively publishes financial information on its website in terms of 'following the public pound'. However, ACC also believes that there is public interest in allowing normal market forces to operate in a competitive environment and engage in a fair and transparent process. ACC believes that disclosure of the requested information could prejudice commercial relationships and future contractual negotiations with service providers.

Therefore, on balance, ACC believes that in this case, the public interest is best met by applying the exemption and that the information highlighted above should not be disclosed at this time.

4. The number of pieces of art that you are in possession of that are not put on display to the general public.

All works of art held in the collections can be put on display to the general public and none is considered unsuitable for public display. However as Aberdeen Art Gallery is closed for redevelopment the opportunity for display to the general public is currently severely restricted. Members of the general public can view works of art by booking one of the regular tours held at Aberdeen Treasure Hub or by prior appointment.

We hope this helps with your request.

Yours sincerely,

Grant Webster
Information Compliance Officer

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

ACC handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

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*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.
Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

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We wish to advise you that the information which was released with this response is too large to be uploaded to our disclosure log. If you are interested in viewing the attachment, please contact us at foienquiries@aberdeencity.gov.uk, quoting the appropriate reference number, and we will provide you with a copy.