

# LOS ANGELES COUNTY MUSEUM OF ART

## COLLECTIONS MANAGEMENT POLICY

**COLLECTIONS MANAGEMENT POLICY**  
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## **I. MISSION STATEMENT**

Museum Associates, dba Los Angeles County Museum of Art (“LACMA”), is a private, nonprofit public benefit corporation that operates the largest art museum in the western United States, with a permanent collection of approximately 150,000 artworks that illuminate 6,000 years of artistic expression across the globe. Committed to showcasing a multitude of art histories, LACMA exhibits and interprets artworks from new and unexpected points of view that are informed by the region’s rich cultural heritage and diverse population. LACMA’s spirit of experimentation is reflected in its work with artists, technologists, and thought leaders as well as in its regional, national, and global partnerships to share collections and programs, create pioneering initiatives, and engage new audiences.

LACMA’s mission is to serve the public through the collection, conservation, exhibition, and interpretation of significant artworks from a broad range of cultures and historical periods, and through the translation of these collections into meaningful educational, aesthetic, intellectual and cultural experiences for the widest array of audiences.

## **II. PURPOSE OF THE COLLECTIONS MANAGEMENT POLICY**

This Collections Management Policy (the “Policy”) is intended to document the basic principles that guide the development, integrity and care of LACMA’s permanent collection and loaned artworks in accordance with its mission and with professional museum standards. The Policy is available to the public on LACMA’s website. Detailed procedures implementing the Policy may be obtained from the Registration and Collections Division at LACMA.

Through this Policy, LACMA ensures that:

1. The acquisition, deaccession, exhibition, care, and loan of artworks within the permanent collection are conducted in a manner that adheres to LACMA’s mission, complies with applicable law, and reflects the highest ethical standards.
2. The permanent collection and loaned artworks are accounted for and documented.
3. The permanent collection and loaned artworks are protected, secure, cared for, and preserved.
4. Access to the permanent collection in the galleries or study rooms and access to permanent collection information is permitted and appropriately regulated.
5. Deaccession of artworks from the permanent collection, through sale, exchange, or other means, is solely for the advancement of LACMA’s mission, and proceeds

from the sale of such artworks are used only to purchase other artworks in accordance with standards established by the American Alliance of Museums (“AAM”) and the Association of Art Museum Directors (“AAMD”).

6. Collection related activities and programs promote the public good.

### **III. DUTIES OF THE BOARD OF TRUSTEES**

The Board of Trustees has the powers listed below with respect to the permanent collection. Generally, the Board of Trustees will exercise such powers after review by, and based upon the recommendations of, the Acquisitions Committee of the Board of Trustees.

1. The power to accept or decline the acquisition of artworks into the permanent collection through gifts, bequests, purchases, and partial gifts/partial purchases.
2. The power to approve any proposed restrictions on acquisitions of artworks.
3. The power to approve the accessioning of artworks which have been approved for acquisition by the Director between the fall Director’s acquisitions meeting and December 31.
4. The power to approve the deaccession of artworks for sale, exchange, or other means of disposal.
5. The power to establish guidelines with respect to one or more levels of value of artworks below which decisions as to acquisitions, deaccessions, and loans may be made by the Acquisitions Committee or the Director (or other delegated staff) without higher approval.

### **IV. ACQUISITION OF ARTWORKS**

#### **A. General Principles**

LACMA's mission is to collect, preserve, and exhibit artworks as outstanding examples of cultural heritage and to educate the public about the history of art, including its production, quality, content, provenance, purpose, and meaning. The understanding of each artwork in LACMA's permanent collection is an integral part of the history of art as a whole. Curators should propose artworks for accession to the permanent collection that form and present to the public an encyclopedic collection of artworks of high quality in a coherent manner consistent with LACMA's educational purpose and general criteria for acquisitions. Proposed acquisitions should further LACMA's mission and strategic plan, as established by the Board of Trustees. Artworks proposed for accession should be in, or be capable of being returned to, an acceptable state of preservation. LACMA must be able to safely house and care for the proposed acquisition in accordance with professional

museum practices and standards. All collecting must follow the highest standards of ethical, legal, and professional practice.

