Results of the 2017 Survey of Electronic Legal Deposit Policies and Practices at National Libraries

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Abstract:

In 2014, three of the authors, Carner, McCain and Zarndt, surveyed 17 National Libraries about their born digital news content legal deposit policies and practices. They presented the results of the survey at the 2015 International News Media Conference hosted by the National Library of Sweden in Stockholm, Sweden, April 15-16, 2015.[1] Three years later, the authors expanded their team and the focus of the survey from news to all types of digital content.

The preliminary results of the 2017 e-Legal Deposit Survey[2] were presented at the International Federation of Library Associations (IFLA) World Library and Information Conference (WLIC) News Media Section satellite meeting held in Wroclaw, Poland on September 15, 2017.

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[1] Carner, Dorothy; McCain, Edward & Zarndt, Frederick. "An International Survey of Born Digital Legal Deposit Policies and Practices for News," 2014. Available at https://www.slideshare.net/cowboyMontana/an-international-survey-of-born-digital-legal-deposit-policies-and-practices

[2] Zarndt, Frederick; Carner, Dorothy & McCain, Edward, "Born Digital Legal Deposit Policies," 2017. Available at http://library.ifla.org/1905/1/S18-2017-zarndt-en.pdf

The *2017 International e-Legal Deposit Survey* was a collaboration among four organizations with interest and expertise in questions around e-Legal Deposit. Each organization had broad membership networks including institutions working in the field, namely the International Federation of Library Associations (IFLA), the International Internet Preservation Consortium (IIPC), the Donald W. Reynolds Journalism Institute, and the University of Missouri Libraries.

A core group of people involved in each of these bodies worked together researching existing surveys on e-Legal Deposit and broader digital preservation. Understanding the scope, purposes and information sought in previous surveys as well as how questions were constructed to elicit quality responses, the group designed a new survey with the intent to obtain the latest information on policies and practices. Survey collaborators agreed that a single survey focused broadly on national born digital legal deposit policies and practices followed by additional surveys focused on specific content types (news, audio-visual content, archived websites) or on particular technical approaches would provide the most comprehensive and useful answers and result in the broadest participation. It is the analysis of the broad survey on digital legal deposit policies and practices that is presented in this paper.

The survey questions may be found in Appendix 1. It is important to note that the survey is structured only to show some questions when there are positive answers to previous questions, i.e. "if, then". The survey opened in mid-July 2017 and remained open until the end of November 2017; the "live" survey is at https://www.surveygizmo.com/s3/3651847/2017-digital-e-legal-deposit-survey.

Past surveys that informed this survey

To optimize the quality of responses to the questions posed in this inquiry, we identified 17 previous survey instruments that were used to assess digital preservation practices and policies for different types of content [and practices] over the previous 12 years. "Born Digital Legal Deposit Policies and Practices," the preliminary result paper presented at the 2017 IFLA WLIC Satellite News Section lists and categorizes each of the surveys reviewed by the group.[3]

Only two of the 17 survey instruments reviewed by the group were specific to legal deposit issues. The British Library (BL) conducted both surveys. In 2009, BL surveyed all members of the Conference of European National Libraries (CENL), plus the remaining G8 countries and a number of other nations, to examine the status of electronic legal deposit legislation in those countries.[4] They received 35 responses from 23 European Union countries, 6 European countries not in the EU, Australia, Canada, Japan, New Zealand, two Russian libraries and the USA. Broadly, they wanted to know:

- If the country surveyed had enacted or planned to enact an e-legal deposit law by 2010
- If the legislation had been implemented and if material was already being deposited
- Their terms of access

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[3] Zarndt, Frederick; Carner, Dorothy & McCain, Edward, "Born Digital Legal Deposit Policies," 2017. Available at http://library.ifla.org/1905/1/S18-2017-zarndt-en.pdf

[4] British Library, "International Survey to CENL on Legal Deposit," presented to CDNL, 2010. Available at http://www.cdnl.info/sites/default/files/docs/2010_Scope_note_for_Discussion_Group_A.pdf

