

**LEGAL DEPOSIT ADVISORY PANEL**

**ANNUAL REPORT**

**SEPTEMBER 2007 – AUGUST 2008**

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## **Introduction**

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The Legal Deposit Advisory Panel ("the Panel") is an advisory Non-Departmental Public Body (NDPB). It was established on 01 September 2005 to advise the Secretary of State for Culture, Media and Sport on the implementation of the Legal Deposit Libraries Act 2003. The Panel's Terms of Reference, revised by the Secretary of State in March 2007 are at Annex A.

This is the Panel's third Annual Report, which provides an overview of its progress in the third year of its operation in accordance with the Cabinet Office's Code of Practice for Board Members of Non-Departmental Public Bodies. It gives details of the issues considered by the Panel's sub-committees between September 2007 and August 2008 as well as general information about its terms of reference, membership, and administration arrangements.

Any enquiries about the work of the Panel should be addressed to:

**Legal Deposit Advisory Panel**  
**c/o DCMS**  
**2-4 Cockspur Street**  
**London**  
**SW1Y 5DH**

## **Sub-Committees**

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Following a review of its first year's work undertaken in dispersed small groups known as triads, and the subsequent appointment of a Policy Research and Project Consultant, Linda Berube, the Panel agreed in 2007 to consolidate its activities into three specialist sub-committees concentrating on the main categories of non-print media potentially eligible for regulation. These sub-committees have been maintained during the period September 2007-August 2008 and have worked with the Chair and the Policy Research and Project Consultant to help the Panel frame and develop its overall policy on what is to be achieved and how intentions can be fulfilled i.e. how many deposits may be required, what constitutes definition of a UK publication. As a result, significant progress has been made during the period and this is highlighted below.

As in the previous two years, the Chair has also completed detailed appraisals with each individual Panel member to complement the continuous collective evaluation of the Panel's work routinely carried out at the conclusion of each meeting. These evaluations indicate that the Panel continues to work effectively as a team of experts from a range of fields related to legal deposit and that through a process of collective discussion and consultation with a large and diverse stakeholder community, the Panel has, this year, been able unanimously to reach sound, considered, and evidence based conclusions in some areas of its work. Together with a more clearly defined and agreed project-orientated approach to the work, including clear objectives, work plans, and timescales developed and managed by the Chair and the Policy Research and Project Consultant, the Panel's expert considerations have led to the first set of recommendations being made to the Secretary of State.

### **Offline publications sub committee**

Members: Angela Mills Wade (Chair), Trevor Fenwick, Andrew Green, Ann Limb,

Co-opted members: Sally Morris, John Tuck (stood down from July 2008), Kristian Jensen (British Library from August 2008), Richard Gibby (Legal Deposit Libraries Committee Implementation Group), Linda Berube (LDAP Policy Research and Project Consultant)

During the reporting year, the sub-committee assembled a substantial amount of relevant evidence on which to base its recommendations for appropriate legal deposit arrangements for offline publications.

The evidence base included

- a cost-benefit analysis, conducted under BRE Impact Assessment guidelines
- an analysis of the number and trend of publications
- collation and analysis of publisher case studies
- a review of findings from the existing voluntary scheme in operation since 2000.

This evidence was correlated to three potential deposit options which are the subject of recommendations made to the Secretary of State in November 2008 and which remain under consideration.

### **E-journals sub committee**

Members: Adrienne Muir (Chair stood down January 2008), Andrew Yeates (Chair from January 2008), Robin Adams, Peter Fox, Nick Higham (stood down November 2007,) Ronald Milne.

Co-opted members: from JCLD Richard Boulderstone (British Library stood down February 2008), Lee-Ann Coleman (British Library from March 2008), Paul Cunnea (National Library of Scotland) Anne Joseph (STM publishers), Robert Lacey (National Library of Wales), Cliff Morgan (PA), Ian Russell (ALPSP) Richard Gibby (Legal Deposit Libraries Committee Implementation Group), Linda Berube (LDAP Policy Research and Project Consultant)

The e-journals sub-committee is a joint LDAP/JCLD activity and its scope of activity wider and more complicated than that of the other two sub committees. It has sought to build on the small-scale technical pilot work originally developed by a previous JCLD working group on e-journals and in March 2007 agreed a scoping document for developing the process between publishers and legal deposit libraries for the deposit of and access to scholarly electronic journals while testing the viability of and compliance with this deposit process.

During the current reporting year, the sub committee recommended and supported the British Library's commissioning of a report to inform the work of the Panel in taking forward a scheme for the deposit of electronic publications. The e-journals mapping study was conducted by Rightscom and included information such as

- the number of publishers and published scholarly and professional e-journals
- the distribution of format types
- identification of future trends in technology and file formats.