Acquisitions may include, but are not limited to, the following:

- Gifts
- Bequests
- Fractional Interest Gifts
- Promised Gifts
- Purchases
- Partial Gifts/Partial Purchases (or "Donative Sale")
- Exchanges
- Commissions

#### B. Guidelines for all Art Acquisitions

Following applicable procedures, the Director must review and determine whether to recommend that the Board of Trustees approve all proposed acquisitions unless the Board of Trustees has approved guidelines that include delegations of authority to the Director (or other delegated staff) for certain acquisitions. Gifts with restrictions and/or legal or ethical concerns shall be reviewed by the Acquisitions Committee and recommended to the Board of Trustees for approval if the Acquisitions Committee deems appropriate. In limited circumstances, the Director may approve the acquisition of certain donations or bequests with the intention of selling the artworks, without accessioning them into the permanent collection. When that is the case, these policies do not apply and those artworks will not be accessioned into the permanent collection. In the event that approval by the Acquisitions Committee is not feasible, the full Board of Trustees, or its Executive Committee, has the authority to approve acquisitions directly, in accordance with LACMA's bylaws and applicable law.

General criteria for acquisitions should include, but are not limited to, the following:

1. Only artworks which can be obtained in accordance with applicable legal requirements and professional standards and consistent with the principles set forth in the Ethical Inquiries section of the Policy should be considered for acquisition.
2. All artworks must be of sufficient artistic merit or historical significance and/or possess enough value for scholarly research to justify their relevance to LACMA's permanent collection.
3. Generally, artworks should be intended for exhibition, although in appropriate cases, artworks may also be acquired solely or principally for academic purposes.

4. The artworks should retain their basic integrity, be in a reasonable state of conservation, or be capable of being returned to an acceptable state of conservation. Special scrutiny should be given to artworks that present significant storage or conservation problems or impractical maintenance and/or display requirements.

As a general matter, the purchase of artworks approved for acquisition by the Board of Trustees should be initiated within twelve (12) months of Board of Trustees' approval. The Acquisitions Committee shall be notified when artworks that have been previously approved by the Board of Trustees have not received funding within that period and such artworks should generally be returned to the owner. Future proposed acquisition of such artworks shall be considered a new acquisition for the purposes of this policy.

Large collections, thirty (30) or more artworks, generally should not be presented as End-of-Year Gifts (defined below) or for acquisition approval at the first meeting of the calendar year. Exceptions may be made with the permission of the Senior Deputy Director for Art Administration and Collections or the Director.

If an artwork is not appropriate for acquisition to the permanent collection, it may be acquired for a study collection. In such cases, the donor should be notified that the artwork will be acquired for the study collection.

Artworks commissioned for accessioning into the permanent collection should generally be presented to the Acquisitions Committee after the artwork has been created, but exceptions can be approved by the Director or the Senior Deputy Director for Art Administration and Collections. The Director will be the signatory on all Commission Agreements.

In between Acquisition Committee meetings, the Director has the general authority to approve auction bids of any price. The Senior Deputy Director for Art Administration and Collections has the authority to approve auction bids and online purchases up to \$5,000.

The Director has the authority to accept donations of artworks after the fall Director's Acquisition Meeting, through December 31. These acquisitions are referred to as "End-of-Year Gifts" and the accession of these artworks into the permanent collection is subject to approval of the Acquisitions Committee and the Board of Trustees the following January. Title to such approved gifts shall be transferred to LACMA upon execution of an appropriate Deed of Gift prior to the end of the calendar year and upon LACMA's possession of the artwork. The Museum will own these artworks but they shall not be accessioned into the permanent collection until final approval by the Board of Trustees.

Any proposed restrictions on gifts of artworks must be approved by the Board of Trustees, including those on End-of-Year Gifts.

LACMA generally does not accept restrictions on artworks acquired by LACMA; exceptions must be approved by the Board of Trustees upon the recommendation of the Curatorial Department proposing the acquisition, Senior Deputy Director for Art Administration and Collections, General Counsel, Director and Acquisitions Committee. Any proposed restrictions will be presented to the Acquisitions Committee at the time the related artwork is being presented for acquisition approval. Any restrictions that are proposed after an artwork's acquisition has been approved shall be subsequently presented to the Acquisitions Committee and the Board of Trustees for approval.

