

# PROTOCOL FOR TAKEDOWN REQUESTS REGARDING MATERIALS IN THE LIBRARIES' ONLINE COLLECTIONS

Approved: October 22, 2015

## A. BACKGROUND AND PURPOSE

Dalhousie University Libraries (the “Libraries”) is working to improve access to its collections by disseminating certain materials via the Internet, including digital archives from the Dalhousie University Archives Permanent Collection, research data, geospatial data, publications, theses and dissertations, and other material deposited with the Libraries by members of the Dalhousie community and general public.

While the Libraries makes best efforts to ensure its content is appropriate, there may be rare situations where such content could inadvertently include materials that are in some way unauthorized. Examples could include records that infringe copyright, confidentiality, privacy and data protection. Accordingly, the Libraries has a “**takedown request**” process, through which record subjects and copyright owners may make their complaint known and request the removal of allegedly infringing records.

## B. APPLICATION

This protocol applies to materials from the Libraries’ collections that are disseminated via the Internet through publicly available access systems that are maintained and controlled by the Libraries.

This protocol does not apply to materials from the Libraries’ collections that are purchased and made available exclusively to authorized users.

## C. DEFINITIONS

1. **Takedown request** – Any request to remove material disseminated via the Internet by the Libraries that alleges infringement of copyright, confidentiality, data protection or some other legal right.

## D. GUIDING PRINCIPLES

### **Personal and Confidential Information:**

1. The Libraries is committed to respecting the personal privacy of the subjects of records and safeguarding confidential information that may be captured in its collection.
2. The Libraries makes materials containing personal and confidential information publicly available via the Internet only if:
  - a. A review confirms there is no sensitive personal or confidential information contained in the materials that is prohibited from disclosure by applicable privacy legislation;
  - b. The donor of privately donated materials has placed no access restrictions on the material; and
  - c. There are no known reasonable ethical concerns in making the materials publicly available.

### **Copyright:**

3. The voluminous and complex composition of the University Archives Permanent Collection and other Libraries collections makes it challenging to determine the copyright status of material, identify copyright owner(s), and locate them to obtain permission to make the material available online.
4. Given these copyright challenges, the Libraries makes these materials publically available via the Internet only if one of the following conditions are met:
  - a. The materials are in the public domain.
  - b. Dalhousie University owns copyright.
  - c. The copyright owner has assigned copyright to Dalhousie University.

- d. The copyright owner has made the materials available under a Creative Commons license.
- e. The copyright owner has retained copyright but has given the Dalhousie Libraries permission to disseminate the protected materials.

**Risk assessment:**

5. If the conditions in section D.2 are satisfied and none of the conditions in section D.4 apply, the material may be disseminated via the Internet only if dissemination represents a low risk of:
  - a. damaging the reputation of the University or a third party;
  - b. damaging the University's relationship with donors and impacted communities; or
  - c. exposing the University to copyright infringement claims.
6. If section D.5 applies, Libraries staff will undertake an assessment of risk using the Libraries' *Copyright Assessment Tool*.

**E. WHY WOULD THE LIBRARIES TAKE DOWN MATERIALS?**

1. The Libraries recognizes that there may be rare situations where materials that are in some way unauthorized become inadvertently disseminated via the Internet.
2. The Libraries will takedown unauthorized materials when:
  - a. The materials were posted in error and removing the materials from the digital collection is required to rectify the mistake.
  - b. The copyright owner of a work previously judged by the Libraries to be low risk material, pursuant to section D.5, comes forward and objects to the work being made publicly available on the Libraries' website.

## F. WHO CAN MAKE A TAKEDOWN REQUEST?

1. A takedown request may be initiated by:
  - a. An individual or organization that is a copyright owner of materials disseminated via the Internet by the Libraries.
  - b. An individual whose personal information is identifiable in materials disseminated via the Internet by the Libraries.
  - c. An organization whose confidential information is identifiable in materials disseminated via the Internet by the Libraries.
  - d. A university department or employee who believes information in materials disseminated via the Internet by the Libraries has been disclosed in violation of Nova Scotia's *Freedom of Information and Protection of Privacy Act*.
2. The Libraries will not accept takedown requests from third parties unless there is appropriate evidence that they are authorized to act for an individual or organization described in F.1.

## G. HOW TO MAKE A TAKEDOWN REQUEST

1. Complete the *Takedown Request Form* (Annex 1).
2. Send the form to the Libraries' Copyright Office by post or email:
  - a. Dalhousie University  
Killam Memorial Library  
PO Box 15000  
Halifax, Nova Scotia B3H 4R2  
Canada  
  
Email: [copyright.office@dal.ca](mailto:copyright.office@dal.ca)
3. The Libraries will only accept takedown requests made using its *Takedown Request Form*.

## H. HOW THE LIBRARIES HANDLES A TAKEDOWN REQUEST

1. Takedown requests are administered through the Libraries' Copyright Office, in coordination with other departments of the Libraries and academic and administrative units of the University as appropriate.
2. Receipt of a takedown request will be acknowledged as soon as reasonably possible by the Libraries' Copyright Office.
3. Public access to the allegedly infringing records will be restricted as soon as reasonably possible after receipt of a takedown request.
4. Relevant administrative records maintained by the Libraries will be gathered and used in the assessment of the takedown request. If more information is needed, the Libraries will ask that the requestor supply the required information.
5. The Libraries' Copyright Office will notify the complainant of the outcome of the assessment of the takedown request.
6. The infringing records will be removed if the takedown request is found to be valid.
7. Public access will be restored if the takedown request is found to be unfounded.
8. If the takedown request involves a valid complaint about copyright infringement, the Libraries may pursue permission from the copyright owner(s) to disseminate the protected materials via the Internet.

## I. ADMINISTRATIVE STRUCTURE

1. This protocol falls under the authority of the University Librarian.
2. The Libraries' Copyright Services Coordinator shall prepare and maintain accurate records of all takedown requests.

3. The Libraries' Copyright Services Coordinator shall forward records of takedown requests to the appropriate departments in the University Libraries.
4. Questions about the takedown request process can be sent to the University Librarian.

## DOCUMENT CONTROL

Version	Date	Author	Version Notes
Version 1	October 13, 2015	Creighton Barrett	<p>Incorporates staff feedback from earlier drafts.</p> <p>Incorporates portions of the takedown request protocol created by the Simon Fraser University Archives.</p> <p>This work is licensed under a <a href="#">Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License</a>.</p>