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Preservation and archiving special interest group

Copyright or wrong: Resolving compliance and pragmatism in the context of digital preservation OR Copyright - Fifty Shades of Risk

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Topics

- Outline of the copyright risks
- Implications
- Risk mitigation
- Safety and risk aware culture

Rights management = risk management

WHY?

CDPA 1988 – meant for an analogue world



Copyright and the digital age – a good fit?





But things have changed



Image courtesy of John Hunt Associates, Designers, Birmingham UK & Baltimore

Whilst we are still analogue



Image courtesy of Barbara Band

How we enable access.....



Image courtesy of Barbara Band

...and to what – has changed





What's in copyright (or not)?

- Works of artistic craftsmanship?
- Unmade beds?
- Pile of bricks
- Video art?
- Net Art?
- Tweets
- Sometimes we just don't know

Orphan works + 2039!



[©] Museum of London Archaeology

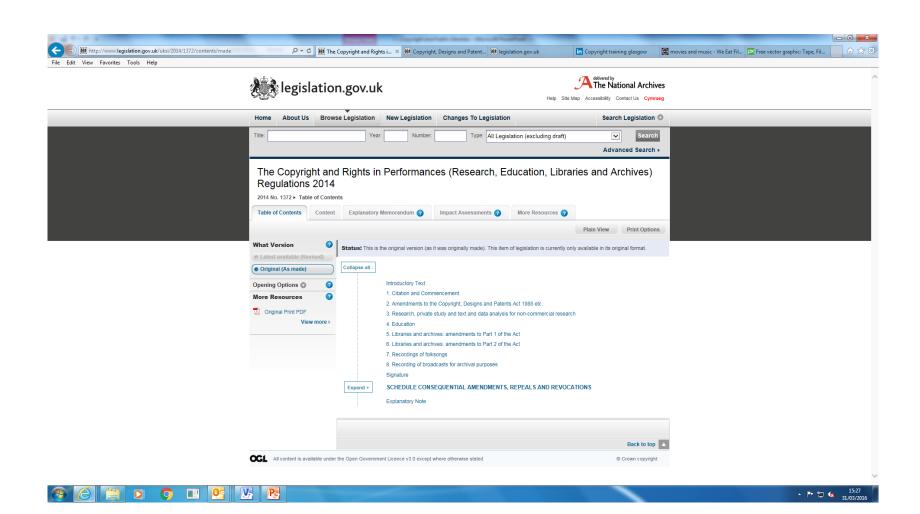
Facts and figures

- Ca. 50 million
- Up to 50% of archives
- 27,000
- 4-5 million photos

BUT THINGS HAVE CHANGED



New Exceptions to copyright





- NEW * preservation exception enabling organisational format shifting for preservation purposes - WIN, WIN, WIN
- NEW* Dedicated terminal exceptions enabling reproduction of digital copies of collection items on dedicated terminals on premises open to the public

The CILIP Poster



BUT STILL - Terminology and application unclear and undefined = uncertainty and reliance on risk management

JUSTIFIABLE

FAIR

TERMINALS

DEALING

NON COMMERCIAL

DEDICATED

Operational Risks

- Members of the public:
 - copying more than they should
 - Using it in ways they shouldn't
 - Viewing and downloading inappropriate/illegal material
- Us
 - getting it wrong giving incorrect advice
 - Copying more than we should
 - Using things without permission

Impact

- Breaking the law
- More stress and uncertainty
- Financial penalties
- Reputational impact
- Increased pressures on resources
- Discontented users who don't visit, or cause problems for us, or tell on us
- Job losses/disciplinary

The "business" of being a museum: critical issues

- Failure to manage direct risks means objectives not achieved
- Failure to embrace opportunities which could offer an improved way of achieving objectives

The Human Condition

The Human Condition:

The changes that we face as museums, good and bad, bring uncertainty and worry

Conundrum:

How can we help our staff feel safe, to take necessary risks, when we don't feel safe?

Reality check

- Risks can be proportionate and informed
- Organisational risk mitigation activities are key
- Most people want to the right thing
- We can make it easier for them to do so
- Your role is not to police
- But just in case have provisions in place

Immediately feeling safe

- Passing the risk where appropriate and possible
 - Every where copying/access takes place notices
 - CILIP Posters for self service copying on walls and on desks and in spaces in between
 - Information on museum website
 - Declarations in writing for copying by librarians
 - Terms and conditions for access to digital content
 - Acceptable Use Policies for Internet sites (children/adults)

Feeling safer

- Staff awareness training and support
- Policies + procedures personal/organisational
- Industry standards like SPECTRUM
- Project + programme planning
- Risk registers
- Action plans; risk book; SMT risk owner

Who?

- Staff
- Heads of Department
- Project Managers
- SMT
- Board

Long term

To translate copyright and risks into practical solutions

Operational Strategic

Business Critical

Thank you!



Image courtesy of Barbara Band

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