

LEGAL DEPOSIT ADVISORY PANEL

ANNUAL REPORT

SEPTEMBER 2006 – AUGUST 2007

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Introduction

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 second Annual Report, which provides an overview of its progress in the second 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 2006 and August 2007 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

During summer 2006, the chair completed detailed appraisals with individual Panel members to complement the continuous collective evaluation of the Panel's work routinely carried out at the conclusion of each meeting.

At its first meeting in September 2006, the Panel undertook a further review of its work and agreed the following broad aims for its second year of operation:

- to build on the effective team work already established by consolidating the work of the triads into three specialist sub-committees concentrating on the main categories of non-print media potentially eligible for regulation and to engage a 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
- to explore the implications for the Panel's work of the better regulation agenda and to assess the possible regulatory and non-regulatory options for the deposit of non-print material enabled by this, including understanding and fully exploring the implications of the Panel's policies particularly in relation to the requirements of Impact Assessments as far as policy implementation is concerned i.e. identifying costs to publishers and libraries, clarifying access procedures, as well as issues related to infrastructure, enforcement and resources
- to integrate into the work of the Panel, relevant findings from the independent research commissioned by the Panel to define the 'types' of non-print media which might be subject to deposit in the digital world

Within the context of these broad aims, and working through the specialist sub-committees, the Panel has achieved its main aims as follows:

Offline publications sub committee

Members: Angela Mills Wade (Chair), Trevor Fenwick, Andrew Green, Ann Limb, Martyn Wade, Sally Morris (stood down from the sub-committee 31/12/06)

Co-opted members: Sally Morris (consultant), Caroline Brazier/John Tuck (British Library),
Richard Gibby (Legal Deposit Libraries Committee Implementation Group)

Consultant supporting the sub committees work: Linda Berube (LDAP Policy Research and Project Consultant)

Having established that the voluntary scheme in operation for some years had produced insufficient evidence upon which to base sound recommendations, the sub-committee, on behalf of the Panel, agreed to work with publishers and the legal deposit libraries to implement a 're-launched' voluntary deposit scheme in order to maximise participation and gather data in a usable, effective and consistent manner, thus giving the Panel a robust evidence base upon which to make recommendations on whether or not Regulations are required in respect of offline publications.

Considerable effort was made by individual Panel members as well as the Panel as a whole to develop good relations with the Trade Associations upon whose services a voluntary scheme is reliant.

Good progress has been made particularly in the last quarter of the year during which time the LDAP Policy Research and Project Consultant and the Project Manager Legal Deposit Libraries Committee Implementation Group have worked collaboratively to gather data from both publishers and libraries.

Specifically the **offline publications sub committee** has

- undertaken a 'pre-consultation' with publisher stakeholders, depositors and non-depositors, and developed case studies based on their feedback on costs, benefits, and other impacts
- conducted an analysis of Nielsen Offline publishing output for years 2004-2007, in order to better understand the state and direction of the market
- instituted a new monitoring regime for the British Library and Agency Library deposits, to track progress to ensure regular deposit
- encouraged new deposits by regularly requesting for deposits not received from the Agency and the Legal Deposit Libraries

E-journals sub committee

Members: Adrienne Muir (Chair), Robin Adams, Peter Fox, Nick Higham, Ronald Milne, Andrew Yeates

Co-opted members: from JCLD Richard Boulderstone (British Library), Paul Cunnea (National Library of Scotland) Anne Joseph (STM publishers), Kathryn Hughes/Robert Lacey (National Library of Wales), Cliff Morgan (PA), Ian Russell (ALPSP)
Consultant supporting the sub committees work: Linda Berube (LDAP Policy Research and Project Consultant)

This sub-committee is different from the other two sub-committees because it is a joint LDAP/JCLD venture. It has sought to build on the small-scale technical pilot work originally developed by a JCLD working group on e-journals. The sub-committee has looked at how to establish the scope and mechanisms for implementing a formal voluntary deposit scheme.

To this end the **e-journals sub committee** has

- developed a plan for setting up and monitoring a voluntary scheme for scholarly e-journals
- developed terms of reference for a Technical Panel to oversee the technical aspects of the work
- set up the Technical Panel and recruited members from the Legal Deposit Libraries.
- put in place, through the British Library, a process to recruit volunteer publisher members to the Technical Panel
- produced a work plan for on going work in 2007-2008
- developed a draft working definition of the term 'scholarly e-journals'

Web archiving sub committee

Members: Simon Tanner (Chair), Nina Barakzai, Trevor Fenwick, Nick Higham, Hugh Jones, Martyn Wade, Andrew Yeates, Clive Field (retired 31/12/06).