Legal documentation is required in written form for all artworks transferred to LACMA. To ensure proper title transfer, standard forms approved by General Counsel must be used. These forms include Parts 1 and 2 of the Acquisitions Questionnaire, to be prepared by the Curatorial Department proposing the acquisition, as well as a Donor or Vendor Questionnaire (as applicable) which shall be coordinated by the same Curatorial Department. The Registration Department shall use the information provided in these forms to create appropriate acquisition documentation. When purchasing or accepting gifts of artworks, LACMA will seek representations and warranties from the seller or donor that the seller or donor has valid title and that the artwork is free from any liens, claims, and encumbrances. Except in limited circumstances, such as a purchase of an artwork at auction, in the case of any purchases or partial purchases, LACMA will also seek indemnification for a full refund for the artwork in the event of any breach of these representations and warranties. If the seller or donor of an artwork is the owner of any copyright interest in the artwork, LACMA will seek to obtain an assignment of the copyright or a non-exclusive copyright license for reproduction of the artwork in connection with LACMA's nonprofit educational mission. All copyright issues and any requests forwarded to the copyright holder to reproduce artworks for commercial and non-commercial use must be coordinated through the Rights and Reproductions Department.

### C. Provenance Guidelines

#### 1. Inquiry and Research

The Curatorial Department proposing the acquisition shall rigorously research the provenance of all proposed acquisitions prior to taking physical custody of the artwork to determine, to the maximum extent possible, that LACMA can obtain clear title and that the export and import of the artwork from its country of origin, from and into each country through which the artwork has passed, and through its import into the United States and

delivery to LACMA comply in all material respects with applicable law and ethical standards adopted by LACMA, including standards established by AAM and AAMD.

Provenance research should include, but is not limited to, determining:

- the ownership history of the artwork;
- the dates and physical locations of the artwork since its creation or discovery;
- the exhibition history of the artwork, if any;
- the publication history of the artwork, if any;
- conservation history, if any;
- whether any claims to ownership of the artwork have been made;
- whether the artwork appears in relevant databases of stolen artworks; and
- the circumstances under which the artwork is being offered to LACMA.

For all acquisitions including those to be bought at auction or otherwise on an accelerated basis, the Curatorial Department proposing the acquisition shall make a rigorous effort to obtain from sellers and donors all available information and accurate written documentation with respect to the ownership, display, conservation, exhibition history and publication history of the artwork. The Curatorial Department shall perform any additional research to provide as much additional detail as is reasonably feasible prior to proposing the artwork for acquisition.

Standards and criteria for provenance research vary by collecting area. LACMA will employ principles of research consistent with best practices of research or inquiry in each field. LACMA is an encyclopedic collection; different disciplines and different research challenges are applicable to different collecting areas, and no one standard applies to all types of art.

## 2. Legal and Ethical Considerations

LACMA's acquisitions must comply with all applicable local, state, and federal U.S. laws, most notably those governing ownership and import of artworks, including, without limitation, the National Stolen Property Act (NSPA), the Convention on Cultural Property Implementation Act (CCPIA), sanctions enforced by the Office of Foreign Assets Control (OFAC), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Native American Graves Protection and Repatriation Act (NAGPRA), and the California Native American Graves Protection and Repatriation Act (CalNAGPRA). Since the status of an artwork under foreign law may bear on its legal status under U.S. law, LACMA shall, to the extent practicable, review relevant foreign laws before acquiring an artwork.



LACMA follows the guidelines regarding the protection of cultural properties currently recommended by UNESCO, AAM and AAMD. LACMA also complies with professional standards set forth in the [“Report of the Association of Art Museum Directors’ Task Force on the Spoliation of Art during the Nazi/World War II Era \(1933-1945\)”](#) (adopted June 4, 1998, amended April 30, 2001)”, the AAM’s [“Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era”](#) (adopted November 1999, amended April 2001)”, the AAMD’s [“Guidelines on the Acquisition of Archaeological Material and Ancient Art”](#) (adopted January 29, 2013)”, and the AAM’s [“Standards Regarding Archaeological Material and Ancient Art”](#) (adopted July 2008)”. The Director has the authority to review and approve LACMA’s adoption of any amendments, revisions or other changes to such organizations’ policies and guidelines, from time to time, and the Director shall make appropriate recommendations for amendments to this Policy.

Thorough provenance research and due diligence may also involve consulting the Art Loss Register, AAMD Object Registry, publications, qualified experts or other independent sources.

#### a) Nazi / World War II Era

In addition to the rigorous research and documentation required for all acquisitions, the Curatorial Department recommending an acquisition will observe stringent standards relating to the acquisition of artworks that may have changed hands during or may have otherwise been impacted by fascist regimes in Europe between 1933 and 1945. Where information is incomplete for an acquisition, the Curatorial Department proposing the acquisition shall undertake additional research prudent or necessary to resolve the Nazi-era provenance of the artwork. All research efforts shall be documented. In the absence of evidence of unlawful appropriation, the acquisition may proceed unless there are other legal or ethical concerns raised by the provenance or lack thereof following consultation with General Counsel. Where there is credible evidence of unlawful appropriation without subsequent restitution or there are other material legal or ethical concerns, LACMA shall not acquire the artwork until taking further action to resolve these issues.

