



TAKEDOWN REQUESTS

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1. What is this policy about?

1.1. The ACT Heritage Library, as a member of National and State Libraries Australasia (NSLA), has endorsed a position statement on public requests to take down access to content from our website and/or collections. This policy addresses how the ACT Heritage Library will respond to takedown requests.

2. Policy Statement

2.1. As a member of National and State Libraries Australasia (NSLA), The ACT Heritage Library has endorsed a position statement on public requests to takedown content from our website and/or collections. This policy outlines the provisions of the position statement and the Library's measures to implement relevant procedures.

2.2. The NSLA Takedown Position Statement is also available at:

<http://www.nsla.org.au/publication/position-statement-takedown>

2.3. The following text will be added to the ACT Heritage Library website outlining our takedown position and procedures for dealing with takedown requests:

Position Statement on takedown requests

National and State Libraries Australasia (NSLA) is committed to the principles of freedom of expression and universal access to information and knowledge. These principles are fundamental to the library profession and recognised as pivotal components of our democratic traditions; represent a major driving force in the creation of new ideas and innovation; and support cultural understanding and sustainable socio-economic development.

Responding to the ubiquity of digital technologies and enhanced community expectations for 'anywhere, anytime' access to information libraries, like other collecting institutions around the world, are continuing to build and deliver online collections, providing the greatest possible access to local and global communities.

NSLA libraries have mandated roles to collect and preserve cultural heritage, provide open and equitable access to information, and support the growth of knowledge and ideas. Given these responsibilities, materials provided online will be taken down (or have other access restrictions imposed) only in extraordinary circumstances.

In making collections available online, NSLA libraries act to respect jurisdictional legal considerations. However NSLA recognises that despite best efforts there may be occasions when material made available online is considered to breach copyright or other relevant law or contains information that is culturally sensitive. As a means of promoting a consistent

response to takedown requests, NSLA libraries agree to take into account the following general principles:

- The broadest possible online access to collection materials will be provided.
- Permanent access restrictions, deindexing or takedown will be considered as an exceptional response.
- Requests for access restrictions, deindexing or takedown will take into account the relationship of the requestor to the material.
- Requests for access restrictions, deindexing or takedown will take into account specific jurisdictional legislation and related exemptions.
- Access restrictions or takedown of material made available online should, as far as practical, be openly acknowledged with a statement noting the takedown.
- As circumstances change, or after a period of time, online material that has been taken down, restricted or deindexed should be reviewed and may be reinstated.

Making a takedown request

If you are concerned that you have found material in our catalogue or on our website which you have not given permission to be made available, and which contravenes privacy laws, is defamatory, or is in breach of copyright law, please contact us in writing stating the following:

1. Your contact details
2. Full description and details of the material
3. The reason for your request, including, but not limited to copyright law, privacy laws, data protection, defamation etc.

Your request should be sent to:

ACT Heritage Library
GPO Box 158
Canberra ACT 2601
AUSTRALIA

Or

act.heritage.library@act.gov.au

Responding to a takedown request

The ACT Heritage Library will acknowledge your takedown request in writing and will make an initial assessment of the request. The material may be temporarily removed from the Libraries ACT catalogue or website until a final decision is agreed upon. Physical material may also be removed from the shelves.

The ACT Heritage Library will make all possible efforts to resolve takedown requests quickly and to the satisfaction of both parties; however, the decision will ultimately be at the discretion of the library, with the following possible outcomes:

- Access to the material is restored via the Libraries ACT catalogue and website
- Access to the material is restored with changes in response to the takedown request via the Libraries ACT catalogue and website
- Access to the material is modified

- Material removed from the collection.

There will be regular reviews of takedown decisions. Where the circumstances of the original takedown request have changed over time, it may result in access to the material being restored.

3. Takedown requests assessment

3.1. Takedown requests will be assessed according to whether or not:

- Online access to the identified material is in breach of copyright law.
- The identified material is subject of a suppression order or other legal restriction on availability, or is subject to specific jurisdictional legislation or related exemptions.
- Online access to the identified material contravenes conditions imposed by a donor.
- The identified material is defamatory or objectionable under Australian law.
- There is a need to mitigate harm and legal liability.
- The identified material includes personal information about someone who is still alive and continued online access would cause serious invasion of privacy or harm.
- Removal of the identified material would undermine freedom of speech.
- Online access to the identified material is in breach of the protocols maintaining the Indigenous peoples to determine access provisions for heritage materials which reflect their history, culture, language and perspective.

4. Responsibilities

- 4.1. All ACT Heritage Library staff are responsible for ensuring they understand and follow all policies and procedures relating to the management of the ACT Heritage Library Collection in their day to day work.
- 4.2. The Manager ACT Heritage Library is responsible for managing takedown requests and assessments in accordance with this policy.
- 4.3. **Policy Owner:** Director Libraries ACT

5. Monitoring and review

- 5.1. The Policy Owner monitors the policy. This includes an annual scan of operation and review. A full review of the policy will be conducted within a three year period.

6. Contact

- 6.1. For support contact the ACT Heritage Library by email: act.heritage.library@act.gov.au or phone 02 62075163.

7. Complaints

- 7.1. Any concerns about the application of this policy or the policy itself, should be raised with:
- the ACT Heritage Library in the first instance
 - online at <http://www.tams.act.gov.au/about-us/complaints>

8. Legislation

- 8.1. Related legislation: –
- *Copyright Act 1968 (Cth)*
 - *Information Privacy Act 2014*
 - *Australian Government Information & Communication Health Records (Privacy and Access) Act 1997*
 - *Territory Records Act 2002*