

Project “ETQI”

module

Legal issues for digital libraries

Work book

University of Borås
2015



Table of Contents

| | |
|--|-----------|
| Introduction | 2 |
| Learning outcomes | 4 |
| Module overview | 4 |
| Units | 5 |
| Unit 1: Laws regulating libraries and digital libraries | 5 |
| Unit 2: Intellectual property and copyright | 6 |
| Unit 3: Liability and digital libraries | 9 |
| Unit 4: Privacy/security issues and policies in digital libraries | 11 |
| Course assessment | 14 |
| Instructions for trainers | 15 |
| Preparations for trainers | 19 |

Introduction

Focus

The Internet, World Wide Web, and digital space have solved many problems in information and communication. They also have given birth to new problems or have demanded a revision of the solutions to earlier problems that seemed to be under control.

This unit will take you through several areas that usually lie under the field of law. However, anyone working with digital information in cyberspace should be aware of many of these problems and the possible solutions.

Legal regulations are necessary in the areas where the conflicts of interests can arise. They help to maintain order in the relationships of groups with conflicting interests. This can be achieved through balancing the interests, or giving greater priority to one or another group (usually, the more powerful group). However, any legal solution based on an imbalance of interests can only be temporary. On the other hand, one has to have in mind that different situations in the same area involve different participants and situations can and do change in time. We may give as an example the previous Soviet Union, which envisaged entirely specific functions for libraries that were enforced by legislation and were quite different from, e.g., the functions of libraries in the USA. After September 11, the USA introduced changes that overrule a long-lasting tradition of protecting the library users' integrity. There, the copyright situation in the non-commercial areas of publishing is devoid of economic interest and the groups that depend on it. The same legal issues may have rather different solutions in different national legislations.

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



This unit will focus on very general problems that are occurring and have to be solved on an international level, especially as digital libraries, in principle, do not have any national boundaries. But we will try to introduce the variety of solutions existing to date whenever appropriate.

Course design and previous knowledge

The course consists of four units and assignments related to them, and no prior knowledge of legal issues will be assumed. The previous knowledge or the participants as librarians will, however, be directly relevant and may be used to determine what additional contribution information management can make to their understanding of the role of information in organizations and institutions.

The four units will cover,

1. General laws regulating libraries and digital libraries
2. Intellectual property and copyright
3. Liability of digital libraries
4. Privacy laws and regulations

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Learning outcomes

After completing the course, the participant will be able to

| Learning outcomes | |
|---|---|
| Knowledge | Skills |
| ...critically assess the implications of laws and legal regulations of library networks, copyright and liability for library work | |
| Be familiar with the main concepts of library related laws and be able to explain how libraries are influenced and influencing the legislation in crucial areas. | Demonstrate the ability to analyse the present situation of legal regulations related to the libraries. Identify the allies for cooperation in lobby activity and the partners who can help in implementing the existing regulations. |
| ...display an understanding of the value of legislation privileging information use through libraries and relate it to the contractual agreements (licencing) and conditions. | |
| Explain the relations between the legally acknowledged library rights and duties and possible legal barriers for their execution. | Analyse licencing agreements from the perspective of exemptions for libraries existing in international and national legislation and argue the case of library service. |
| ...display a capability of building the case of library lobby related to various situations. | |
| Explain the role of library lobby for the provision of legal access to information through libraries and other organizations. | Analyse legal possibilities and mechanisms available for expanding the provision of information services. Argue the value of increased information provision to the public in legal terms. |

Module overview

| Units and assignement | Activity | Time |
|---|-----------------------------|-------------|
| Laws regulating libraries and digital libraries | Reading educational content | 4 h |
| | Exercise | 2 h |
| | Discussion seminar | 2 h |
| Copyright and licencing | Reading educational content | 4 h |
| | Self reflection | 3 h |
| | Doing major assignment | 4 h |
| | Seminar | 3 h |
| Liability and digital libraries | Reading educational content | 4 h |
| | Exercise | 2 h |
| Privacy/security issues in digital libraries | Reading educational content | 4 h |
| | Watching video material | 2 h |
| | Preparation for the seminar | 3 h |
| | Seminar | 3 h |
| <i>Total</i> | | <i>40 h</i> |

Units

Unit 1: Laws regulating libraries and digital libraries

The first unit offers an overview of all kinds of laws and general legislative regulations for libraries of all types. Some of them are more important for public or school libraries (e.g., educational laws or laws on municipal responsibilities), others for academic libraries (e.g., statutes of universities, cultural heritage preservation laws), still others for national libraries (e.g., legal deposit). There are laws that regulate work of organizations, provision of information in society, financing or budgeting, or other issues and these become important for libraries due to their role as public or private organizations.