Over 5,100 UK titles were identified from around 640 relevant publishers

In addition, the sub committee continued to monitor the activity of the voluntary scheme and supporting development work undertaken by the British Library. Through this scheme the British Library has

- successfully demonstrated end-to-end ingest of a full text XML article from a publisher content sample, and has scheduled continued testing with a number of publishers
- undertaken a formal assessment of the current infrastructure and the viability of the approach to ingest thus far. The assessment includes a review of alternative mechanisms for ingest
- begun to evaluate the integration of the ingest software with its library management system.

It has become clear that the transformation of e-journal content to a consistent schema –NLM- is time consuming to develop. The British Library are undertaking a review of the transformation to NLM following a second release of the ingest software in December 2008.

The Technical Panel, established at the beginning of 2008 and including participants from the legal deposit libraries and publishers such as Wiley-Blackwell, Oxford University Press, Cambridge University Press, Nature Publishing, and Griffin Brown Digital Publishing, is analyzing issues such as publisher content packaging, version control, and metadata.

The sub-committee receives regular reports from the Technical Panel. Experience to date suggests that several technical questions may arise in designing the transformation steps for each publisher's Document Type Definition.

### **Web archiving sub committee**

Members: Simon Tanner (Chair), Nina Barakzai, Gertrud Erbach, Trevor Fenwick, Nick Higham (stood down November 2007), Hugh Jones, Martyn Wade, Andrew Yeates.

Co-opted John Tuck (stood down July 2008), Kristian Jensen (British Library from August 2008), Richard Gibby (Legal Deposit Libraries Project Manager), Linda Berube (LDAP Policy Research and Project Consultant)

Like the sub committee for offline publications, the sub-committee working on web archiving has assembled a substantial amount of relevant evidence on which to base its recommendations for appropriate legal deposit arrangements for the collection and preservation of freely-available online publications. The evidence base included

- analysis of data derived from the harvesting carried out by the UK Web Archiving Consortium
- a publishing stakeholder survey, including feedback from the Data Publishers Association (DPA), Publishers Association (PA), Periodical Publishers Association (PPA), Specialised Information Publishers Association (SIPA)
- collation and analysis of case study interviews of not-for-profit small publishers

- consultations with the Newspaper Publishers Association and the Newspaper Society, resulting in a request for feedback circulated to the newspaper sector at large
- analysis of the scope and the scale of freely-available online publications, including the potential rate of increase in number and size.
- investigation of a cost model for harvesting infrastructure

This evidence was correlated to three potential deposit options which will be the subject of recommendations to be made to the Secretary of State.

### **Meetings**

The full Panel has met 4 times in the third year of its operation on the following dates which included a full day at the National Library of Wales:

17<sup>th</sup> & 18<sup>th</sup> September 2007  
 28<sup>th</sup> November 2007  
 26<sup>th</sup> February 2008  
 22<sup>nd</sup> May 2008

In addition to this, and in between Panel meetings, each of the three subcommittees met as follows

### **Offline publications sub committee**

10<sup>th</sup> October 2007  
 7<sup>th</sup> November 2007  
 6<sup>th</sup> February 2008  
 3<sup>rd</sup> April 2008  
 8<sup>th</sup> July 2008

### **E-journals sub committee**

5<sup>th</sup> November 2007  
 25<sup>th</sup> January 2008  
 18<sup>th</sup> February 2008  
 17<sup>th</sup> April 2008  
 22<sup>nd</sup> July 2008

### **Web archiving sub committee**

24<sup>th</sup> October 2007  
 14<sup>th</sup> November 2007  
 11<sup>th</sup> January 2008  
 30<sup>th</sup> January 2008  
 30<sup>th</sup> April 2008  
 22<sup>nd</sup> July 2008

## **Forward Look**

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The Panel has continued to make significant progress in its work this year achieving the objectives it set for itself as outlined in the 2007-2008 Annual Report.

During the period September 2008 -August 2009, the Panel expects to continue its current pace of activity and to complete the following

### **Offline publications**

- submission by the Chair to the Secretary of State of the Panel's recommendation regarding proposals for the deposit of offline publications
- submit recommendations for updating the current Code of Practice for voluntary deposit which has been in operation since 2000

### **Web archiving**

- submission by the Chair to the Secretary of State of the Panel's recommendation regarding proposals for the deposit by harvesting for the collection and preservation of freely-available online publications
- contribution to the work outlined below in the category of e-journals and other commercial and protected online publications

### **E-journals and other commercial and protected online publications**

This category of publications, designated 'A3' by EPS Ltd, is defined as 'online composite publications [i.e. composed of discrete files] which are collected by the user following compliance with some formality' and represents a wide range of content and formats including scholarly e-journals, e-books and others. Going forwards, the work in this area will use a new approach to scoping the collection and preservation of such material. The current LDAP/JCLD subcommittee is already focusing on scholarly e-journals but a programme of additional activities will examine other issues. Overall the work for 2008/09 will include:

- development of an A3 scoping programme plan, where work is organised according to discrete work packages based on key issues to be analysed
- Timescales and deliverables not just for the scoping phase, but also for the recommendation, impact assessment, and public consultation phases
- For scholarly e-journals specifically, the British Library will undertake a review of the current technical infrastructure and contracts and report its findings to the LDAP/JCLD sub committee

- The BL will continue to progress its ingest programme, demonstrating end-to-end ingest of content of one publisher in the first instance, progressing through content from additional publishers throughout the reporting year.

