


Joint Statement on Access to Original Research Materials in Libraries,
Archives and Manuscript Repositories

American Library Association/Society of American Archivists

A. Research Use of Original Materials

1. Libraries, archives, and manuscript repositories make available original research materials by means of several activities. These include **accessioning, cataloging or processing materials, publicizing holdings, providing reference assistance, and providing photocopies.**
2. Repositories generally will not deny access to, grant privileged or exclusive use of, or knowingly conceal the existence of any body of material from any researcher unless required to do so by law or donor or purchase stipulations. Access may be denied if, in the opinion of the curator, librarian, or archivist, such access would endanger the physical integrity of the documents in question (whether donated or purchased) or contravene the intent of a donor in depositing them.
3. It is recognized that repositories have certain obligations to guard against unwarranted invasion of personal privacy and to protect confidentiality in their holdings in accordance with law. Donors may impose restrictions upon donated materials, subject to agreement by the receiving repository. Usually, repositories will discourage donors from imposing unreasonable restrictions and will encourage a specific time limitation on such restrictions. Repositories will inform researchers of the restrictions which apply to individual collections or archival groups and will reevaluate restricted material periodically and work toward the removal of restrictions when they are no longer merited.
4. Repositories may, whenever possible, inform a researcher of parallel research by other individuals who are using the same materials. Because this service may be considered to be revealing confidential information, repositories may choose to supply the names of individuals only after securing their written permission. Or repositories may choose simply to forward a letter on a researcher's behalf.
5. Repositories, to preserve and secure the availability of materials in their care, establish conditions for use which should be published or otherwise clearly made known to users. Researchers are often required to sign a form indicating that they have read and agree to abide by any such conditions of use. Some commonly-applied conditions are described below.
 - a. All materials must be used in accordance with the rules of the repository owning the originals.
 - b. It is reasonable for a repository to require acceptable identification of researchers wishing to use its materials, as well as a signature indicating that a **potential user has read and agrees** to abide by the policies and regulations of the repository.
 - c. Repositories may refuse access to unprocessed materials **or materials being processed** in order to insure the intellectual integrity of an archival order or for security reasons.

d. Repositories may limit the use of fragile or exceptionally valuable materials. When possible, suitable reproductions should be made available in place of the original.

e. Repositories may refuse access to a researcher who has demonstrated carelessness or deliberate destructiveness that endangers the safety of materials, or to a researcher who has violated the policies and regulations of the repository.

f. Repositories generally do not send original research materials outside their buildings or jurisdiction for use by an individual. However, some may be willing to make interlibrary loan arrangements for an individual's use of materials at another site. Repositories that choose to participate in interlibrary loan of original research materials may wish to consult as a model Chapter 8 of the RLG Shared Resources Manual (3rd ed., Stanford, California: Research Libraries Group, 1987) about "Additional Guidelines for Access to Archives, Manuscripts and Special Collections." This chapter has been published also in Rare Books & Manuscripts Librarianship (vol. 3, no. 2, Fall 1988, pp. 126-130).

g. Repositories which choose to loan original materials for use in exhibitions may wish to consult the RBMS "Guidelines for Borrowing Special Collections Materials for Exhibition," published in College & Research Libraries News, Vol. 51, No. 5, May 1990, pp. 430-434.

h. Repositories usually do not charge fees for making research materials available. However, fees usually are charged for copying material or for the provision of special services or facilities that are not provided on a regular basis.

B. Photoduplication of Original Materials for Research or Publication Purposes

1. Most libraries, archives, and manuscript repositories facilitate access to original materials by providing photoduplication services. These services may include paper copies, microfilm or photographic reproductions. Often, all duplication is done or supervised by staff members.

2. Factors which may be taken into consideration before accepting a photoduplication order include the physical condition of the material, its copyright status, and the quantity of material being requested. Requests for materials in poor physical condition, requests that fall outside the fair-use provisions of the United States Copyright Law, or requests for large quantities of material may be modified or denied.

3. Some libraries, archives, and manuscript repositories only loan, rather than sell, reproductions of original materials to an individual. Ownership of the reproduction is retained by the lender, who may require that the reproduction be returned upon the completion of research work.

C. Publication of Original Materials

1. Permission to consult a repository's holdings (whether by means of on-site visits or through reproductions) usually does not include permission to publish

or quote from materials. Whenever possible, repositories will inform a researcher about known copyrighted material, the owner or owners of the copyrights, and the researcher's obligations with regard to the publication of such material. Researchers should be made aware that unpublished materials are under U.S. copyright protection until at least the year 2003. The American Library Association's Locating Copyright Holders pamphlet (1991) contains useful information about the U.S. Copyright Law relative to unpublished manuscripts and lists steps a researcher can take to locate a copyright holder.

2. Repositories publish or otherwise make available to researchers a form of citation crediting the repository and identifying items within its holdings for later reference. Citations to copies of materials whose originals are housed in other repositories should include the location of the originals, if known.

3. Most repositories will not charge a fee for the scholarly publication of text but may charge fees for publication of images from their collections. Also, they may elect to charge fees or share in royalties if the use of their materials is for commercial purposes or if the use, although scholarly, is substantial.

4. If a repository chooses to participate in facsimile publication or reproduction of its holdings,* then certain rights are retained by repositories relative to the production of facsimile publications or reproductions. These include:

a. The right to specify that the publisher meet or exceed current minimal standards for binding and paper as formulated by the Library of Congress and by the Association for Library Collections and Technical Services of the American Library Association. Microform (or electronic?) publications should meet or exceed the minimum applicable specifications in Specifications for Microfilming Manuscripts (Washington, DC: Library of Congress, 1980). The current catalog of the American National Standards Institute (ANSI) cites the most up-to-date national standards relating to micrographics and photography.

b. The right to specify when and where a reproduction is to be made and the conditions under which it will be made.

c. The right to receive monetary restitution if materials are damaged by an outside party in the process of reproduction; reimbursement to be paid at a value set by an independent appraiser who is selected jointly and is, therefore, satisfactory to both the repository and the damaging party. All attendant fees should be paid by the damaging party.

* Factors affecting the consideration of such requests may include the following: the age of manuscripts requested; physical condition; the repository's acquisition costs; comprehensiveness of holdings relative to the project as a whole; length of time of ownership by the repository; history of use; technical standards for reproduction; planned critical apparatus (including indices); nature of remuneration to the contributing repository; and concerns about monitoring use after facsimile publication.