Structure and tasks

Laws and other legal documents regulate the sphere of library mainly on the national level. Some countries (e.g., UK and Sweden) have laws that apply only to their public libraries; others define the whole system of libraries and functions, duties and rights of all types of libraries. Most of them at present try to take into account the fact that libraries build digital collections and make provisions in relation to it. These provisions are especially important for national libraries, which usually fulfil the functions of the national publications archives. In this respect, e.g., the Swedish government has assigned the Royal Library to collect, preserve, describe, and organize Swedish printed and electronic publications, Swedish Web-sites and other Swedish digital resources (Förordning, 1996). On the other hand, libraries deal with people and there are various legal norms defining the responsibility of a library to its patrons or dealing with difficult patrons or visitors. Have a look at the material of the webinar on homeless visitors for American librarians. Find similar regulations in any other national library, especially the one in your country.

The problematic question in relation to digital libraries is - how much of the national legal provisions relating to libraries applies to the digital library? There is no one clear answer to it. However, one can safely say that all national provisions apply to the organisations and institutions that own and run digital libraries. Besides, digital libraries are subject to the legislation regulating behaviour and functioning of the systems and actors on the Internet, or Cyberspace. Some of these specific provisions have the form of entirely technological standards that ensure interoperability and are not legal documents as such. Others regulate the presentation of information, advertising, creation and provision of illegal Websites, defamation of people and organisations, hacking into others' Websites and other actions. Contract law is quite important for digital libraries as they are subject to it because of

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



licensing software, access to the documents and have other contracts with a variety of actors. Michael Lesk (2006) gives an interesting lecture in his course on digital libraries.

Exercise: Analyse the lecture by Michael Lesk (Lesk.pdf) and identify the main areas of legal regulation for digital documentation and libraries (of any kinds of documentation in textual, audio or other formats) that he is talking about. Write them down and identify the main threats for the library access. Why is this dangerous?

Seminar: Laws pertaining to digital libraries in country X (Latvia or Lithuania)

Preparation: find at least three different laws that regulate the work of libraries in your country. Which laws are more important for different types of libraries (public, academic, special and national libraries)? Why? Which ones can influence digital collections or digital services?

Attend the seminar, as planned by the trainer, and discuss the following questions, contributing either voluntarily at appropriate points in the discussion, or as invited by the trainer:

- 1) *What are the main library work areas regulated by the laws of your country?*
- 2) *Are there any legal regulations for digital libraries and collections? Do they equally influence all types of libraries?*
- 3) *Can you identify the most important interest groups whose interests are prioritized in these laws? Which ones, why do you think so? Do you think that there are other interest groups whose interests are forgotten or neglected?*

Educational content

- Lesk M. (2006). Law and digital libraries: a presentation for a lecture.
- LR Seimo teisės aktų duomenų bazė. Access through http://www3.lrs.lt/dokpaieska/forma_1.htm Or Teisės aktų registras Access through <https://www.e-tar.lt/portal/index.html> or Latvijas Republikas tiesibu akti access through <http://likumi.lv/>

Unit 2: Intellectual property and copyright

Intellectual property (IP) is a legal term that refers to creations of the mind. Examples of intellectual property include music, literature, and other artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Under intellectual property laws, owners of intellectual property are granted certain exclusive rights. (Wikipedia, 2015)

Structure and tasks

Copyright is a one of many ways of ensuring right to intellectual property. In the English

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



language it is literally associated with a right to copy. However, this is a broader concept that means the right of an author, artist, publisher, etc. to retain ownership of works and to be rewarded for it. The copyright is divided into moral rights and economic rights. Moral rights are not transferable. It means the preservation of the right of the author to be recognized as such and of the integrity of the work (i.e., it cannot be changed or distorted by others in any way). The economic rights allow the holder of the copyright to receive revenue from the work by selling it, getting fees for usage of copies or otherwise. These rights can be transferred by the author to other entities (people or organisations, usually publishers). The problems of copyright on national and international levels have been more or less solved and organisations, such as World Intellectual Property Organisation, supervise the process according to the principles of the Berne Convention and other international agreements.

