



Spotting Clouds on the Horizon: User-Centric Evaluation After the Digital Archival turn

Dr. Paul Gooding (Lecturer in Information Studies, University of Glasgow)

paul.gooding@glasgow.ac.uk


Talk Outline

- “Spotting Clouds on the Horizon” – theories of collaboration in writers’ archives:
 - Digital Humanities and the interface;
 - Models of collaboration – policymakers as the missing link?
- Non-Print Legal Deposit:
 - Access vs usage;
- Summary – user-centric legal deposit as a feedback loop to the regulatory context.



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).



“An extraordinary heterogeneity has come to characterize the digital archive and its extent is not as clearly demarcated as we might immediately assume... treating it, in fact, more like a *horizon*, than a boundary at all” (Gooding, Smith and Mann, 2019).

The Mediating Interface

- Interface as a mediating experience between the reader and the “text” (Drucker, 2013):
 - E.g. search box is not neutral because it prioritises search-based discovery over other approaches.
 - Decisions regarding interface design are therefore editorial decisions that promote specific forms of interpretation.
- “Whether a command-line console or an immersive visualization, these collections come to us in specific, concrete form: and crucially that form is constructed and contingent. It can always be otherwise”
(Whitelaw, 2015).

Digital Humanities and Humanistic Interface Design

- Digital artefacts and tools as intellectual work – “hermeneutical instruments through which we can interpret other phenomena” (Ramsay and Rockwell 2012).
- Subjectivity is an important part of this process – Drucker and Nowviskie (2004) promote a “speculative approach” built upon the idea that a work is constituted by an act of interpretation.
- We propose a model whereby interfaces facilitate a non-destructive form of “jouer avec les fonds”:
 - The archive can be (theoretically!) reshaped and reformed to each user’s needs without impacting upon the original holdings;
 - Collaboration between writers, archivists and researchers to support discovery of use cases and workable solutions (compromises?!).

Policymakers – the missing link?

- Paper recognises that collaboration necessary – between researchers, archivists, writers as active participants (Gooding, Smith and Mann 2019).
- User requirements can come into conflict with archival practice and compliance.
- But does this feedback loop need to more closely integrate policymakers?
- Theoretical horizons quickly become boundaries again in response to regulatory realities.



“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.
- Explicitly addresses gaps in our understanding of NPLD – generally research focuses 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 development of NPLD regulations.

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?



Definitions of Non-Print Legal Deposit

- **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).



Access, *n.*

- “The power, opportunity, permission, or right to come near or into contact with someone or something; admittance; admission.”
- “The right or opportunity to benefit from or use a system or service” (Oxford English Dictionary).

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).