#### b) Archaeological Materials and Ancient Art

In addition to the rigorous research and documentation required for all acquisitions, the Curatorial Department proposing the acquisition will observe stringent standards for the acquisition of archeological materials and ancient art including extensive efforts to obtain written documentation with respect to the history of the artworks, including import and export documentation. If importing the work, proper documentation should be obtained and compliance with the export laws of the country of immediate past export to the U.S.

should be confirmed as well as a review of the laws of the likely source country or countries.

LACMA normally shall not acquire such an artwork unless provenance research substantiates that the artwork was outside its probable country of modern discovery before 1970 or was legally exported from its probable country of modern discovery after 1970. LACMA recognizes that even after the most extensive research, some artworks will lack a complete documented ownership history. In some instances, LACMA may make an informed judgment based on the known provenance that the artwork was outside its probable country of modern discovery before 1970 or legally exported from its probable country of modern discovery after 1970, and therefore may acquire the artwork. In other instances, given the cumulative facts and circumstances resulting from provenance research, including, but not limited to, (a) the extent of independent exhibition and publication of the artwork, (b) the length of time it has been on public display, (c) its recent ownership history, (d) provenance history of artworks excavated from the same site, (e) the prior owner(s) of the artworks and any claims made against them in connection with other artworks, and (f) any communications between prior owners or the museum and the country of origin, LACMA may make an informed judgment to acquire the artwork consistent with the Statement of Principles set forth in the relevant AAMD guidelines as an exception to the general requirement that provenance be established to at least 1970 (the "1970 Rule"). In both instances, LACMA shall carefully balance the possible financial and reputational harm and the potential for legal liability against the benefit of collecting, presenting, and preserving the artwork in trust for the educational benefit of present and future generations. LACMA will apply the special rules for promised gifts of artworks, fractional interest gifts, and long-term loans from 2008 or earlier that are set forth in the AAMD guidelines.

LACMA believes that, if artworks can be acquired in accordance with this policy and other ethical and legal requirements, it is in LACMA's and the public interest to accept such artworks for the purpose of bringing them into the public domain, caring for them, and publishing them, both for scholarly purposes and for the purpose of providing notice to any party, including source countries, that may have a claim or information relating to the provenance of the artworks.

### 3. Publication and Display

In accordance with applicable professional standards, the Curatorial Department proposing the acquisition of artworks of archaeological materials or ancient artwork shall promptly publish those acquisitions, in electronic form on LACMA's website, including an image of the artwork (or representative images in the case of groups of artworks) and its

provenance. The Curatorial Department proposing the acquisition of any artwork acquired as an exception to the 1970 Rule shall additionally publish such acquisition on the AAMD Object Registry with an image of the artwork (or representative images in the case of groups of artworks) and its provenance, as well as an explanation of why the acquisition is consistent with this Policy, as soon as possible, but in any event no later than six months following the completion of the acquisition. If as a result of continuing research, any significant acquisition of archaeological material, ancient art or artworks with respect to which Nazi/World War II Era provenance questions may apply, LACMA shall make such information public and shall promptly publish the artworks, with an image and relevant provenance information, in print or on LACMA's website.

All artworks that LACMA will post on the AAMD Object Registry and any other artwork with legal or ethical concerns as determined by General Counsel will be reported to the Acquisitions Committee at the time of the proposed acquisition, or at a subsequent time that new facts and circumstances become known.

## **V. STAFF POLICIES RELATING TO ACQUISITIONS**

### **A. Appraisals**

LACMA does not provide appraisals or other valuations to donors and no Curator or other LACMA staff member shall provide any such valuation. Under current IRS guidelines, LACMA, as a donee, cannot act as a "qualified appraiser." LACMA can assist donors by suggesting several sources of qualified appraisers, such as the American Society of Appraisers, the Art Dealers Association, and auction houses, but must avoid the appearance of favoritism and must always provide more than one reference. LACMA cannot make arrangements for the appraisal and cannot pay for the appraisal, but will provide the appraiser access to the artwork or relevant non-confidential information from LACMA's files. Estimates of value established by LACMA's Curators or third party appraisers for LACMA's fine arts insurance coverage, whether for the permanent collection or for loans to LACMA, are proprietary and confidential and may not be disclosed to third parties (other than LACMA's insurance agents or carriers) without approval by the Senior Deputy Director for Art Administration and Collections or the Director, in consultation with General Counsel.