The copyright issue within the digital environment is a complicated one and here you will mainly find the introduction to the problems that digital libraries may run into. What kind of problems libraries meet and what solutions are available to them depends on the type of the library and the parent organisation it belongs to. Publicly-funded, hybrid libraries will be treated by the law and the copyright holders differently from libraries run by commercial companies.

On one hand, modern information and communication technologies provide many possibilities to access and copy information easily and with the same quality as the original document. Piracy, plagiarism and other illegal activities are wide-spread and require special measures for their prevention. The use of digital rights management systems provides all necessary tools for solving most of these problems. The same technology enables the organization to monitor the use of resources and even prevent legal use; for example, certain categories of user may be exempt from the copyright provisions, but the technology may prevent their use. The circumvention of these measures becomes a criminal offence.

On the other hand, the possibilities provided by modern technologies change the established practices of information dissemination and also the economic or power relationships that have been in relative balance over a very long period of time. Thus, they allow the creators of any work to circumvent any kind of mediators (be it publishers, subscribing agencies, or libraries) and reach to their users directly. The users also can reach a variety of information and entertainment sources directly without the help of any additional institutional mediators other than those that supply technological tools. This causes great anxiety to the established powerful businesses, which try to protect their interests and profit. The usual balance between different interests is upset. The technology will not solve these problems: they require legal solutions that can be accepted by the majority in our societies as being legitimate and fair. These solutions are still to be found.
Listen to the TED lecture by Larry Lessig on the laws stifling the creativity.

But digital libraries are functioning today and have to observe the existing legislation and be aware of the pitfalls on their way. In most jurisdictions, publicly funded libraries are

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



exempted from certain copyright provisions and restricted in the use of library materials only by the test of so-called *fair use*. Generally, uses intended to further scholarship, education or an informed public are considered *fair use*, but recently severe restrictions were imposed on information use under this rule. The materials of the Committee on Copyright and Other Legal Matters provide a very useful and short overview of digital copyright for libraries (International... 2004; International... 2000).

The digital environment has also introduced a new approach to the acquisition of information sources by libraries: licensing. In this case, libraries do not buy an information product but only pay for its use according to a legal agreement between a library and a provider of a product. This type of acquisition requires that librarians pay very close attention and possess a deep knowledge of the subject, otherwise, they can end up paying high prices for nothing. In principle, one should be very careful not to sign away the rights provided to the libraries by copyright law. Another area that may cause problems is the negotiation of retrospective access to the resources that were licensed by a library. The libraries should take care that the resources once acquired are available to their users and do not disappear. Some types of libraries are also responsible, not only for the provision of access to, but also for the preservation of certain digital materials. This also requires making provision in licensing agreements. IFLA's *Licensing Principles* (2001) and the handbook by EBLIDA (2001) cover these problems in detail.

In addition to these problems, the librarian's attention should be directed to such issues as deep linking (providing links to the internal Web page bypassing the home page of a site), rights to the use digital images, scanning of documents into the digital collection, storage of electronic documents of various types (theses, scholarly articles, conference papers, etc.), and rights of communication to the public of multimedia, etc.

Major assignment: *Study the materials by IFLA, find legal provisions on copyright and licensing in libraries. Select one aspect of copyright that you think is important for your library and write recommendations on the measures how your library can provide best access to the users without violating these legal provisions or avoid legal pitfalls. Select only one aspect. Write 3-4 pages with references.*

Upload your file to the e-learning platform. Read the texts of your colleagues and discuss them in the seminar.