Access under NPLD

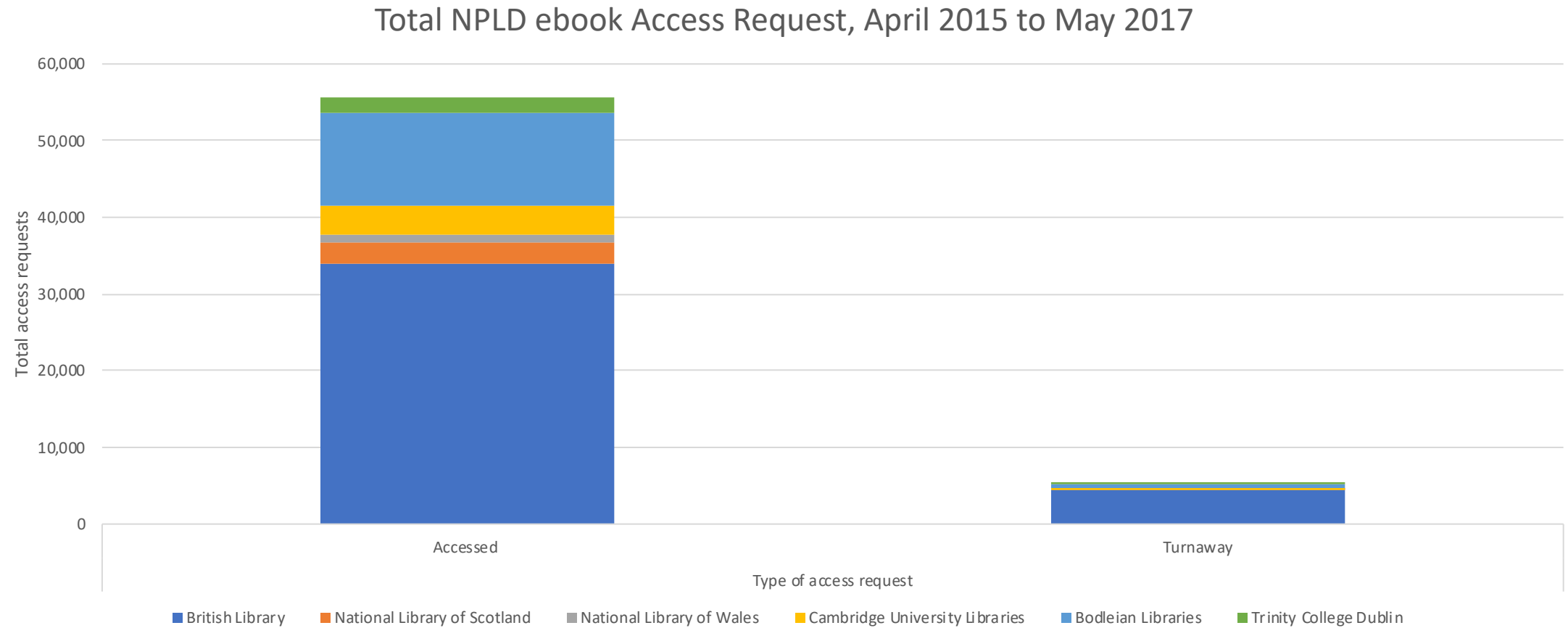
- Designed to explicitly “mirror the level of access to printed publications” (HL Deb 2013).
- Doesn’t *actually* mirror access to print materials:
 - “perpetual copyright”.
 - “e-reading” (Alexandrov 2018) is not shorthand for the rich possibilities of print.
- Shows “misunderstanding of the changing requirements for collecting, preserving, and making accessible UK contemporary digital collections” (Gooding, Terras and Berube 2019).
- Print materials have different affordances, preservation requirements and use cases:
 - Not a neutral choice upon which to base policies of access and reuse.

USEFUL

Use, *n.*

- “The act of putting something to work, or employing or applying a thing, for any (esp. a beneficial or productive) purpose; the fact, state, or condition of being put to work, employed or applied in this way; utilization or appropriation, esp. in order to achieve an end or pursue one’s purpose. Frequently with *of*” (Oxford English Dictionary).

Usage: Where is the Frame of Reference?



“The end user isn’t considered in the regulations so it’s never been at the forefront. And all of a sudden we start implementing and realise that the user isn’t represented at all. So we had to start making sure that users are part of the process...”

