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# Towards User-Centric Evaluation of UK Non-Print Legal Deposit

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# “Digital Library Futures”

- Two year AHRC-funded project to investigate the impact of e-Legal Deposit on UK Academic Deposit libraries:
  - Case study partners: Bodleian Libraries & Cambridge University Library.
- Focus on academic deposit libraries:
  - Shift focus away from national libraries and towards the specific problems faced within academic libraries.
- First ever public user-centric study of the impact of e-legal deposit.
  - Normally focused on technical, preservation, and long-term aspects of these collections, not contemporary usage.
- Aim to address several challenges created by tension between user and publisher rights.

# DLF Research Questions

- RQ1 What impact has the collection of non-print legal deposit materials (NPLD) had on academic deposit libraries?
- RQ2 How are legal deposit collections currently being used by researchers within academic deposit libraries in the United Kingdom?
- RQ3 How do data-driven innovations in academic research and government policy interact with, and challenge, the regulatory framework for legal deposit?
- RQ4 What barriers to digital inclusion are created by the current form of legal deposit?
- RQ5 How can we address the need for stronger methodological interventions into the impact of digital collections?



# An Opening Provocation...

“In the paper world legal deposit and preservation of printed heritage are almost synonymous with libraries. In the digital world it is not a matter of course that libraries are best suited to perform these tasks” (Larsen, 2005, p. 86).



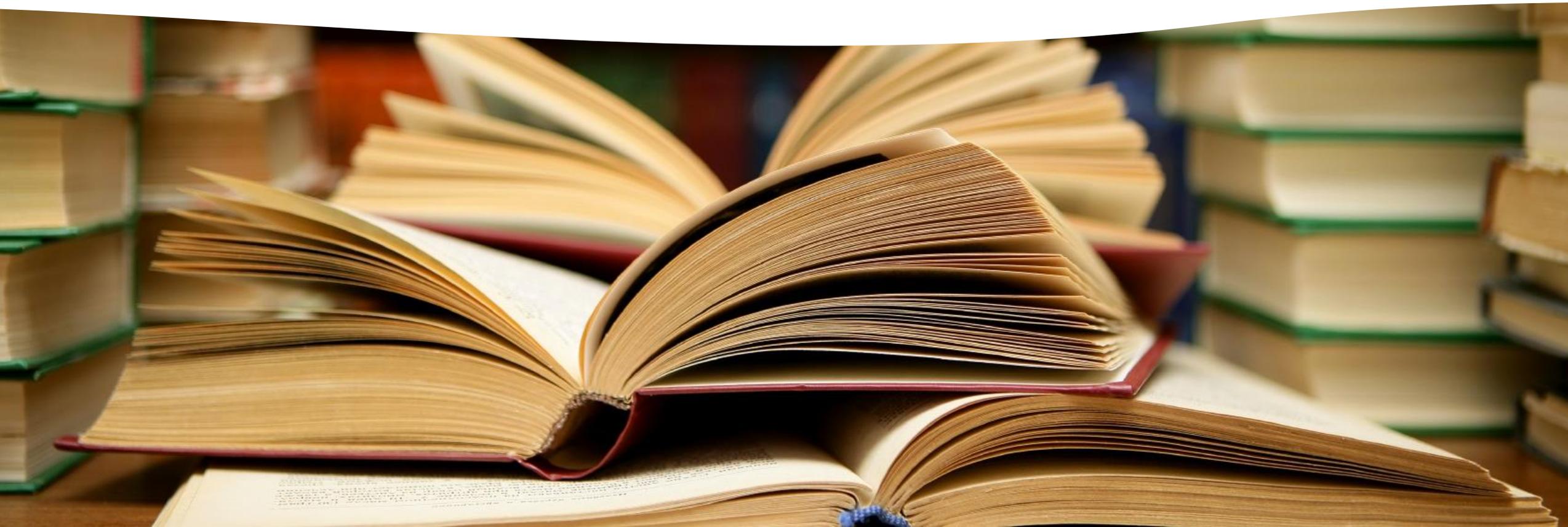
Meanwhile, in the Other Place, in the past: “An ark to save learning from Deluge”?



“Where there hath been heretofore a publike library in Oxford: which you know is apparent by the rome itself remaining, and by your statute records I will take the charge and cost upon me, to reduce it again to its former use” (Bodley 1598 in Philip, 1983, p. 1).