Seminar: *Discussions in the seminar should be centered around the presented recommendations and lead to better understanding of balance between different interest groups in the copyright legislation and help to build awareness of negotiating licenses.*

Educational content

- Intellectual property. (2007). In *Wikipedia*. Retrieved 30 October, 2007 from http://en.wikipedia.org/wiki/Intellectual_property
- International Federation of Library Associations. (2000). [IFLA position on](#)

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



- [copyright in the digital environment](#). The Hague: IFLA. Retrieved 30 October, 2007 from <http://www.ifla.org/V/press/copydig.htm>
- International Federation of Library Associations. (2001). [Licensing principles](#). The Hague: IFLA. <http://www.webcitation.org/5SvnglkPu> Retrieved from <http://www.ifla.org/V/ebpb/copy.htm>
 - International Federation of Library Associations. *Committee on Copyright and Other Legal Matters* (2004). [Limitations and exceptions to copyright and neighbouring rights in the digital environment: an international perspective](#). The Hague: IFLA. Retrieved 30 October, 2007 from <http://www.ifla.org/III/clm/p1/ilp.htm>
 - EBLIDA. (2001). Licensing digital resources: How to avoid the legal pitfalls. Access through http://www.eblida.org/Activities/Publication/Licensing_digital_resources.pdf

Additional reading and materials

- [Building universal digital libraries: an agenda for copyright reform](#). *Pepperdine Law Review*, 33(4), 761-829. Retrieved 30 October, 2007 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=860784
- Digital rights management. Access through http://en.wikipedia.org/wiki/Digital_rights_management Travis H. (2006).
- Lessig, Larry. (2007). Laws that choke creativity. Access through http://www.ted.com/talks/larry_lessig_says_the_law_is_strangling_creativity?language=en
- WIPO. Berne Convention for the Protection of Literary and Artistic Works. Access through <http://www.wipo.int/treaties/en/ip/berne/>
- WIPO. World Intellectual Property Organisation. Access through <http://www.wipo.int/portal/en/>

Unit 3: Liability and digital libraries

The third unit is devoted to the topic of responsibilities that digital libraries carry as a result of their work with the users and provision of services to them. In the course of their daily duties digital libraries use the products created and/or belonging to other parties and should be protecting the interests of these third parties as well as their users.

Structure and tasks

According to the Oxford English dictionary Being liable means: "Bound or obliged by law

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



or equity, or in accordance with a rule or convention; answerable [for something]". Usually this term is applied in relation to responsibility for some damage caused by one actor to the others in the course of its activity. There is less concern with many different issues of library liability in Europe than in the USA because, in the USA, there is a culture of taking the case to the court if any damage is perceived. In European countries this does not occur as often. However, that does not mean that librarians are not responsible for their actions and should neglect the interests of their users.

Physical libraries are responsible to the users and other interested actors for a variety of things: provision of a safe environment where the users will not be hurt, prevention of illegal copying, ensuring proper working conditions for certain groups of users (e.g., physically handicapped persons), providing access to the required material, ensuring professional help in searching for information, etc. It is also necessary to bear in mind that library offers a space and means for public use and the members of the public may put these resources to achieve illegal ends. How much responsibility the library should bear for illegal actions of its users conducted in the library or using library resources? What does being liable mean in the digital environment?

The digital library can cause damage to the authors (or copyright holders) of digital works that it makes available to the users by infringing their copyright or if the users infringe the copyright. The copyright issues were discussed above and here we will provide some explanation of other responsibilities and limitations of the liability that digital libraries should make clear to their users.

A digital library can cause some damage to users by providing faulty information about the conditions of use of certain documents or misleading users in other ways. Therefore, information provided on the site of a digital library should be very clear and as unambiguous as possible. The language used should be easily understood by the users. It should make clear what users are allowed to do and what limitations they should respect. The information about status, functions, and time of being in force may be very important in cases of legal or archival documents, standards and some other types of documents. Provision of this information is the responsibility of a library. On the other hand, the library should not be held responsible for the contents of the documents that were not created by library staff.

If a digital library is providing online or other type of reference services it should be made clear what are the responsibilities of a librarian doing this work. The IFLA guidelines ([2006](#)) provide some guidance on what kind of questions reference librarians should not answer.

A digital library may not be available for the users or it may function in a faulty way, thereby causing delays in the user's work. Potentially, malfunction in a digital library (or, e.g., embedded viruses) might damage the end user's computer equipment. Each library should define what its areas of responsibility are and where its responsibility ends. The

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



limits of this responsibility are usually explained in disclaimers.