Through a clear system of detailed project management the Panel will ensure that every issue in the A3 programme is addressed at the appropriate time. Work on this will begin in earnest in January 2009. However, the Panel estimates that work for this category will not be completed for a further two to three years and therefore any further recommendations from the Panel are unlikely to be made before late 2011.

A handwritten signature in black ink that reads "Ann Limb". The signature is written in a cursive style with a large initial 'A' and a long, sweeping underline.

Dr. Ann Limb Chair Legal Deposit Advisory Panel December 2008

## Legal Deposit Advisory Panel

### Terms of Reference

The Legal Deposit Advisory Panel (LDAP) is a lower-tier Non-Departmental Public Body (NDPB). An NDPB is a body with a role in the process of national government which is not a government department or part of one, and operates at arm's length from Ministers. Advisory NDPBs are generally set up to provide independent expert advice to Ministers and their departments on matters within their sphere of interest.

The role of LDAP (revised March 2007) is to:

**advise the Secretary of State on the deposit of print material, and on regulatory and non-regulatory options for the deposit of non-print material.**

In formulating this advice LDAP should:

- make recommendations to the Secretary of State on the content of regulations or voluntary schemes as appropriate, for the deposit of particular classes on non – print media;
- take note of the Ministerial Undertakings made in Parliament, having due regard to the impact of developments in non-print publications since the passing of the 2003 Act;
- work within the spirit of Better Regulation, with particular reference to the requirements of Impact Assessments;
- monitor and oversee the operation and implementation of the Legal Deposit Libraries Act 2003;
- execute all these responsibilities in accordance with the scope of the 2003 Act;
- advise the DCMS as requested on the operation of the 2003 Act.

## Membership

The Panel comprises 15 members, of which 5 are publishers, 5 librarians, and 5 are independent. Eleven members were appointed to the Panel; the remainder are four ex-officio posts.

The appointments to the Panel are made in accordance with the Office of the Commissioner of Public Appointment's Code of Practice. Posts are not remunerated, except for the post of Chair. All appointments are made on merit. Appointments were made for either 4 year or 3 year terms, with the possibility of re-appointment.

Nicholas Higham, Legal Consultant, resigned from the Panel on 22 November 2007 and Adrienne Muir, Senior Lecturer in Information Science, Loughborough University resigned from the Panel on 29 January 2008.

A list of members as at 31 August 2008, together with their professional backgrounds, is set out below.

### Independent Members

Ann Limb (Chair)	Chair Helena Kennedy Foundation
Simon Tanner	Director, King's Digital Consultancy Services
Nina Barakzai	Global Privacy Officer, Towers, Perrin, Forster & Crosby Inc.
Vacancy	
Vacancy	

### Publisher Members

Angela Mills Wade ( <i>ex officio</i> )	Chair, Digital Content Forum (DCF) Intellectual Property Rights Industry Action Group
Hugh Jones	Copyright Counsel, the Publishers Association
Trevor Fenwick	Managing Director, Euromonitor plc Director, Data Publishers Association
Andrew Yeates	Media lawyer and business affairs specialist - Periodical Publishers Association

Gertrud Erbach	Senior Editorial Services Manager News International Newspapers Ltd
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### Library Members

Ronald Milne ( <i>ex officio</i> )	Director of Scholarship and Collections, British Library
Martyn Wade ( <i>ex officio</i> )	National Librarian, National Library of Scotland
Andrew Green ( <i>ex officio</i> )	Librarian, National Library of Wales
Peter Fox	University Librarian, Cambridge University Library
Robin Adams	Librarian and College Archivist, Trinity College Dublin

### *Ex officio* Posts

The four *ex officio* posts are as follows:

Organisation	Post
Digital Content Forum	Chair of the Intellectual Property Rights Industry Action Group
British Library	Director of Scholarship and Collections
National Library of Scotland	National Librarian
National Library of Wales	Librarian

*Ex officio* members are not on the Panel on a personal basis. They are members because of the position they hold. If the holder of the 'primary' post (listed above) changes, then the *ex officio* representative on the Panel will change to the new holder of the primary post.

**Finance**

The Panel had expenditure of £37,000 during the financial year 2007/08, financed by the Department for Culture, Media and Sport (DCMS Annual Report 2008). Expenditure was in respect of the Chair's remuneration, research, travel and subsistence and refreshments.

The Panel generated no income.

**Administrative Arrangements**

A Secretariat provided by the Department for Culture, Media and Sport provides the Panel with administrative support including arranging panel meetings. The Secretariat also administers the budget.