



North Tyneside Council

Reference: FOI2523

**Request:**

Please see response below from Cultural Services, the service area which responded to the request originally.

1. What searches have been carried out to check no recorded information was held within the scope of the request and why would these searches have been likely to retrieve any relevant recorded information?

**Now that Covid-19 lockdown restrictions have been lifted, we have been able to access our files. We have ascertained that the photograph was taken on 6<sup>th</sup> May 1947 by Roland Park – working as part of Miller & Park on behalf of the County Borough of Tynemouth Planning Department. It's unclear when the photograph was donated by the Planning Department – it may have been in 1974 on the dissolution of Tynemouth Borough, or at any point since then by North Tyneside Council Planning department. However, metadata indicates the photograph was scanned in February 2012.**

2. Please describe thoroughly any searches of relevant paper/electronic records and include details of any staff consultations.

**As above, we have searched our files for this information. Metadata attached to this photograph relates to when it was scanned, and a digital version was created. This is the following information from the Jpeg image: 4 February 2012 – 13 19, Dimensions – 1589 x 1171, File location is given as on the S drive.**

3. Lastly, is the Council aware of any archival reference or accession number that has been given to the photograph? If so, please relay to the requester as part of this investigation.

**This photograph hasn't been fully accessioned however it has been assigned the reference PLA 12.1.15.**

**Part 2**

1. What searches or consultations has the Council undertaken for any recorded information about the copyright status of the photograph, and Page 4 of 5 why would these searches have been likely to retrieve all relevant recorded information?

**As previously mentioned in our responses to 1), 2) and 3).**

2. The complainant asserts that the information disclosed by the Council is incorrect, because copyright cannot apply to a photograph dating from 1880. Whilst I have explained to the complainant that the ICO cannot consider the accuracy of any

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recorded information disclosed by the Council, you are welcome to amend your response (including if you identify that no recorded information is actually held) as needed should you consider this necessary as part of this investigation.

**As the photograph was taken on behalf of the Planning Department of County Borough of Tynemouth on 6<sup>th</sup> May 1947 copyright does apply. As the commissioner of the photograph, the copyright owner is County Borough of Tynemouth (and its successor organisation North Tyneside Council). Copyright originally lasted to 31<sup>st</sup> Dec 1997. Under the provisions of the 1988 Copyright Act, for photographs taken before 1<sup>st</sup> June 1957 which were still in copyright as of 1<sup>st</sup> July 1995, the period of copyright was extended to 70 years after the photographer's death. Roland Park died on 17<sup>th</sup> May 1968; therefore copyright remains in place until 16<sup>th</sup> May 2038.**

Part 4

1. Please clearly explain how the requested information would be accessed by the applicant and why this information is considered to be reasonably accessible to him/her specifically.

**Now that Covid-19 restrictions have been lifted, Discover (our local studies section) is open to the public via a booking system, the applicant is welcome to visit or we can supply information via email or post. Alternatively it can be accessed remotely for personal use should he wish to do so, via the following link:**

**<https://www.flickr.com/photos/discover-north-tyneside/43562809605/>**

2. Has the Council taken into account the particular circumstances of the applicant when deciding whether access to the information is reasonable?

**The applicant submitted the request via Whatdotheyknow.com and as such has access to the internet and can access the link provided above.**

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