The most important factor in digital library, that ensures the safety of the users and other parties in all aspects, is the qualification and competence of the staff. This is the basic responsibility of the library management to hire the staff with best competence available and to update their skills and knowledge regularly.

In the *Educational materials* you will find some examples of legal terms and conditions of different digital libraries that may be worth exploring.

Exercise: Check if your library has any statements about liability to its users or third parties or warnings about the indemnity of the users. If you find them write a short comment about what they mean and who is responsible for what according to these statements. If you do not find them think about the areas that you would see as the most important in case of your library's digital services and collections. Upload your comment (0,5-1 page) to the discussion forum, read and comment the texts of your colleagues on the forum.

Educational materials

International Federation of Library Associations. *Reference and Information Services Section*. (2006). Digital reference guidelines The Hague: IFLA. Retrieved 5 October, 2007 from <http://www.ifla.org/VII/s36/pubs/drg03.htm>. Access through <http://www.webcitation.org/5SyiswZwb>

Southern Sun Digital Library including liability statement and privacy policy. Access through <http://www.webcitation.org/5SnoS8Jyc>

ARTSTOR digital library terms and conditions of use. Access through <http://www.webcitation.org/5Sns1zrO9>

National Library Board of Singapore. Terms of use. Access through <http://www.nlb.gov.sg/common/TermsConditions.html>

Unit 4: Privacy/security issues and policies in digital libraries

The fourth unit takes you into the real of the privacy issues that are many and varied. This topic is as controversial as the previous ones and has become even more so when the USA

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



has introduced the Patriot Act. To maintain the principles of library service may even require opposing unjust and unconstitutional laws.

Structure and tasks

Privacy matters in digital libraries are strongly connected to the issues of data security. The concept of *privacy* is not easy to define and it has several definitions, for example:

Privacy is the ability of an individual or group to keep their lives and personal affairs out of public view, or to control the flow of information about themselves. (Wikipedia 2015). It also can be defined as the right of an individual to be secure from unauthorized disclosure of information about oneself that is contained in documents. (Oregon 2003).

Digital libraries will be concerned more with the second aspect of privacy as they will be processing data about their readers, their surfing and reading interests and habits, their information use patterns, etc. These data may be used to understand better the needs of the users and develop more relevant collections. They also may be used for other purposes that may be violating users' privacy: e.g., sold to marketing companies or used for promotion of other products than library services by the organization owning the digital library. Private data also have to be protected from unauthorized access by actors who may use it in other, more dangerous, illegal ways. Database protection laws take care of this side of the problem. Despite the fact that after terrorist attack on New York and Washington of 11 September, 2001 private data are more accessible to various governmental agencies, most libraries still protect their readers' privacy from governmental intelligence. *View the video about the resistance of librarians to comply with unconstitutional requirements.*

European Union directive (European... 1995) provides the framework for all member countries for the development of the privacy legislation. It declares the main principles of data protection:

- Data must be collected and processed fairly and lawfully.
- Data must be collected for clearly defined and legitimate purposes and used only in these limits.
- Collected data must be relevant and any data that exceeds the relevance to the purpose for which it is collected should not be provided.
- Data must be accurate and up to date.
- Reasonable measures should be available for people to rectify, erase, or block incorrect data about them.
- Data that identifies individuals must not be kept longer than necessary.

All this also has very practical implications for librarians who work with the users and provide information for them. *View training videos and compare them with the practice in your library.*

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Though there is considerable concern about data protection and privacy among different information professionals, the general public usually does not care very much about security of their data. You may read more about this in Sturges *et al.* (2003).

Digital libraries technology usually includes one or several databases. Access to databases and items held in digital collections depends on the issues that we have already mentioned before: on the copyright arrangements and the privacy policies. However, there are some other aspects that can be discussed in relation to the degree of openness of the access to the digital collections.

One of the first of these aspects is security concerns. Security includes liability for the privacy of the users. However, it is not only this. Many companies and organizations may have different policies of access to different parts of collection in their digital library. The restrictions may be based on the sensitivity of the material when the disclosure of information to unauthorized users will damage the interests of the company. Therefore, access to the collections of newest research reports may be restricted even for internal users.