# Digital Media: Shifting Textuality...

“Our notions of textuality are shot through with assumptions specific to print, although they have not been generally recognized as such. The advent of electronic textuality presents us with an unparalleled opportunity to reformulate fundamental ideas about texts” (Hayles, 2005, p. 89).



# Shifting usage.



“The archived websites is a reconstruction in the sense that it has to be assembled by the use of all the archived bits and pieces, first when they are archived, and later when the material has to be displayed for the user of the archive. Thus, it could be argued that the archived website did not exist before it entered the archive, and in this respect it differs significantly from other media types” (Brügger, 2012).

# A Brief Definitional Aside

- Legal Deposit – “the legal requirement that a person or group submit copies of their publications to a trusted repository or repositories.”
- **Electronic Legal Deposit:** broad term to denote legal deposit regulations that apply to digital materials.
- **Non-Print Legal Deposit:** the specific term for the UK’s e-legal deposit regulations.
- **The Legal Deposit Libraries (Non-Print Works) Regulations 2013** refer to work **in writing** – “(a) transmitted by electronic means; (b) received in legible form; and (c) capable of being used for subsequent reference” (2013).

# Development of NPLD in the United Kingdom

- Legal Deposit Act 2003:
  - restates Copyright Act of 1911 which requires one copy of every book to be deposited with Six Legal Deposit Libraries (British Library, National Library of Scotland, National Library of Wales, Bodleian Libraries University of Oxford, Cambridge University Library, Library of Trinity College Dublin).
  - Sets out provision for the deposit of non-print works.
- Legal Deposit Libraries (Non-Print Works) Regulations 2013:
  - Subordinate legislation that enacts non-print legal deposit in UK law;
  - Refers to work **“in writing”**, for any item **“(a) transmitted by electronic means; (b) received in legible form; and (c) capable of being used for subsequent reference.”**
- Post-Implementation Review 2019:
  - Conducted by for DCMS by the Joint Committee on Legal Deposit.
  - Purpose was **“to consider the extent to which the main objective of the regulations had been achieved by their implementation, namely to allow for the preservation of the UK’s non-print publications for future generations”** (2019).

# Access to NPLD Materials in the UK

- 1.) Reader access to NPLD materials is limited to computer terminals located on premises controlled by the legal deposit libraries (part 1, regulation 2).
- 2.) Materials must only be accessible concurrently to readers via one computer at each legal deposit library (part 4, regulation 23).
- 3.) For materials published online, seven days must elapse between the date of delivery of that material, and the date on which it is made available (part 4, regulation 24).
- 4.) A copyright owner may request in writing that certain materials should be embargoed for a specific period. Deposit libraries are bound to comply with such requests, provided that:
  - The period for which materials are withheld is limited to three years from the date of the request;
  - The deposit library is satisfied that, during the requested timeframe, viewing of the relevant materials by readers would, or would be likely to, “unreasonably prejudice the interests of the person making the request” (part 4, regulation 25).
- 5.) Deposit libraries are permitted to produce and allow access to copies of non-print work on their premises for a visually impaired person, if copies of the relevant material are not commercially available in an accessible form (part 4, regulation 26).

# 1.) NPLD in academic deposit libraries has been underinvestigated

- Focus to date upon “four pillars”:
  - Collection development, including selection and metadata;
  - Long-term digital preservation of NPLD materials;
  - Aspects of technical implementation, including systems, capture, ingest, and standards;
  - Regulatory aspects, including observations on the development of NPLD regulations.

## 2.) Very little data has been published on the users of NPLD collections.

- Users have not been investigated with the same rigour as other aspects of NPLD.
- Only two studies have focused on access to materials covered by e-legal deposit:
  - Helen Hockx-Yu (2014) – scholarly use of the UK Web Archive;
    - Found access problematic due to regulatory restrictions and the presence of a single use case.
  - Georgi Alexandrov (2018) – outline of access to e-legal deposit across European nations.
    - Use case for e-legal deposit termed “e-reading”.
    - Predicted a move towards more liberal access in future.

### 3.) Data-driven fields have forced re-evaluation of library services

- Emergence of e.g. Digital Humanities, Data Science, Quantitative Social Sciences require libraries to develop new forms of licensing, collection management and support.
- UK Government introduced 2014 Copyright exception for non-commercial text and data mining.
- UK NPLD makes no allowances for data-driven approaches.