They learned that:

- 26 countries had already implemented some type of e-legal deposit legislation with 2 more countries expected to have laws in place by 2010
- 12 national libraries were able to collect free online material, using domain-wide harvesting and periodic snapshots
- The same 12 indicated they could also collect e-books, e-journals and other commercial online publications
- Terms of access to information varied by library

Only six of the responding national libraries (Australia, Cyprus, Malta, Netherlands, Switzerland and the USA) indicated that their country had not already passed, planned or implemented legal deposit laws for digital content.

They presented their results at the 2010 Conference of Directors of National Libraries (CDNL) meeting at the National Library of Sweden, University of Gothenburg.[5]

They repeated the survey in 201l, broadening the scope. They received 55 responses to the 2011 survey, 20 more than they received in 2009. The 2011 survey was more specific, investigating the type of digital content for which each country could legally deposit. They sought information about the legal deposit laws covering recorded sound and screen, broadcast TV and radio, CD-ROMS and offline publications, e-books and e-journals as well as web archiving. They learned that:

- 37 (71%) of the responding countries had legal deposit for recorded sound
- 10 countries had legal deposit for broadcast TV and 9 for broadcast radio
- 38 (73%) had legal deposit for CD-ROMs and offline publications, with 3 more acquiring it the next year
- 21 (40%) national libraries had legislation enabling web harvesting, with 6 more acquiring it the next year
- 23 national libraries could collect e-books and e-journals

They discovered that access was varied and fell into 4 categories

- Dark archive – access permitted only by special application
- Access only for authorized/registered national library users, on site
- Any person on site, in the national library, may have access
- Archive is freely available online [6]

When the results of the 2011 e-legal deposit survey were shared at the 2011 CDNL meeting in San Juan, Puerto Rico, they agreed that there would be value in creating an advocacy pack for CDNL members to help make their case for e-legal deposit. The British Library was

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[5] Stephens, Andy & Gibby, Richard, "British Library: international Survey on Electronic e-Legal Deposit 2011," 2010. Available at http://www.cdnl.info/sites/default/files/docs/2010_BL_international_survey_on_e-Legal_Deposit.pdf
[6] Brindley, Lynne, "British Library International Survey of E-Legal Deposit 2011: Summary of Findings." Available at http://www.cdnl.info/sites/default/files/docs/2011_legaldeposit_survey_Slides_Aug.pdf

tasked with developing the first draft. Andy Stephens, BL OBE, presented the findings at the 2012 CDNL meeting in Helsinki, Finland. The Advocacy Pack would contain 3 parts:

- Part I: Advocacy points and Principles
- Part II: Exemplars, Case studies of successful strategies
- Part III: Evidence based data, including economic & regulatory impact assessments & cost/benefit analysis[7]

They presented the first draft of an Advocacy Pack to CDNL members at the 2012 Helsinki meeting, requesting comments before the document was finalized.[8]

It is with this background information that our group chose to evaluate the progress of international e-legal deposit laws. Our survey builds on the work of many interested parties with the expectation that this research and advocacy will continue.

Survey overview and methodology

A total of 189 responses were collected. Of those responses, 37% (69 of 189) qualified as complete and 63% (120 of 189) were considered partial responses. For purposes of analysis, the 69 complete responses were bifurcated into 31 national libraries (those that are assigned the task of collecting digital content on a national basis) and 38 "other" libraries, which include state libraries and other cultural heritage organizations that collect and preserve digital resources.

The survey responses reported here are derived only from the responses from representatives of the 31 national libraries. We hope to undertake the task of reporting and analyzing the results from the 38 other libraries at a later date.

