

Position statement on takedown

April 2015; Revised October 2018

National and State Libraries Australia (NSLA) is committed to the principles of freedom of expression and universal access to information and knowledge. These principles are fundamental to the library profession and recognised as pivotal components of our democratic traditions; represent a major driving force in the creation of new ideas and innovation; and support cultural understanding and sustainable socio-economic development.¹

Responding to the proliferation of digital technologies and enhanced community expectations for 'anywhere, anytime' access to information, libraries are continuing to build and deliver online collections, providing the greatest possible access to local and global communities.

NSLA libraries have mandated roles to collect and preserve cultural heritage, provide open and equitable access to information, and support the growth of knowledge and ideas. Given these responsibilities, materials provided online will be taken down (or have other access restrictions imposed) only in extraordinary circumstances.

In making collections available online NSLA libraries act to respect jurisdictional legal considerations. However, NSLA recognises that despite best efforts there may be occasions when material made available online is considered to breach copyright or other relevant law or contains information that is culturally sensitive. In terms of copyright infringements, Australia has recently legislated to extend safe harbours protection to include cultural, educational and disability groups where they provide online services to the public. The *Copyright Amendment (Service Providers) Act 2018* sets the services and compliance requirements to which safe harbours may apply. As well as being relevant to takedown of material uploaded by third parties, these changes are relevant for those providing public access computers or search services. Further information is available at <http://libcopyright.org.au/content/resources>.

As a means of promoting a consistent response to takedown requests, NSLA libraries agree to take into account the following general principles:

- The broadest possible online access to collection materials will be provided.
- Permanent access restrictions, deindexing or takedown will be considered as an exceptional response.
- Requests for access restrictions, deindexing or takedown will take into account the relationship of the requestor to the material.
- Requests for access restrictions, deindexing or takedown will take into account specific jurisdictional legislation and related exemptions.
- Access restrictions or takedown of material made available online should, as far as practical, be openly acknowledged with a statement noting the takedown.
- As circumstances change, or after a period of time, online material that has been taken down, restricted or deindexed should be reviewed and may be reinstated.



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¹ NSLA is a signatory to the 2014 [Lyon Declaration on Access and Development](#) and supports the [United Nations 2030 Agenda for Sustainable Development](#).