## 4.) Strategies for widening online participation challenge NPLD access protocols

- UK Digital Strategy (DCMS, 2017) emphasises inclusion and access.
- DCMS Culture is Digital Report seeks to increase digital skills, digital participation, and to “unlock the power of data.” (DCMS, 2018).
- Mission of academic deposit libraries includes broad remit to widen participation.
- Transition of Scholarly publishing towards Open Access:
  - RCUK and Wellcome Trust mandate OA publication;
  - Government evaluation exercises (REF) and European Initiatives (Plan S) formalise OA agenda.
- NPLD aligns with Copyright, Designs and Patents Act 1988, as amended by Copyright (Visually Impaired Persons Act) 2002:
  - Gap between NPLD provision and latest disability regulations.

## 5.) The Library Sector lacks established methods for analysing NPLD

- No work to apply existing impact evaluation models to NPLD:
  - Focus upon posterity makes it difficult because of focus upon an “intended” community (e.g. Tanner, 2012).
  - For NPLD, this community (“Future Researchers”) is diffuse, and poorly defined.
- How do we approach collections of this type?

# User-Centric Evaluation of NPLD: Underlying Principles

- Two overlapping ways of considering the impact of NPLD:
  - “**Value**” – the benefits, or lack thereof, of NPLD for libraries and their users.
  - “**Impact**” – the ways in which digital collections effect change in collecting, managing and information seeking behaviour.
- We further define value in two ways:
  - **Intrinsic Value** - the value something has in and of itself.
  - **Instrumental Value** – the value something has because it helps us to achieve or get something.
- **User-Centric Evaluation** positions this **instrumental value** within the tradition of service-based librarianship, grounded in making collections usable and meaningful to users.
- The key debate explores interplay between undoubted intrinsic value of NPLD, and how it supports service-based librarianship.



RQ1 What impact has the collection of Non-Print Legal Deposit(NPLD) had on academic deposit libraries?

STAFF AT CAMBRIDGE UNIVERSITY LIBRARY TALK ABOUT IMPACT IN THE AREAS OF LEGAL DEPOSIT DEPARTMENTS, BUDGET, INFRASTRUCTURE, REFERENCE AND INFORMATION SERVICES

# NPLD has had a positive impact...

- Insofar as the libraries “now have access to digital collections in unprecedented depth and breadth, and in increasingly varied formats” (white paper, 2019):
  - NPLD is the “gold standard”.
  - One interviewee described the Web Archival materials as a “crown jewel that allowed new materials to be systematically collected.
- **NPLD has broad intrinsic value due to its perceived prestige, future benefits to researchers, and its role in preserving the published record of the United Kingdom.**

# But identifying the intrinsic value of NPLD is more complex

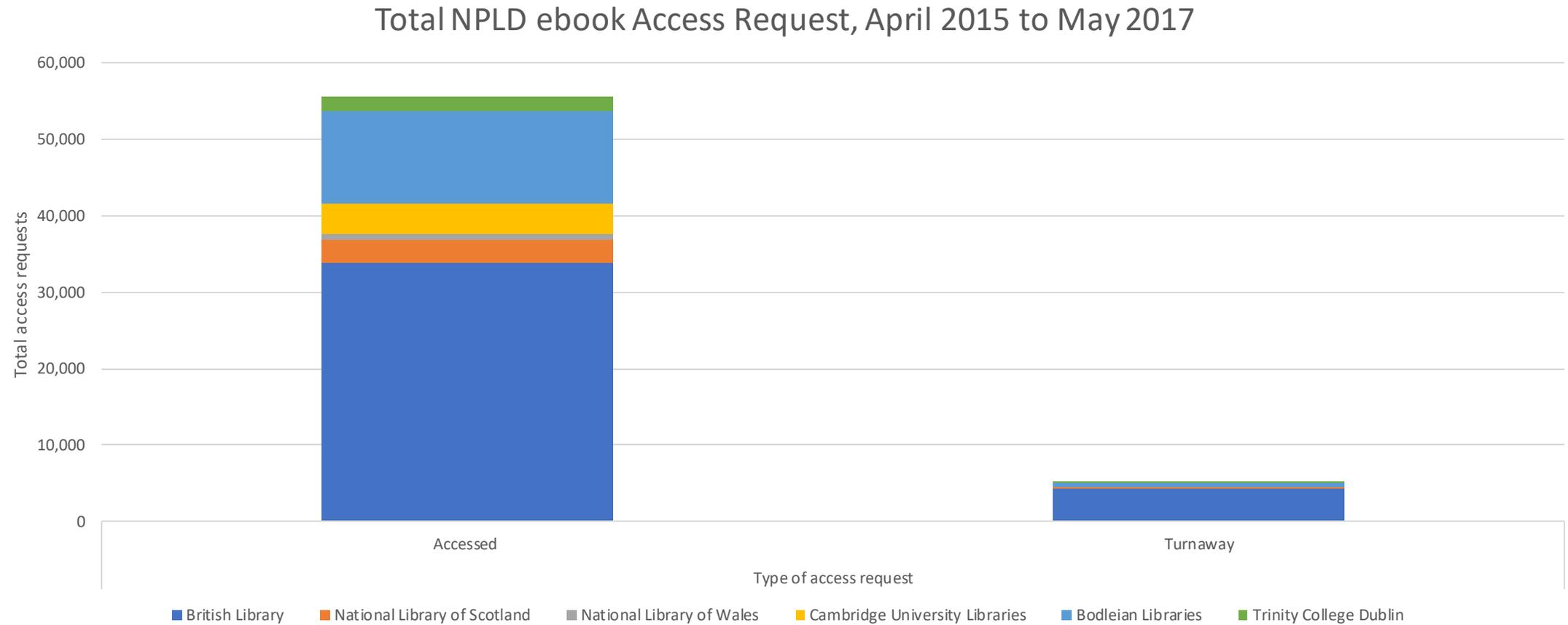
- Library staff disappointed with access arrangements:
  - Restricting access to reading rooms.
  - Usage restrictions.
- Pagination raised as a frequent issue:
  - Seen as a broader challenge for libraries and scholars, but...
  - Collections librarians noted that they were unable to choose NPLD formats, and that deposited works often didn't meet user needs.
- Feeling among interviewees that user requirements not fully considered in development and implementation.