### **B. Ethics**

LACMA's Ethics Policy governs certain other matters for staff who may be involved in managing the permanent collection including such issues as personal collecting by staff, dealing in art by staff, authentication and valuation by staff and gifts to staff.

## **VI. LEGAL CLAIMS, ETHICAL CONSIDERATIONS AND DEACCESSION OF ARTWORKS**

### **A. Legal Claims**

In the event that a third party claims that an artwork in LACMA's permanent collection was unlawfully obtained or appropriated, LACMA shall review the claim promptly and responsibly, in consultation with the General Counsel. LACMA shall request evidence of ownership from the claimant in order to assist in determining the provenance of the artwork. If after working with the claimant LACMA determines that the artwork was unlawfully obtained or appropriated, LACMA shall seek to resolve the matter in an equitable, appropriate and mutually agreeable manner including, if the case warrants, through the return of the artwork to the appropriate party. In the event that LACMA, as a result of its continuing research, gains information that establishes another party's right to ownership of an artwork, LACMA will notify such other party and follow the potential claims procedure set forth above.

### **B. Ethical Inquiries Around Collections**

As an encyclopedic collecting institution, LACMA prioritizes the care, study, display, and conservation of artworks from all cultures and time periods, while conveying the stories, histories and legacies of the various communities from which those artworks originate. LACMA believes that direct engagement with artworks in its collection by LACMA's audiences is essential to fulfilling its mission. LACMA's collection has grown over a long period, during which time laws, ethical standards, and collecting practices have continued to evolve. As a result, the history of particular artworks in the museum's collection may raise contemporary ethical concerns about the way in which they were acquired by prior owners. These concerns may exist even if there are no indications of unlawful acquisition, title defects, or other legal issues.

These concerns may be brought to the museum through inquiries made by communities or individuals with a direct connection to such artworks, or by research conducted by the museum. In such cases, LACMA will review the history of such artworks to determine if any action may be taken by LACMA, consistent with its fiduciary obligations, to address such concerns up to and including consideration of the appropriateness of the continued presence of such artworks in LACMA's collection.

These inquiries will be considered deliberately, respectfully and thoughtfully on a case-by-case basis by the Department Head of the relevant Curatorial Department and the

Director of the museum, in consultation with the General Counsel. In reviewing these inquiries, LACMA will consider the artwork's history including, without limitation, direct actions of colonial powers or other evidence of governmental force, coercion, or duress (whether or not legally actionable) as well as any known history of use as a sacred or ceremonial object whose presence in a museum collection causes ethical concerns. These considerations will be made both within the given historical context as well as in light of current ethical standards, weighing the impact of such history over time. The museum will consider how directly the museum itself or the prior owners of the artworks were connected to the historical events. The museum will also consider what other owners of similar artworks have done in response to similar inquiries, especially owners who may be more closely connected to or implicated in the historical events.

When determined that taking action would be appropriate, LACMA will explore and prioritize resolutions with representative stakeholders that are collaborative in nature, with the objectives of building relationships, redressing past harms (when possible), and establishing a new paradigm for managing diverse museum collections acquired over long periods of time. Proposed resolutions may include actions the museum can implement unilaterally as well as resolutions reached through agreement with one or multiple stakeholders. Any proposal to resolve an inquiry regarding a specific artwork that impacts its title or possession will be presented to the Acquisitions Committee. If the proposal is acceptable to the Acquisitions Committee, it will be recommended for approval by the Board of Trustees.

### C. General Principles for Deaccession

Deaccessioning is the process by which LACMA decides and declares that an artwork shall be removed from its permanent collection and subsequently disposed of by sale, exchange, or other appropriate method. The deaccession of artwork from the permanent collection has been and will remain an exceptional occurrence undertaken with prudence for the protection of LACMA, its staff, trustees and donors, and for the integrity of the permanent collection and the advancement of LACMA's mission.

The criteria for deaccessioning an artwork include, but are not limited to, the following:

1. The artwork is not relevant to LACMA's mission or has little value in LACMA's permanent collection.
2. The artwork is a duplicate of another in the permanent collection and is deemed unnecessary to retain.
3. The artwork is of poor quality or a similar but superior example exists in the permanent collection.