Co-opted John Tuck (British Library)

Consultant supporting the sub committees work: Linda Berube (LDAP Policy Research and Project Consultant)

This sub committee has investigated in detail the area of public-domain UK web space. Following its research and taking into account advice from the independent study and from Panel members, it recommended to the Panel that the scope of its work should in the first instance be defined as the content referred to in the research study as coming within the A2 option i.e. 'all of the UK visible and harvestable web where there is no technical or commercial barrier erected to narrow access (such as security authentication). The Panel agreed to this at its meeting in June 2007.

Specifically the **web archiving sub committee** has

- developed the first draft definition for online territoriality that will serve as a basis for defining territoriality for other categories
- drafted a cost model for libraries. The web archiving category is unique among the categories of non print media in that libraries have to *pull* (obtain from the web) the publications themselves, in addition to managing, storing and preserving them. All the other categories require the publishers themselves to *push* material to the libraries. Consequently, the cost model must be comprehensive and is complex
- discussed the possible impacts and costs to publishers

In addition to the specific work above, members of the Panel have also undertaken the following activities in connection with the work of the Panel

- interviews and assessments to engage a Policy Research and Project Consultant
- the public appointment process to replace a retiring member of the Panel
- participated in the development of the Automated Content Access Protocol (ACAP) initiative
- reported on relevant EU initiatives, e.g. the Digital Libraries Project of the European Commission

Meetings

The full Panel has met 4 times in the second year of its operation on the following dates:

- 12 September 2006
- 15 November 2006
- 13 March 2007
- 14 June 2007

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

Offline publications sub committee

- September 2006
- October 2006
- November 2006
- January 2007
- May 2007
- June 2007

E-journals sub committee

- January 2007
- March 2007
- July 2007

Web archiving sub committee

- January 2007
- February 2007
- July 2007: three meetings
- August 2007

Forward Look

The Panel has made a significant move forward this year - particularly during the last quarter - and is now poised to accelerate its pace of operation and achievement.

The detailed work of the sub- committees during 2007-2008 will be charted and monitored through clear sub-committee work plans.

With the support of the LDAP Policy Research and Project Consultant, the Panel has agreed a Planning and Management Framework document, developed from the categories of e-content as defined in the research study. Using this will ensure overall consistency of approach in the sub-committees work.

The Panel and its sub-committees have also identified the evidence/deliverables needed for the 'scoping the options' papers and Impact Assessment exercise.

Through the three sub-committees, the Panel will specifically focus over the next year on the work outlined below as follows:

Offline publications sub committee

- completion of the Better Regulation requirement for a First Stage Impact Assessment – i.e. the 'options' stage
- submission to the Panel of a 'scoping the options' paper
- completion of the pilot phase of the voluntary scheme by the end January 2008
- analysis and assessment* of the pilot data during a 3-month review period from February to April 2008
- consideration of options and formulation of recommendations to the Panel

*This will involve

- examining the statistics on levels of voluntary deposit at both the British Library and the other Legal Deposit Libraries
- comparing of levels of deposit against previously agreed success criteria
- assessment of outstanding problems, e.g. reasons for non-deposit
- evaluation of the mid to long term publishing output in this sector

E-journals sub committee

- sign off on definition of scholarly e-journals
- completion of an Invitation to Tender (ITT) exercise to establish a picture of e-journal publishers, titles and formats
- agreement on a definition of territoriality for e-journals
- identification and definition of cost elements to feed into the Impact Assessment exercise

Web archiving sub committee

- completion of the Better Regulation requirement for a First Stage Impact Assessment – i.e. the 'options' stage
- submission to the Panel of a 'scoping the options' paper
- completion of further consultation with more publishers, as well as with other agencies, to obtain guidance on challenging policy issues
- consideration of options and formulation of recommendations to the Panel

A handwritten signature in black ink that reads "Ann Limb". The signature is written in a cursive, flowing style.

Dr. Ann Limb Chair Legal Deposit Advisory Panel November 2007

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.

Annex B

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.

Clive Field, Director of Scholarship and Collections, at the British Library retired on 31/12/06 and Sally Morris, Chief Executive, Association of Learned and Professional Society Publishers stood down from the Panel on 31/12/06.

Ronald Milne, took up his post as Director of Scholarship and Collections, at the British Library on 5/02/07 (ex officio post) and Gertrud Erbach, Senior Editorial Services Manager, News International Newspapers Ltd, was appointed to the Panel on 25/06/07 (Publisher post).

A list of members as at 31 August 2007, 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.
Nicholas Higham	Legal Consultant
Adrienne Muir	Senior Lecturer in Information Science, Loughborough University

Publisher Members

Angela Mills Wade (ex officio)	Executive Director, European Publishers Council (EPC) and 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

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.

Annex C

Finance

The Panel had an expenditure of £34,000 during the accounting year 2006/07, financed by the Department for Culture, Media and Sport.

Expenditure was in respect of the Chair's remuneration (£12,000), 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.