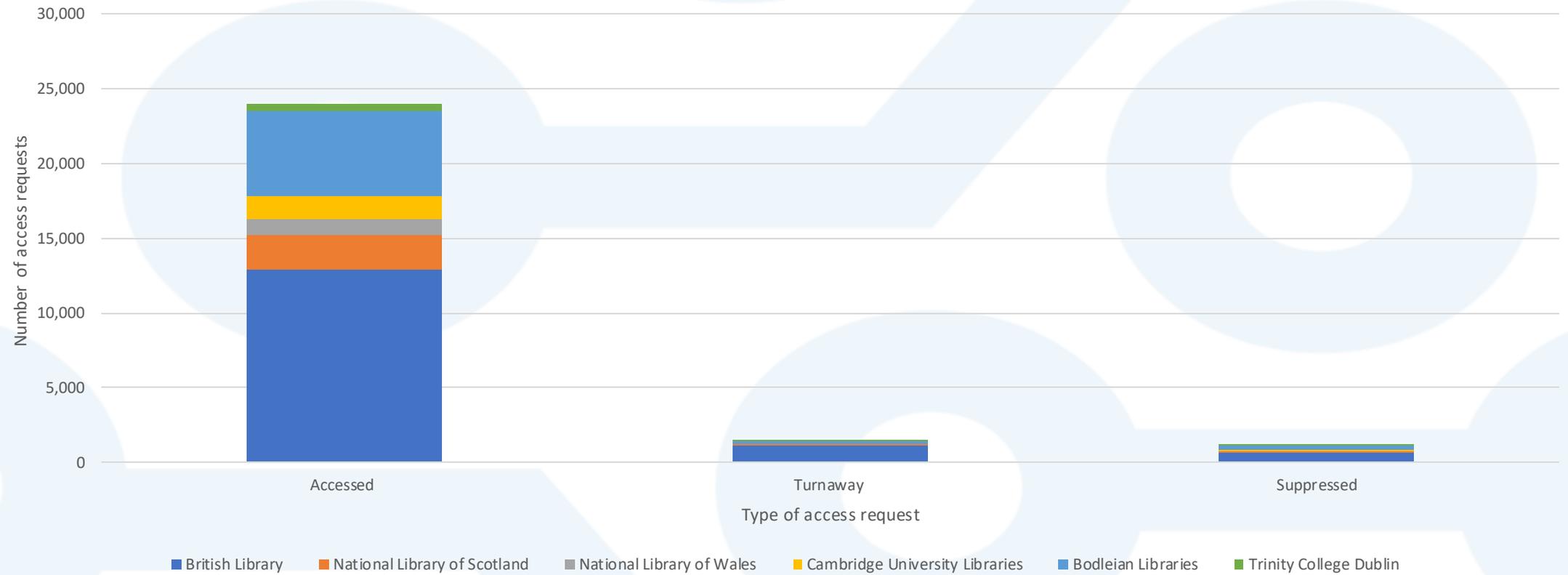
RQ2 How are NPLD collections currently being used by researchers within academic deposit libraries in the United Kingdom?