Survey responses

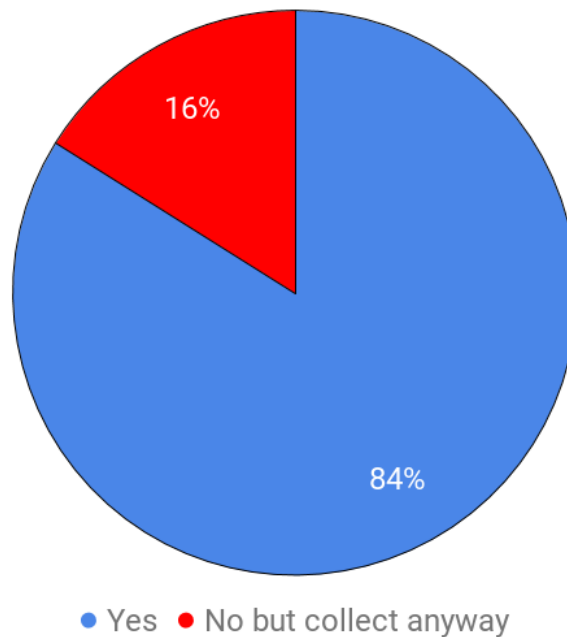Q1. Does your country / state have a legal deposit law?
- o   Yes
- o   No, but my organization collects digital publications anyway
- o   No
- o   I don't know

For this subset of survey respondents 84% (26 of 31) answered *Yes*, 16% (5 of 31) answered *No, but my organization collects digital publications anyway.*

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[7] Stephens, Andy, 2012, "Towards an Advocacy Pack for E-Legal Deposit," Available at
http://www.cdnl.info/sites/default/files/docs/2012_aug_2012_legal_deposit_advocacy_presentation.pdf
[8] British Library, 2012, "E-Legal Deposit Advocacy Pack – Draft August 2012," Available at
http://www.cdnl.info/sites/default/files/docs/2012_Towards_an_advocacy.pdf

Q1: Does your country/state have a legal deposit law?

16%

84%

● Yes ● No but collect anyway

Q2. Please copy a link (URL) to the legal deposit act here:

Brazil	http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2004/lei/l10994.htm
Canada	http://laws-lois.justice.gc.ca/eng/acts/L-7.7/index.html and http://laws-lois.justice.gc.ca/eng/regulations/SOR-2006-337/index.html
Germany	http://www.gesetze-im-internet.de/dnbg/index.html
Hungary	http://www.oszk.hu/koteles_rendelet
Mexico	http://bnm.unam.mx/index.php/quienes-somos/deposito-legal/lineamientos
Philippines	http://www.lawphil.net/statutes/presdecs/pd1975/pd_812_1975.html
South Africa	www.nlsa.ac.za/downloads/LEGAL%20DEPOSIT%20ACT.pdf

Q3. Please use this box to offer any comment or explanations about your previous answer (OPTIONAL):

| Sample Comments |
|---|
| "The legal deposit law is only for physical items right now. We are reviewing to extend it to include digital content. We do collect digital deposits on a voluntary basis from publishers currently and we encourage publishers to do so even though it is not required by law." |
| "We have individual contracts with publishers in order to collect their digital publications. For web archiving we use some sort of Fair Use approach." |
| "The situation in Finland has not really changed since the 2014 survey. The law does not give a publisher an obligation to deposit any digital works on its own |

initiative, but if the National Library makes a request to the publisher, the publisher shall be under an obligation to comply."

Q4. Does the legal deposit law cover digital works?
- o Yes
- o No
- o I don't know

For this subset of survey respondents 69% (20 of 29) answered *Yes*, 31% (9 of 29) answered *No*.