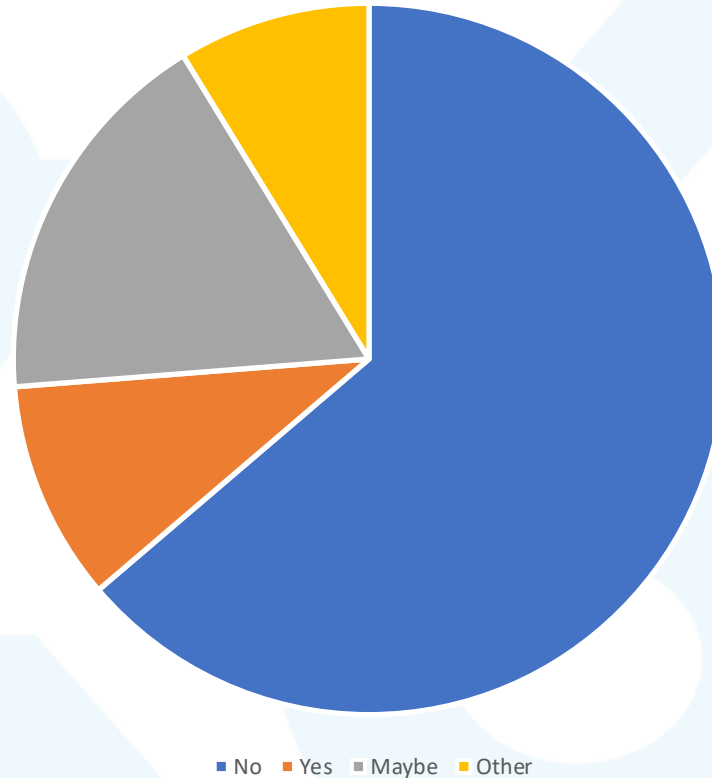


User Survey: Characterising our Respondents

- Works remotely on a personal device, using commercial search engines or library database to start their search.
- 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.
- Roughly two thirds were unfamiliar with Non-Print Legal Deposit.

But would they consider NPLD, given the choice?

User Question: Would you consider using NPLD materials regularly?



Why not?

- “I would probably not read the resource unless it was critical for my research. I almost consider the literature I cannot access from my office as nonexistent.”
- “I prefer remote access. But if I really need something that is restricted in the library I will go.”
- “The fact that they are only accessible through library computers has resulted in me never using them.”
- “Maybe as a last resort – I don’t want to go and use a particular PC throughout my day.”
- “I would only use them if they were the only way to access a book.”
- “No I wouldn’t use it. I am happy with my current methods of searching for material and unless someone can convince me this legal deposit can enhance my already happy searching experience, I will not bother learning about it.”

And my own personal favourite...

“I would ask for colleagues outside the UK to download from SciHub and send it to me. I think that remote access is incredibly convenient and makes my life easier.”

Not Actually Hypothetical

- NPLD regulations in UK are not dynamically 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.
 - Digital maps particularly challenging, because adaptations require publisher permission.

“In some cases our students need to cut and paste sentences... We don't often think about it, but writing often requires really fine motricity skills and lots of precise movements. So, we have researchers with Parkinson's, how do they operate?”



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.
- But changes to permitted activities under NPLD must be introduced via regulations.
- Restricted activities include “using the material”, “copying the material”, adapting, lending, transferring and disposing of the material (Legal Deposit Libraries Act 2003) – other than provided for in the The Legal Deposit Libraries (Non-Print Works) Regulations 2013.
- What could possibly go wrong?!

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”

- 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.



Non-Print Legal Deposit and the User - Key Challenges

- Studies into usage of digital collections consistently uncover changing information behavior:
 - Remote access; use of personal devices and specialist software; data-driven methods;
- Regulations have forced an implementation of NPLD that maps poorly to these user requirements and appears to be discouraging usage;
- Lack of dynamic alignment means the situation can't be easily remedied even where there is will (e.g. accessibility).

User-centric Evaluation of Non-Print Legal Deposit

- Effective digital preservation relies upon active intervention:
 - DPC (2017) identified lack of usage, and lack of user assessment as a risk factor for NPLD preservation.
- NPLD restrictions, and the resulting implementation, are functions of political will and power dynamics.
- We need to develop models of user-centric evaluation that:
 - Aim to make collections accessible *and* meaningful to users in the long term;
 - Recognise that this is not the same as merely removing rights restrictions;
 - Are informed by longitudinal data collection and analysis.
- Need to develop a more robust feedback loop between regulatory contexts, interfaces, and users...