PRESENTING FINDINGS FROM LOG FILE AND USER SURVEY ANALYSES

# Usage: Where is the Frame of Reference?



## Total NPLD eJournal Access Request, April 2015 to May 2017

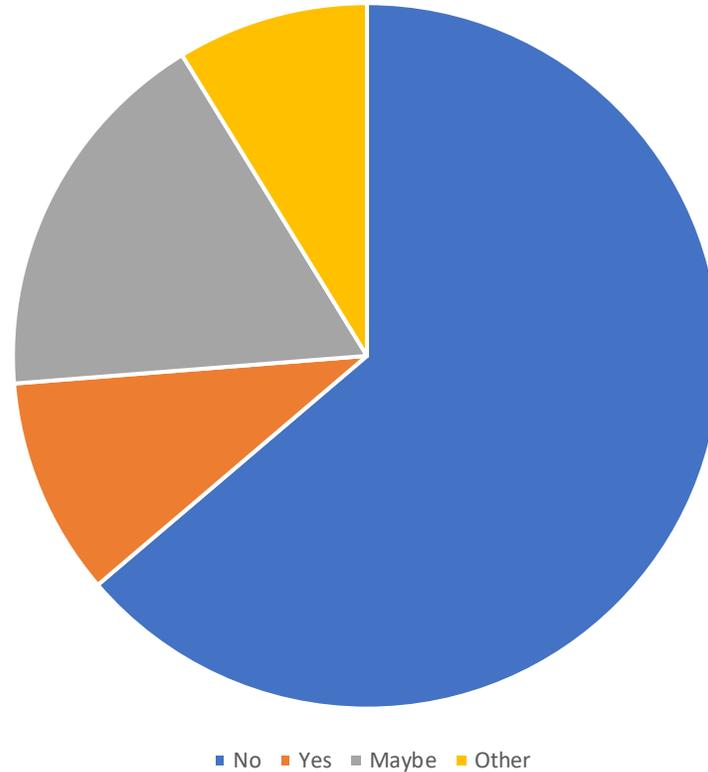


# The "Archetypal" Survey Respondent

- Works remotely on a personal device, using commercial search engines or library databases to start their search, using some form of authentication to access subscription materials.
- Often engaged in work away from the university, including international fieldwork.
- Depending on discipline, is likely to work with a set group of electronic resources.
- Uses web archives, including the UK Legal Deposit Web Archive, very little or not at all.
- Sometimes visits central library sites in person, but more likely to use faculty, department, or subject libraries due to community and relevance.

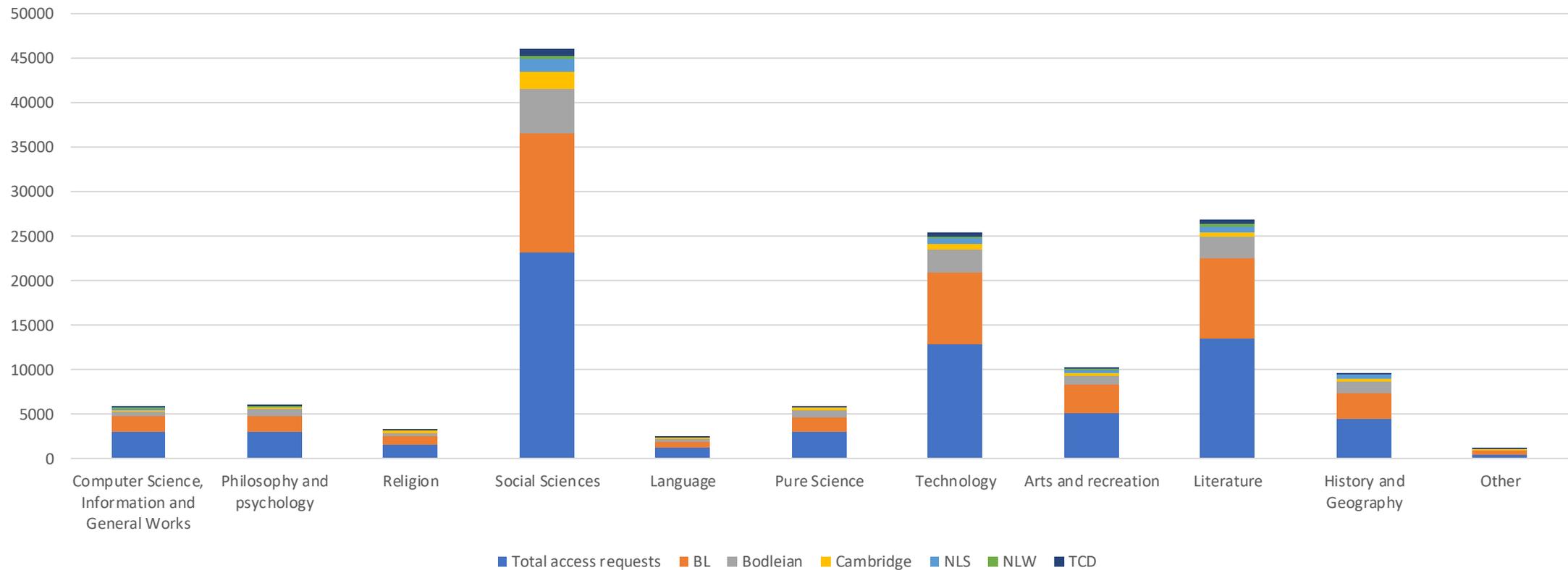
# But would they consider NPLD, given the choice?