Q4: Does the legal deposit law cover digital works?
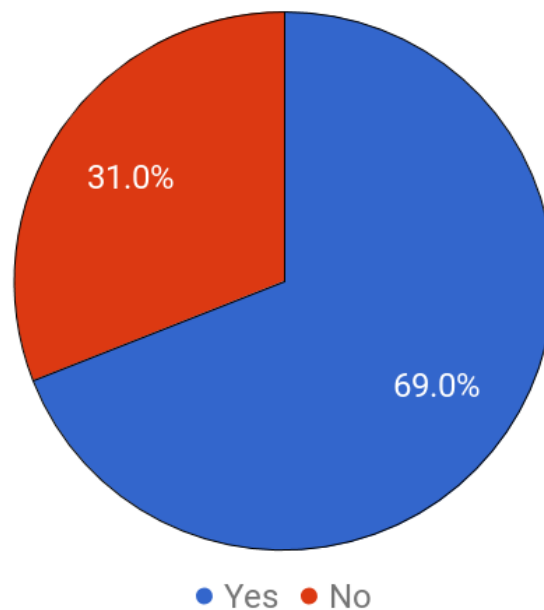
31.0%

69.0%

● Yes ● No

Q5. In what year did your legal deposit act start to cover digital works?
- o 1997 – South Africa
- o 2004 – Brazil
- o 2006 – Germany
- o 2007 – Canada

Q6. Do the laws of your country / state **require** publishers to legally deposit digital works? In this case, we mean that publishers MUST send digital works to one or more legal deposit authorities.
- o Yes
- o No
- o Sometimes
- o I don't know

For this subset of survey respondents 58% (11 of 19) answered *Yes*, 16% (3 of 19) answered *No*, and 26% (5 of 19) answered *Sometimes*.

Q6: Do the laws of your country/state require publishers to legally deposit digital works?
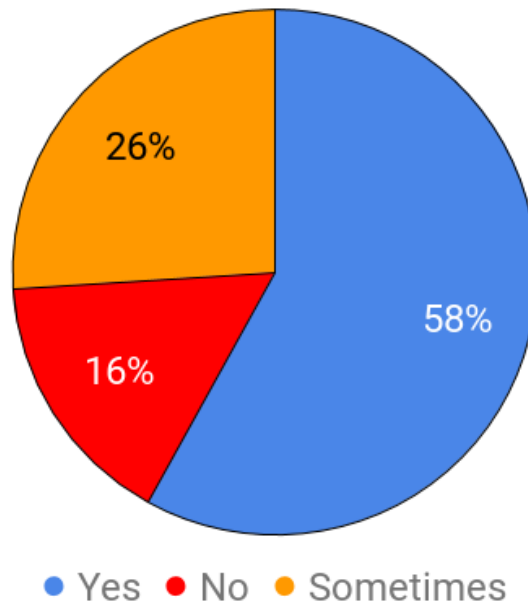
- Yes - No - Sometimes

Q7. Please use this box to offer any comment or explanations about your previous answer (OPTIONAL):

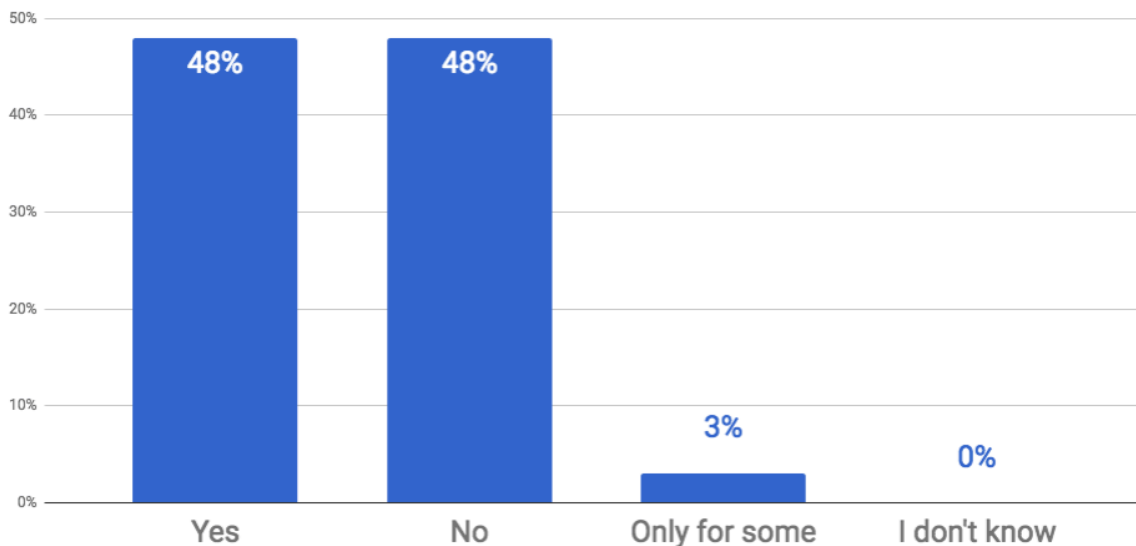| Sample Comments |
|---|
| "Digital works published on the internet (public electronic network) must be made accessible to the library for download (even if behind a paywall). Publishers do not need to 'send' them in. Digital publishing on a physical media (e.g. DVD) is subject to deposit." |
| "The legal deposit law (from 1982) in general does NOT cover digital works. However, there is decree-law from 2006, that extends the legal deposit to also include MsC and PhD theses in digital format. Our organization also manages the network of repositories that preserve the theses." |
| "The publishers of my country must send works produced in digital format to the institutions that have designated the Decree Law 265 of legal deposit." |