5. The artwork lacks sufficient aesthetic merit or art historical importance to warrant retention.
6. LACMA is ordered to return an artwork to its rightful owner by legal process (as in a case of repatriation); LACMA determines that another entity is the rightful owner of the artwork; or LACMA's Board of Trustees (upon recommendation of the Acquisition Committee) determines that the return of the artwork is otherwise in LACMA's best interest, including as a result of ethical inquiries described above.
7. The artwork is unable to be preserved in a responsible manner, is potentially hazardous to LACMA's permanent collection or to staff and visitors, or is in such poor physical condition that proper repairs are not feasible or will render the artwork essentially false.
8. The artwork cannot be displayed due to technology obsolescence.
9. The artwork can no longer be retained due to LACMA's inability to store or display the artwork.
10. The artwork is a forgery, is not authentic, or is misrepresented and unsuitable to remain in the permanent collection. Forgeries must be indelibly marked or destroyed.

#### D. Guidelines for Deaccessions

The deaccession process requires deliberation and careful consideration by LACMA staff. All deaccessions recommended by the Director or Curator must be submitted to the Registrar no less than three (3) months prior to the next Acquisitions Committee meeting. All deaccessions must be officially reviewed and approved for deaccession by the Acquisitions Committee and, upon recommendation of the Acquisitions Committee, approved by the full Board of Trustees. In the event that approval by the Acquisitions Committee is not feasible, the full Board of Trustees, or its Executive Committee, has the authority to approve deaccessions directly, in accordance with LACMA's bylaws and applicable law.

LACMA may only deaccession artworks to which it has clear legal title, other than a deaccession constituting the return of an artwork as set forth in clause 6 of Section A, General Principles above.

In limited circumstances, the Director or Curator may approve the acquisition of certain donations or bequests without accessioning them into the permanent collection. Artworks that have not been accessioned into the permanent collection and that are designated for disposal do not require approval by the Acquisitions Committee or Board of Trustees. LACMA must hold clear and unrestricted title to these artworks. LACMA strongly discourages the deaccession of artworks by living artists, unless the deaccession is made

to upgrade its holdings of artwork by that artist. In this situation, the artist or the artist's representative should be consulted. However, exceptions can be made in a special situation, such as, when the artwork is in such poor physical condition that it is beyond repair or potentially hazardous to LACMA's permanent collection or to staff and visitors.

The Director or Curator will have the authority to determine the best method of disposal. Every effort will be made to ensure that the deaccession process is fair and open. Sale at public auction is strongly encouraged. Other acceptable means of disposal include, but are not limited to, private sale, private auction, exchange, transfer to another institution or LACMA's archive, or destruction (unless legally prohibited). Artworks approved for deaccession may not be disposed of through the museum shop or any other form of sale on LACMA's premises.

No artwork deaccessioned by LACMA may be acquired directly or indirectly by any member of LACMA staff or Board of Trustees or their immediate families who know or have reason to know that the artwork was deaccessioned by LACMA.

LACMA honors all legally binding restrictions attached to gifts (except when explicitly waived by the donor or, if applicable, the donor's authorized heirs or representatives). The Permanent Collection Registrar, once notified by the Curator of a potential deaccession, will ascertain, with advice of General Counsel if necessary, whether any donor or other legal restrictions prevent deaccession or would require any consent or permission. In the case of unencumbered gifts, LACMA will make reasonable efforts to contact donors or their representatives to inform them of the proposed deaccession, but such action shall not be construed as a request for permission and failure to do so shall not limit the ability to deaccession the relevant artwork. LACMA may, in its sole discretion, consider non-binding objections from such parties.

Funds realized from deaccessioning will be placed in restricted accounts to be used to acquire other artworks for the permanent collection, usually for the same Curatorial Department. No other use of deaccession funds will be allowed. Wherever possible, when realized funds are used, the purchased artwork will be publicly credited to the original donor(s) or fund.

Deaccession of artworks to which the County of Los Angeles holds title must comply with the requirements set forth in the agreement between Museum Associates and the County of Los Angeles adopted November 22, 1988.

#### E. Disposal of Non-accessioned Artworks

In the event that LACMA secures title to an Undocumented Property or Unclaimed Property, following LACMA's Unclaimed & Undocumented Property Procedures and California Civil Code Section 1899, et seq. where applicable, and other right to property laws, LACMA may elect to dispose of the item following the Deaccession Guidelines above, where applicable. Study collection items may also be disposed in the same manner. Non-accessioned artworks with clear title do not need to be presented for disposal to the Acquisitions Committee but can be approved by the Director or Curator.