User Question: Would you consider using NPLD materials regularly?



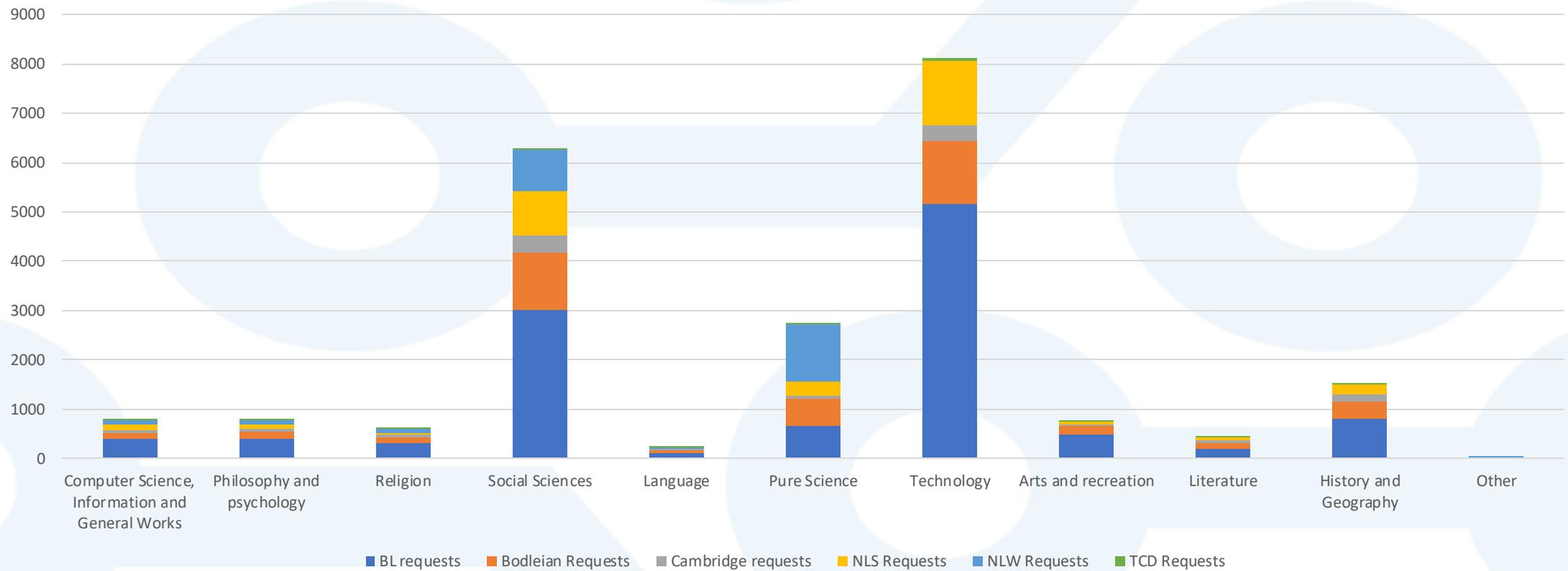
# NPLD Reflects Long-Established Disciplinary Usage (eBooks)

Comparison of NPLD Book Access Requests by Subject (May 2015 to April 2017)



# And eJournals

Comparison of NPLD eJournal Access Requests by Subject (May 2015 to April 2017)





RQ3 How do data-driven innovations in academic research and government policy interact with, and challenge, the regulatory framework for legal deposit?