Conclusion

- Two key premises that influence legal deposit in the UK:
 1. Access to legal deposit materials must be restricted to protect creators' rights;
 2. Usage should be similarly restricted.
- Possible to support (or perhaps accept) the former without buying into the second one.
- User-centric evaluation seeks to unpack and evidence barriers, to create a feedback loop to policymakers:
 - Long-term beneficiaries of NPLD are users, not publishers or libraries.
 - Necessary to evaluate NPLD in relation to users, even if those needs are not immediately addressed through changed access models.

Project Partners and Funding

- This research was supported by a grant from the Arts and Humanities Research Council under grant number AH/PO05845 between June 2017 and May 2019.
- Core research was carried out at the University of Glasgow, the University of Edinburgh, the University of East Anglia, and University College London. We are grateful to our project partners, Cambridge University Library and Bodleian Libraries, University of Oxford, and to the British Library, for their assistance and support.



References (1)

- Alexandrov, Georgi. “Transformation of Digital Legal Deposit in Terms of Legislation and Public Access.” *Knygotyra* 70 (2018): 136–53.
- Department for Digital, Culture, Media & Sport. “Post-Implementation Review of the Legal Deposit Libraries (Non-Print Works) Regulations 2013.” Department for Digital, Culture, Media & Sport, 2019. <https://www.gov.uk/government/publications/post-implementation-review-of-the-legal-deposit-libraries-non-print-works-regulations-2013>.
- Digital Preservation Coalition. “Non-Print Legal Deposit Digital Preservation Review: Final Report.” Digital Preservation Coalition, 2017. <https://www.bl.uk/britishlibrary/~media/bl/global/digital%20preservation/non-print-legal-deposit-digital-preservation-review.pdf>.
- Drucker, Johann. “Performative Materiality and Theoretical Approaches to Interface.” *Digital Humanities Quarterly* 7, no. 1 (2013). <http://www.digitalhumanities.org/dhq/vol/7/1/000143/000143.html>.
- Drucker, Johanna, and Bethany Nowviskie. “Speculative Computing: Aesthetic Provocations in Humanities Computing.” In *Companion to Digital Humanities*, edited by Susan Schreibman, Ray Siemens, and John Unsworth, Hardcover. Blackwell Companions to Literature and Culture. Oxford: Blackwell Publishing Professional, 2004. <http://www.digitalhumanities.org/companion/>.

References (2)

- Gooding, Paul, Jos Smith, and Justine Mann. “The Forensic Imagination: Interdisciplinary Approaches to Tracing Creativity in Writers’ Born-Digital Archives.” *Archives and Manuscripts*, 2019.
- Hayles, N. Katherine. *My Mother Was a Computer: Digital Subjects and Literary Texts*. Chicago: University of Chicago Press, 2005.
- HL Deb. Vol. 743, 2013. [https://hansard.parliament.uk/Lords/2013-03-06/debates/13030683000250/LegalDepositLibraries\(Non-PrintWorks\)Regulations2013?highlight=%22legal%20deposit%22#contribution-13030683000082](https://hansard.parliament.uk/Lords/2013-03-06/debates/13030683000250/LegalDepositLibraries(Non-PrintWorks)Regulations2013?highlight=%22legal%20deposit%22#contribution-13030683000082).
- Legal Deposit Libraries Act 2003 c.28 (2003). <https://www.legislation.gov.uk/ukpga/2003/28/contents>.
- Ramsay, Stephen, and Geoffrey Rockwell. “Developing Things: Notes toward an Epistemology of Building in the Digital Humanities.” In *Debates in the Digital Humanities*. Minneapolis MN: University of Minnesota Press, 2012. <http://dhdebates.gc.cuny.edu/book/1>.
- The Legal Deposit Libraries (Non-Print Works) Regulations 2013, Pub. L. No. SI 2013/777 (2013). <http://www.legislation.gov.uk/uksi/2013/777/contents/made>.
- Whitelaw, Mitchell. “Generous Interfaces for Digital Cultural Collections.” *Digital Humanities Quarterly* 9, no. 1 (2015). <http://www.digitalhumanities.org/dhq/vol/9/1/000205/000205.html>.



elegaldeposit.org