## **VII. CARE OF THE COLLECTIONS**

LACMA is responsible for the preservation of all artworks in the permanent collection, artworks on loan to LACMA or otherwise under its care to the highest possible standards, except for study collections which are subject to the study collection policy. This responsibility includes artworks in the permanent collection, loans, and other contractual agreements, whether on LACMA's premises or stored in an offsite facility. This work will be conducted by individuals with knowledge and skill in the handling, storage, shipping, conservation, security, maintenance of the environment, and all other conditions. LACMA shall provide a safe and appropriate environment for the permanent collection, with effective security and environmental controls. LACMA will maintain an Emergency Disaster Plan and perform annual drills to ensure staff are knowledgeable of all procedures in the event of an emergency. LACMA cannot, however, be responsible for the normal and natural deterioration of an artwork caused by environmental forces, inherent vice, or gradual deterioration.

Appropriate museum departments are charged with the long-term preservation, care, and safety of the permanent collection through conservation treatment, examination, storage, display, insurance, and documentation of all artworks under its auspices. In order to fulfill its stated responsibility, LACMA will strive to encourage and support professional development and continuing education among its staff. LACMA will also provide financial support for the materials and equipment needed to safely store and display the permanent collection using the highest standards as well as provide financial support when upgrades are needed.

LACMA is sensitive to the impact its operation has on the environment today and in the future. LACMA will continue initiatives to use less energy and promote green thinking among its staff and visitors. LACMA's aim is to recycle, reuse, and reduce in all of its activities. This applies to packing, crating, storage, exhibition, and loan activities where LACMA aims to recycle, reuse, and reduce as much material as possible.

## **VIII. RECORDS AND INVENTORIES**



## A. Records

Accurate documentation and record keeping are essential to the preservation and integrity of LACMA's permanent collection. Through the Registration and Collections Division, Curatorial, Conservation and other related departments, LACMA shall maintain accurate and up-to-date records on the identification, accession, condition, and location of all artworks in the permanent collection, as well as the ongoing activities related to the artworks such as exhibitions, loans, publication, intellectual property rights, provenance, research, and correspondence. LACMA has established electronic records of the permanent collection through a collections management database system that includes records of accessioned, deaccessioned, and loaned artworks. The primary responsibility of the management of the database shall reside within the Registration and Collections Division.

## B. Inventories

LACMA shall make an inventory of the contents of its galleries and storerooms on a regular basis. At least once during every calendar year the Registrar, with Collections Management, shall participate in both an internal audit and external audit on a limited number of artworks and records within the permanent collection. The collections staff shall undertake regular inventories of the storerooms and galleries, which are necessary to determine the physical state and statistics of the permanent collection, to set priorities for conservation treatment, to evaluate the adequacy of storage and insurance coverage, and to analyze the state of documentation, cataloging, labeling, and methods of record keeping.

## **IX. ACCESS BY THE PUBLIC TO THE COLLECTIONS AND RECORDS**

LACMA shall support continuing scholarly investigation and research of the permanent collection in order to contribute to broader academic and public discourses.

LACMA shall disseminate collection information for the widest array of audiences through publications, educational programs, and its online presence in order to promote an understanding of art in its historical, cultural, and material contexts.

### A. Access to the collection

#### 1. Artworks on display

The primary means by which the public shall have access to the permanent collection is through the presentation of artworks on display in LACMA's galleries, organized exhibitions, and research centers. LACMA shall provide additional access to its permanent collection through loans to other institutions.

## 2. Artworks in storage

LACMA allows access by qualified individuals to examine artworks that are not ordinarily on view. Such access is permitted for research purposes upon request and with the approval of Curatorial staff and Collections Management.

## 3. Artworks on the website

LACMA makes its permanent collection publicly available through its Collections Online website, thereby opening access to a worldwide audience. Artwork records, images, online scholarly catalogs, interpretive essays, and virtual exhibitions are represented on LACMA's website and through other internet based platforms on which LACMA chooses to participate. With exceptions for culturally sensitive material, accessioned artworks should generally be published to LACMA's Collections Online with an image in a timely manner.

## B. Access to records

The museum records kept by the Registrar, Collections Information & Digital Assets, Curatorial, Conservation, and other departments are the source for public information on the permanent collection. All records, be they paper or electronic, will record accessioned, deaccessioned, and loaned artworks under LACMA's care. LACMA shall make its records and materials related to the permanent collection available to qualified researchers, scholars, and the public, unless they are confidential in nature or otherwise restricted, in order to promote the educational purposes and understanding of the permanent collection. All records created or received in connection with LACMA's business are the property of LACMA and will not be destroyed or dispersed, except in accordance with LACMA's record retention policies. Consultation to view records is arranged by appointment with the appropriate department head.