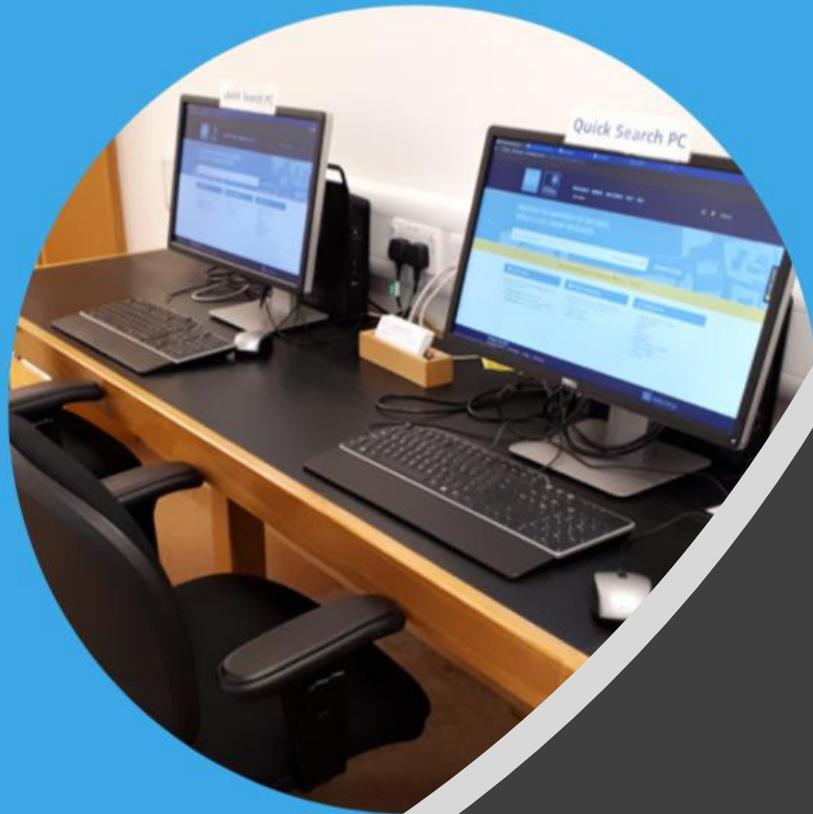
# Why has this question arisen?

- Increasing importance of digital research methods.
- “A library’s ‘unique selling point’ – its USP – will also be determined by the quality of the services and functionality of the tools that it provides on top of the collections themselves. Shaping collections, creating context and interpretation will be compelling value-added services” (Brazier et al. 2016).



# Problems for NPLD and data-driven innovation

- “For as long as we can’t download a large dataset derived from the legal deposit collection, only certain kinds of research will be possible using this material, and it will be small scale qualitative research” (interviewee).
- Inflexible access protocols for NPLD will determine nature of scholarship for certain materials.
- NPLD presented as media agnostic, but the print model ignores changing affordances:
  - Digital media “stir the imagination of people” to redefine what is possible in research.



RQ4 What barriers to digital inclusion are created by the current form of NPLD?

# Problems for disabled users

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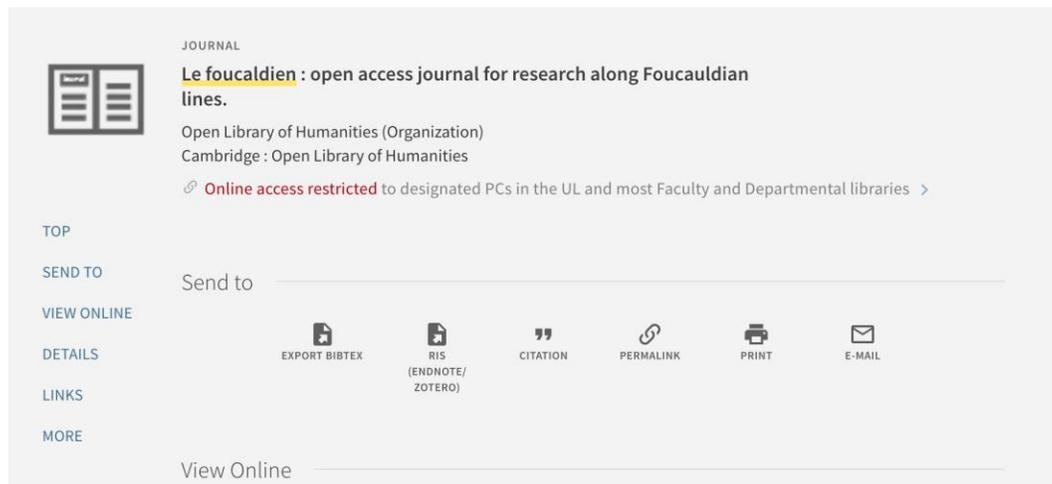
- Reminder – NPLD regulations in UK are not aligned with copyright or disability law:
  - So access protocols include no support for anybody other than visually impaired users.
- Several problems noted by interviewees:
  - Difficult to provide high quality accessibility software on fixed library terminals.
  - Those taking notes by cutting and pasting are severely inconvenienced.
  - Digital maps particularly challenging, because adaptations require publisher permission.