Q8. Do the laws of your country / state require cultural heritage institutions (libraries) to harvest websites and webpages that are publicly available (not behind a subscription paywall)?
- o Yes
- o No
- o Only for some websites and webpages
- o I don't know

For this subset of survey respondents 48% (15 of 19) answered *Yes*, 48% (15 of 19) answered *No,* and 3% answered *Only for some websites and webpages*.

Q8: Do the laws of your country / state require cultural heritage institutions (libraries) to harvest websites and webpages that are publicly available (not behind a subscription paywall)?

Q9. Please use this box to offer any comment or explanations about your previous answer (OPTIONAL):

Sample Comments
"'Require' isn't quite the right word - we have the right to copy, but the intention of the legislation was to be selective rather than comprehensive in digital collecting."
"Our law says that we next to printed information we also shall collect, describe, disseminate and archive information on other carriers than paper. This includes digital information. But websites are not mentioned literally."
"Under the legal deposit provisions in the Act, the National Library requests the delivery of online material through the process known as web crawling or web harvesting. This process uses harvesting robots to initiate requests to the web servers delivering online content using the HTTP protocol 'Get' request process."

Q10. To what depth does your library harvest webpages (i.e. homepages, thematic pages)

Sample responses
It varies from case to case but the principle is that we collect to the extent of our permission. While we would include a page of links we would tend not to collect the material at the end of them (an exception would be a link by the publisher who has extended the permission).
The web harvesting workflows have been running for about 2 years now, but because of lack of staff we haven't completely reached our aims. The goal is to crawl about 700 websites mostly of Hamburg institutions (private and public) as well as some thematic

| |
|---|
| sites with relation to Hamburg. We have a 4-level-collecting policy (from comprehensive to selective). We crawl up to 50 hierarchical levels. |
| We have topic collections and event crawls. |

Q11. Do the laws of your country / state require cultural heritage institutions (libraries) and publishers of websites and webpages to cooperate in order to preserve digital works when these works are behind a subscription paywall?
- o Yes
- o No
- o Only some publishers
- o I don't know

For this subset of survey respondents 48% (15 of 31) answered *Yes*, and 52% (16 of 31) answered *No*.

Q11: Do the laws of your country / state require cultural heritage institutions (libraries) and publishers of websites and webpages to cooperate in order to preserve digital works when these works are behind a subscription paywall?