Public information can be of a sensitive nature as well and can cause a threat in the hands of unscrupulous or violent users. However, research in this area shows that restrictions to this information can have a negative effect on security. Danger of a criminal use may not diminish at all, instead the possibility to counteract malicious actions can be damaged. One of the examples may be a report on open access to the genome databases (National... 2004).

Digital libraries and librarians are affected by laws and regulation more than any other libraries. Legal and ethical solutions do not always coincide. There is also economic side to consider in solving legal and ethical problems. As digital environments are so young, there are many issues that have to be discussed from different points of view. Only few voices have been heard by the legislators so far. The voice of librarians, though not as powerful as the one of big business representatives, is taken into account.

Librarians were among the first to realise that the new developments in the new environments may put users into a disadvantaged position. As users are in most cases an unorganised entity and, therefore, not capable of defending their own interests efficiently, despite the size of the total user community. That may end with considerable damage to areas that depend on the intensive use of information, such as new knowledge creation, education, arts and culture and others. Therefore, library associations and institutions in many countries have started lobbying for the interests of library users. There is also a European-wide European Bureau of Library, Information and Documentation Associations (EBLIDA) which lobbies EU bodies for the interests of libraries and their users. A very important part of this activity relates to the development of libraries and information services in digital environments.

Discussion seminar.

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Preparation: Think of controversial issues and legal provisions that limit the rights of the library users or the libraries themselves. Look through the material on the privacy, security, protection of copyright in relation to your own work. Try to see them as a whole. Select an example that you have experienced yourself or heard of, or have read somewhere that illustrates a situation where librarians had to make difficult choices because of their professional ethics collision with some normative or legal regulation. Think of a possible way out of this situation, whatever it may be.

Present this situation at the seminar. Discuss all similar situations presented by your colleagues and create an instrument that can help other librarians in similar situations (a set of rules, a group of support, a lobby initiative, etc.). This will be a common outcome at your seminar.

Educational materials

European Union. (1995). Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. Brussels: European Union. Retrieved 30 October, 2007 from http://www.cdt.org/privacy/eudirective/EU_Directive_.html Access through <http://www.webcitation.org/5SygHzO8b>

Goodman, D. (2009). The Librarians Who Battled the Patriot Act. Access through <https://www.youtube.com/watch?v=LC9wLGNPZH0>

National Research Council. *Committee on Genomics Databases for Bioterrorism Threat Agents*. (2004). Seeking security: pathogens, open access, and genome databases. Washington DC: The National Academies Press. Retrieved 30 October, 2007 from http://www.nap.edu/catalog.php?record_id=11087#toc

Privacy at your library. Part 1. Access through <https://www.youtube.com/watch?v=wwdVEsRUMCQ>; Part 2. <https://www.youtube.com/watch?v=6tQUZJIvoEo>

Sturges P., Davies, E., Dearnley, J., Iliffe, U., Oppenheim, C. & Hardy, R. (2003). User privacy in the digital library environment: an investigation of policies and preparedness'. *Library Management* 24(1/2) 44-50.

Course assessment

The course contains two exercises, a major assignment and three seminars. The exercises are not assessed by themselves but serve to stimulate discussion generally and in the seminars and are assessed as part of these discussions. The major assignment is to be

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



submitted and then discussed at the second of the seminars.

The successful participant is expected to have concluded the following tasks in a satisfactory manner:

Full participation in online discussions and in the seminars, assessed by the trainer as being a useful contributor, willing to discuss their own ideas and contribute to the work of others.

Completion of the required exercises in such a way as to demonstrate that the learning materials have been applied to a consideration of their own work situation.

Satisfactory completion of the major assignment and showing a willingness to contribute ideas when discussing the work of other participants.

Active participation in the seminars. 'Active' is defined as having contributed to the discussion and made presentations.

Instructions for trainers

The course requires the participant to read specific papers and other documents, to complete exercises, and to complete a major assignment. The tasks should be not only useful for the student to integrate information and develop personal knowledge of legal issues, but also to be of potential benefit to the organization either directly, or through increasing the individual's ability to make decisions as a legally competent employee.

