

Legal Deposit Advisory Panel 2009/2010 Work Programme

The purpose of legal deposit is to ensure that the nation's published output – and thereby its intellectual record and published heritage – is collected and preserved as an archive for research purposes and for the use of future generations.

The Legal Deposit Libraries Act 2003 provides a framework within which the Secretary of State can make regulations to extend legal deposit to include categories of digital content that can originate from both online and offline publishing. Categories of content may be brought within legal deposit through the making of regulations, to be approved by Parliament under the affirmative process. The Legal Deposit Advisory Panel has been established to advise the Secretary of State for Culture Media and Sport on the content and scope of such regulations.

Set up in 2005 the Legal Deposit Advisory Panel is an independent advisory body appointed by Ministers with the responsibility of advising and making recommendations to the Secretary of State on the most appropriate and practicable regulatory methods for the collection, preservation, access, and use of non-print material. The Panel also considers whether there are alternative approaches to legal deposit that would ensure a robust, comprehensive digital archive. Membership of the Panel is such that a balance of interests is ensured; five members are from the deposit libraries, five are from publishing organisations and trade associations, and five are independent members. The chair is an independent member. The Panel can seek information by co-opting persons with specialist knowledge. The Panel has also sought information from groups such as the JCLD (Joint Committee on Legal Deposit) and trade intermediaries.

Recognising the enormity and diversity of online and other electronic publications, the Panel commissioned Electronic Publishing Services Ltd (EPS) in July 2006 to review, refine, and update an already existing provisional map of the universe of electronic publications potentially eligible for legal deposit under the 2003 Act. The report divides the universe into categories of publications focusing specifically upon characteristics of structure (file types) and of electronic delivery mode (how users would access the material).

The Panel has to date considered offline (CDs, DVDs) publications and freely-available web publications, and is currently considering commercial and protected e-content (those publications requiring subscription, password, or some other compliance by users). This category includes most electronic journals, books, magazines, newspapers, official documents, and potentially certain other web-based material.

The Panel is scoping this area of content and developing a greater understanding of the potential business impacts, technical complexities and other issues that legal deposit of commercial and protected publications might entail. The information will assist in identifying potential options for a future scheme.

As a first stage in this process, the Panel wishes to gather a representative sample of publications from an appropriate number of publishers that might potentially be within scope, as a basis for analysis. The samples should serve to illustrate the range of publication types, technical formats, preservation issues, business considerations and other factors that might need to be taken into account in the development of regulations. Members of the Panel may contact individual publishers over the next few months to request their support for this work by providing examples of their publications. All such examples will of course be kept secure, and will be used only for analysis purposes by the Panel and its representatives, and will not be made available to other parties.

The assistance of publishers and other stakeholders, in providing these examples, will help the Panel to take account of all relevant factors, so that the scheme(s) it recommends will avoid causing any undue burden or harm to any party and will aim to achieve the desired benefits of a comprehensive archive without imposing disproportionate costs.