# Disability is a key priority in the Post-Implementation Review

- Publishers and Libraries are in agreement that the NPLD regulations don't go far enough for disabled users.
  - Agree that “we should get the regulations to match so that we're practising best practice.”
  - PIR (2019) recommends aligning accessibility arrangements with the Equality Act 2010.
- We strongly support this conclusion, and emphasise that, while the voluntary arrangement is admirable, its management through local disability services is problematic for external visitors to academic deposit libraries.

# Open Access and NPLD



JOURNAL

**Le foucauldien** : open access journal for research along Foucauldian lines.

Open Library of Humanities (Organization)  
Cambridge : Open Library of Humanities

[Online access restricted](#) to designated PCs in the UL and most Faculty and Departmental libraries >

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- Digital inclusion extends beyond accessibility to encompass OA and widening participation.
- Interviewees felt that changing publishing landscape leaves NPLD “ridiculously behind the times.”
- See, for example, OA deposited materials (left).



RQ5 How can we address the need for stronger methodological interventions into the impact of digital collections?

# Need to consider evaluation for NPLD

- User assessment of NPLD collections has been library-focused:
  - Gathers user feedback to evaluate NPLD systems, rather than to assess the impact of NPLD upon those users.
- Hard to gather feedback on services due to undefined user communities.
- No robust evaluation strategies, unlike other areas of the academic deposit libraries.
- What few Key Performance Indicators exist for NPLD relate to collections management.

# There is a lack of user-focused evaluation

- Leaves significant gap in how we understand value and impact of NPLD.
- Libraries lacked a strong sense of who NPLD collections exist for, other than “future researchers.”
- Unsurprising that this leads to a focus on the (massive) intrinsic value of NPLD, and equally unsurprising that interviewees were not confident in expressing its instrumental value.



Summary and  
recommendations

# Drawing these together: Towards User-Centric Evaluation of NPLD

- Undoubted enthusiasm of our interviewees for the potential of NPLD collections.
- But even after six years there is no clear sense of the instrumental value of NPLD.
- We draw upon the service-driven values of contemporary library practice to propose a model of user-centric evaluation that:
  - Aims to make collections accessible and meaningful to researchers;
  - Recognises the complex nature of rights in digital publishing;
  - Is informed by longitudinal data collection and analysis.

# User-Centric NPLD: The Five Key Tenets

- 1.) The long-term beneficiaries of NPLD are users, not publishers or libraries. It is therefore necessary to evaluate NPLD in comparison to broader user needs, even if those needs are not immediately addressed through short-term changes to access arrangements.
- 2.) The diversity of digital media reflect a major change in information sharing, society, libraries, and research communities, which necessitates re-evaluation of the assumption that print media remain the most useful reference point for defining access protocols.
- 3.) Publishers are entitled to protect their commercial and legitimate interests, and this remains a reason not to liberalise access without appropriate consultation. However, the significance of Open Access, and resulting shifts in Intellectual Property rights, cannot be ignored without infringing upon authors' intentions to facilitate wider access.
- 4.) Libraries must be empowered to take actions to respond to emerging information behaviours, including those actions linked to large-scale digital preservation. These actions should be based on evidenced trends in user behaviour and needs, and focus upon making collections accessible, usable, and meaningful to users in the long term.
- 5.) The first four tenets require continued collaboration between libraries, publishers and user groups. In particular, libraries and researchers should work closely together to promote and understand the uniqueness and value of NPLD collections, and to increase awareness of changing scholarly practices.

# Project Partners and Funding

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