The exercises and the assignment are designed for individual completion, but there is no reason why they should not be undertaken by small groups (the exercise on environmental scanning recommends working in groups), if the participants find it appropriate.

The overall aim of the course is to introduce the participants to some key ideas from information management and to encourage them to think about whether these ideas would be useful to the organization and how they might be implemented. Your role in the course, therefore, is to interact with the participants to support and encourage these aims and to their learning. This includes:

Encourage the participants to introduce themselves on the learning platform (unless everyone already knows each other) (c. 30 minutes).

Set up places for discussion for each unit and explain that contribution to the online discussions is a part of the learning process as well as a criteria for assessment. Monitor discussions on the learning platform and respond to questions if there are any, either by answering yourself or by encouraging the participants to help each.

At appropriate points in the course, encourage the participants to declare on the learning platform what they have chosen to carry out the exercises on (e.g., which of their tasks they

have chosen in the copyright and licensins topic), and what they have decided to do for the final seminar.

Arrange and moderate the seminar (or webinar) in module 1. Make sure each participant presents his or her observations as required and also contributes to the discussion of the other participants' presentations (c. 2 hours, excl. preparation time).

Instruct the participants to submit their written major assignment through the learning platform at a given deadline in due time before the seminar. After submission, draw up a schedule for the seminar where each participant is allotted equal time for presentation and discussion

Arrange and moderate the seminar (or webinar) for the major assignment. Make sure each participant briefly presents his or her recommendations as required and also contributes to the discussion of the other participants' presentations (c. 3 hours, excl. preparation time)

Assess the course:

- monitor participation in the seminars and online discussions;
- assess the major assignment and provide brief comments to the author (c. 1 hour per assignment)

Unit 1

Contact the participants to introduce yourself and to set a time by which they should have logged on to the learning platform and introduced themselves.

Your main function in this unit is to monitor discussions, encourage participation by inviting those who have not contributed to do so, and to answer any questions. Read the assigned course literature and familiarize yourself with some of the recommended literature. Reviewing the exercise yourself will help you answer queries from the participants.

Seminar 1

In this unit, you will also need to set a time when all participants can take part in the seminar. You can guide the seminar using the questions provided, or you can develop questions that you may think more appropriate in the light of comments made earlier in the module discussions.

For the final 20 minutes or so of the seminar initiate a general discussion on the types of laws and legal responsibilities of the libraries in which the participants work, with particular reference to how understanding of legal issues and monitoring legislative initiatives might support public service activities.

Unit 2

By the time this unit is reached participants should be comfortable with using the learning platform, but it may be useful to check on whether anyone is experiencing problems and to seek to resolve them.

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Major assignment

Declare at the start of the course that the Major Assignment is to be written within the second unit (unless you choose to change the sequence of units and have the second one at the end).

Make sure there is a discussion thread on the platform where the participants declare their chosen topic and where they can post questions and comments and ask the help from each other.

Seminar 2

Your role is to lead the seminar for sharing the outcomes of the major assignment and monitor the discussions, help to answer questions and generally moderate what is going on. It may be useful to generate discussion topics yourself from your reading of the recommended literature, e.g., Which of the copyright issues is thought to be of most significance for the institutions concerned? How to find effective arguments and attract the attention of legislators to the neglected balance of interests in the drafts of the laws?

Decide whether or not you as a trainer will assess the assignments before, during or after the seminar. Also decide if you want the participants to have a look at some or all of the other participants' assignments before the seminar, thus paving the way for a peer commenting schedule (that may depend on the size of the group at a time). Depending on which, set a *submission deadline* that provides you and the participants with reasonable time to read the assignments before the seminar.

Decide on a suitable maximum length of the presentations, which do not have to be formal as most of the participants should have read the recommendations in advance. Still, it could be useful to get the authors comments on the basis of the recommendations. A suggested time length for the whole seminar in this work book is three hours, but this can vary depending on the number of participants, the format of the seminar, and the time available. The seminar will primarily be a presentation of the participants' suggestion for realistic (but still fictional, of course) recommendations to the library. Their work should be as realistic as possible. Allow for comments in relation to each participant, but make sure to keep the time so that everyone can get comments. All comments should be oriented towards helping the participants to understand the controversies and implications of the recommendations for the library users and the staff. Note active participation for assessment purposes. Deliver your feedback and assessment either orally during the seminar or in writing after the seminar.

