

Joint Policy on Non-Print Materials which are Out of Scope for Legal Deposit

The Legal Deposit Libraries (Non-Print Works) Regulations 2013 extend the principles of the 2003 Act to include non-print materials, including online works, but differs in approach in some instances. It defines a non-print work as a work published in a medium other than print which can either be published offline or online, with important exceptions which are outlined in this document, which is a joint statement on behalf of all the Legal Deposit Libraries.

1. Statutory Excluded Categories

The 2013 Regulations expressly exclude categories of material from Legal Deposit. The following are named in the Regulations as **outside the scope** of Legal Deposit:

Sound Recordings [e.g. CDs]

Films [e.g. DVDs]

Works which contain personal data and is only made available to a restricted group of persons [e.g. an intranet; personal emails]

Works which were published before 6th April 2013 (the date of the Regulations)

Relevant voluntary schemes will still be maintained.

Sound recordings and films may be received on Legal Deposit if they are incidental to the whole work being deposited, for example forming a secondary element embedded within the webpage of a website.

Works which were published before 6th April 2013 but remain part of a live eligible website are eligible for Legal Deposit.

2. Content Development Exclusions

The Legal Deposit Libraries may wish to exclude materials to which they may be entitled but which fall outside the scope, jointly, of their content development policies.

2.1 No exclusions by subject. Such exclusion will not be on the basis of any particular subject, since a key principle of Legal Deposit is to take a very comprehensive approach to the UK's publishing output, but on 'manifestation' (e.g. currently, if the work is a computer game it would normally be excluded). A list of such exclusions is given below. The Libraries will review such content development exclusions periodically.

2.2 One Library includes, all Libraries include. Because of the shared storage facility for non print Legal Deposit, where one Library may collect materials under Legal Deposit which would otherwise have been excluded by any or all of the other Libraries, it is accepted that those materials will be held jointly within the shared facility.

2.3 Difficulties of disaggregation. Because of the different nature of online digital publication and the means in which publications will be deposited (compared to the equivalent in print or offline non-print), excluding an *individual* work from a larger set of a publisher's output may not be technically possible or not in the public interest as

too expensive.

2.4 Acceptability of collecting some out of scope materials. The Libraries accept that there may be a number of works which, if individual monitoring were possible, would have been excluded on content development principles, but which have been accepted into the collections because of the economies of scale. No attempt will be made to de-accession these works.

2.5 Domain harvest. The same principle, applied on a larger scale, is at play for the domain harvest of UK websites where it is not practical to monitor the entirety of the collection for exclusions of this kind. Access may, however, be withdrawn for legal reasons in regard to specific archived sites when the Library has been alerted to them by the appropriate authority.

2.6 Different digital versions of the same work. The principle of avoiding disaggregation overheads will be used not only within a particular publisher's output but in allowing potentially different versions of the same work produced by different publishers to be accepted into the collections when previously, in the print world, they may have been excluded.

2.7 Publisher by publisher assessment. In order to reduce the occurrence of out-of-scope material being held by the Libraries, an assessment will be made of a particular publisher's overall output before they deposit and where it is overwhelmingly out of scope on content development grounds (by 'manifestation' rather than subject, as suggested above), then that publisher's works may be entirely excluded.

2.8 Categories of material currently excluded. Currently, the following non-print publications would normally be excluded, subject to the practical considerations outlined above:

offline materials which are largely advertising a particular company's products, e.g. "Demonstration CD-Roms"

unpublished digital works (such as a digital family album)

computer games (also known as video games)

apps

offline software packages. i.e. designed to enable the user to process information that the user substantially supplies, e.g. word processing packages, email packages, spreadsheets, photo and graphic management packages, operating software, etc. (however, the Library does accept software which accompanies and gives access to other content held by the Library)

continuously updated publications such as 'dynamic' databases, apart from websites (which are archived in the form of periodic 'snapshots') and digital maps

works produced in formats the Libraries do not have the capability to process

3. Reviewing the exclusions

The list of content development exclusions will be re-visited periodically by the Legal Deposit Libraries with the intention that the list is sensitive to the growing technical capability of the Libraries, user demand, and changing publisher trends.

More information about Legal Deposit is given at www.bl.uk/aboutus/legaldeposit/introduction/