## **X. OUTGOING LOANS**

LACMA encourages loans from its permanent collection to qualified borrowing institutions, both domestic and international, subject to the worthiness of the borrower's project, the condition and availability of the artwork, the ability of the borrower to properly house and care for the artwork, and other general conditions affecting the borrower's

ability to safely complete the loan. Contingent on the foregoing requirements, a loan program is encouraged for the advancement of art historical research and public understanding of art and culture, in enabling a wider audience to see and enjoy artworks from the permanent collection, and in giving such artworks and LACMA favorable and significant exposure. All outgoing loans must be documented and protected in accordance with LACMA's policy on records, inventories and, care (See VII. Care of the Collections and VIII. Records and Inventories). All loans and the key terms shall be approved by the Director or his designee and shall be reported to the Acquisitions Committee and Board of Trustees before the beginning of the loan period, if practicable. The Director may use discretion to determine if any particular loan(s) should be discussed with the Acquisitions Committee or the Board of Trustees before approval in light of the relative value, conservation condition, borrower or other factors that may merit heightened scrutiny.

All loan terms, arrangements, activities, contracts, insurance, etc. must be documented and protected in accordance with LACMA's outgoing loans policy. The Director or his designee will address risk mitigation including issues of immunity from seizure, federal indemnity, and insurance review so as to protect the permanent collection when on loan.

## **XI. INCOMING LOANS**

Loans to LACMA from external sources play a vital role in LACMA's mission as an educational institution. Loans are critical in enabling LACMA to present meaningful and comprehensive exhibitions as well as to supplement the permanent collection, filling important gaps in gallery presentations, and aiding research projects. Loans must be consistent with LACMA's mission, programs, activities, and use of its own permanent collection. LACMA is responsible for exercising due diligence in establishing that the lender has clear title to the artwork and that, in borrowing the artwork, LACMA is not exposed to and is protected from claims, lawsuits or controversies, including claims that the loaned artwork had been illegally imported, exported, confiscated, seized, or looted in the past (See IV.C. Provenance Guidelines).

Loans fall into the following established categories:

1. Temporary Receipts: Loans of artworks intended for research by LACMA, conservation, or for the purpose of acquisition consideration.
2. Long Term Loans: Longer term loans of artworks generally for exhibition in LACMA's galleries, research, or for the storage of artworks designated as Promised Gifts.

3. Exhibition Loans: Shorter term loans of artworks in connection with exhibitions organized by LACMA or in which LACMA participates.

All loans will be documented on forms approved by the Registration Department and General Counsel. LACMA will release, or take instructions concerning, the loan only from the lender, as the owner of the artwork or as the duly authorized agent of the owner. In the case of a lender acting as an agent on the owner's behalf, LACMA must be supplied with reliable written proof of the agent's authorization and obtain an indemnification from any claims that may arise from such authorization. All loan terms, arrangements, activities, contracts, insurance, etc. must be documented and protected in accordance with LACMA's policy on records, inventories, and care (See VII. Care of the Collections and VIII. Records and Inventories).

Loans to LACMA should be periodically monitored and contact maintained with the lender, as appropriate under the circumstances. Unclaimed Property (also referred to internally at LACMA as Abandoned Property) includes all property that is on loan to LACMA for which the loan term has expired, LACMA has a lender contact, and either party has failed to maintain contact.

Curatorial Departments should work with the Registration Department to identify such Unclaimed Property abandoned on LACMA's premises or Undocumented Property, (artworks that have no records reflecting their transfer to LACMA), and determine whether the property should be accessioned to the permanent collection or disposed of in the event that title is secured. In all such cases, the Curatorial Department should work with the Permanent Collection Registrar and General Counsel, following guidelines found in LACMA's Unclaimed and Undocumented Procedures, California Civil Code Section 1899, et seq, where applicable, and other right to property laws. Curatorial Departments should periodically review their holdings for such artworks.

## **XII. EFFECTIVE DATE**

This Policy shall be effective immediately upon approval by the Board of Trustees and shall supersede all prior policies on the topics addressed herein. LACMA has adopted more detailed Procedures for the implementation of this Policy, which may be amended, modified, updated or otherwise revised from time to time, provided such Procedures are approved by the Director and are consistent with the principles set forth in this Policy and with all applicable legal and ethical standards. Such Procedures shall be kept on file in the records of the Registrar.