Unit 3

Your main involvement, as in the preceding units is to read the recommended literature and monitor the contributions to discussion on the learning platform. Identify non-contributors and encourage them to participate. Answer any questions that are raised.

Unit 4

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



This unit does not require a written assignment. It is examined through the presentation of a controversial situation in a library that presents a dilemma and a difficult choice for librarians. The most important part in this concluding seminar is an overall discussion to see the laws as instruments of power that can be negotiated even in the most difficult situations. Try to draw on the experience of the participants, their professional ethics and sense of justice as citizens.

Make a schedule of presentations of the situations and ample time for their discussion. This seminar presents a risk as the participants may avoid discussion as irrelevant for their practice or pure fiction. You may have to find real life arguments to prove them that these issues are important from several points of view. Thus, you should prepare for this seminar quite seriously and have some extra material if the situations of the participants are not convincing. Try to reach some common conclusion by the end of the seminar.

Final assessment

Assessing the seminars. Monitor participation in the seminar and assess the value of comments made.

Assessing online discussions. Keep track of the activity and input from the module participants.

Assessing the major assignment. The assignment should be assessed in terms of how far it meets the specification set out in the description above. Has the writer selected a useful area for recommendations? Are the recommendations to the library plausible and capable of implementation?

Decide what is the minimal level of participation to get a pass for the module before the start of the training and announce it to the course participants from the beginning.

How to update the material

The suggested educational resources should not age rapidly and it is unlikely, in the immediate future, that significant new developments will take place that necessitate a completely new approach to the legal issues in libraries. However, you may want to augment the educational materials with the sources from your own country. Keeping an eye on developments and changes in your own legislation and monitoring the news through Google or another search engine should be enough to remain abreast of developments.

If updating does become necessary, the key qualities needed for supporting literature for the course is that it should be generic in character, dealing with the topic as a whole, rather than research literature on specialised aspects, and that it should use visualisation, as in PowerPoint presentations wherever possible, to clarify the relationships among concepts.

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



The Website Slideshare (<http://www.slideshare.net/>) may be useful, together with the Website of AIIM (<http://www.aiim.org/>).

Preparations for trainers

Prepare before the start of the course by reviewing the required reading, and some of the suggested additional reading and/or videos. Review the exercises and think about what can be expected of the participants.

Familiarize yourself with the learning platform so you can navigate it with ease and know what it contains, specifically how to upload and download material, and how to post in discussions and edit the contents. See if you are content with the prepared discussion threads for the course on the platform, or if you can foresee the need for additional threads and topics.

As soon as you have the list of participants determine their affiliation and, where possible, job role, so that you have an understanding of the background to the issues they may raise. Use the initial session to get to know the participants.

Read a little more widely than the indicated material to give yourself a wider knowledge of the field.

Develop a module evaluation questionnaire online seeking students opinions on the usefulness of provided readings and other materials, on the complexity of tasks, balance between different activities, trainers role and the overall impact on the competence of the participants. Use the feedback critically in updating the course material when necessary.

Instructions for course designers

All participants should have access to all content from the beginning of their enrolment in the course.

The page structure of the learning site should follow the structure laid out above, i.e.:

Introduction [including Learning Outcomes and Course overview]

Unit 1:

Unit 2:

Unit 3:

Unit 4:

Course and recommended literature – copied from the individual modules on to a separate page

Course assessment

Course evaluation

This project has been funded with support from the European Commission.

This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Also, the following should be included:

A discussion forum for participants and trainer, including these discussion threads [if possible, the trainer should also be able to add new threads]:

- General course issues
- Unit 1
- Unit 2
- Unit 3
- Unit 4
- The major assignment

A possibility for participants to share documents with each other

A place for participants to upload their major assignments

If the course is offered with webinars, participants need access to a video conferencing system with the possibility of displaying documents (e.g. PowerPoint presentations).

The URLs for the learning resources should be made into links to the external sites, and opened in a new tab or window