48%

52%

● Yes ● No
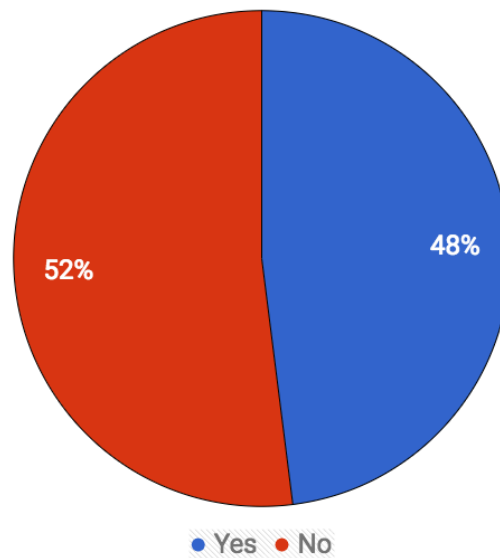
Q12. Please use this box to offer any comment or explanations about your previous answer (OPTIONAL):

| **Sample Comments** |
|---|
| "The law that regulates the legal deposit in Argentina (Law 11.723 of 1933) does not include the digital content. Since 2016, the actual authorities of the national government are revising the law and promoting the initiative of updating it." |
| "If it is not possible to make a copy of the web publication upon web archiving from the web, the National Library shall submit a request to the publisher to submit the copy and the publisher is required to enable making a copy." |

> "The Law says that NLN is harvesting and preserving websites, but are not required to notify the websites owners in advance. We can ignore robots.txt files to make sure we get everything, but prefer and initiate a Cooperation between Publishers and NLN."

Q13. Does your library receive digital works from publishers? For this question by "receive" we mean that publishers initiate the transmission of digital works to the legal deposit authority (library). In tech speak, the publisher "pushes" the works to the authority (library).
- o Yes
- o No
- o I don't know

For this subset of survey respondents 74% (23 of 31) answered *Yes*, and 26% (8 of 31) answered *No*.

Q13: Does your library receive digital works from publishers? For this question by "receive" we mean that publishers initiate the transmission of digital works to the legal deposit authority (library). In tech speak, the publisher "pushes" the works to the authority (library).


26%

74%

● Yes ● No
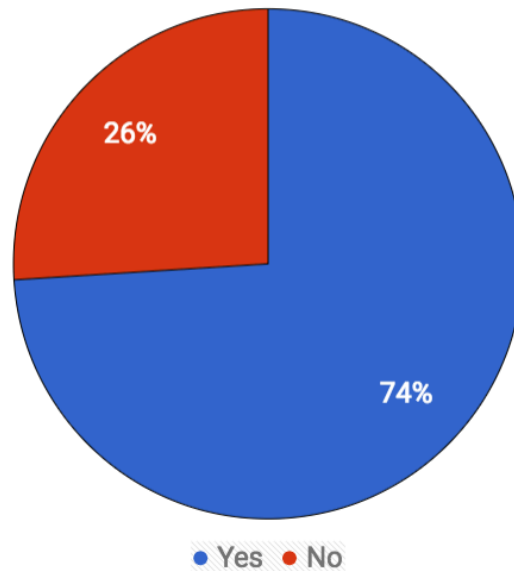
Q14. If publishers "push" digital works to libraries, how do you receive them?
- o FTP
- o RSS
- o email
- o Content delivered on physical storage device (hard drive, thumb drive, etc.)
- o Shared folder in the Internet cloud
- o Other

For this subset of survey respondents 74% (17 of 23) answered *FTP*, 9% (2 of 23) answered *RSS*, 35% (8 of 23) answered *email*, 65% (15 of 23) answered *Content delivered on physical storage device*, 22% (5 of 23) answered *Shared folder in the Internet cloud*, and 57% (13 of 23) answered *Other*.

Q14. If publishers "push" digital works to libraries, how do you receive them?	Percent	Count
FTP	74%	17
RSS	9%	2
Email	35%	8
Content delivered on physical storage device (hard drive, thumb drive, etc.)	65%	15
Shared folder in the Internet cloud	22%	5
Other	57%	13

Q14: FTP:If publishers "push" digital works to libraries, how do you receive them?
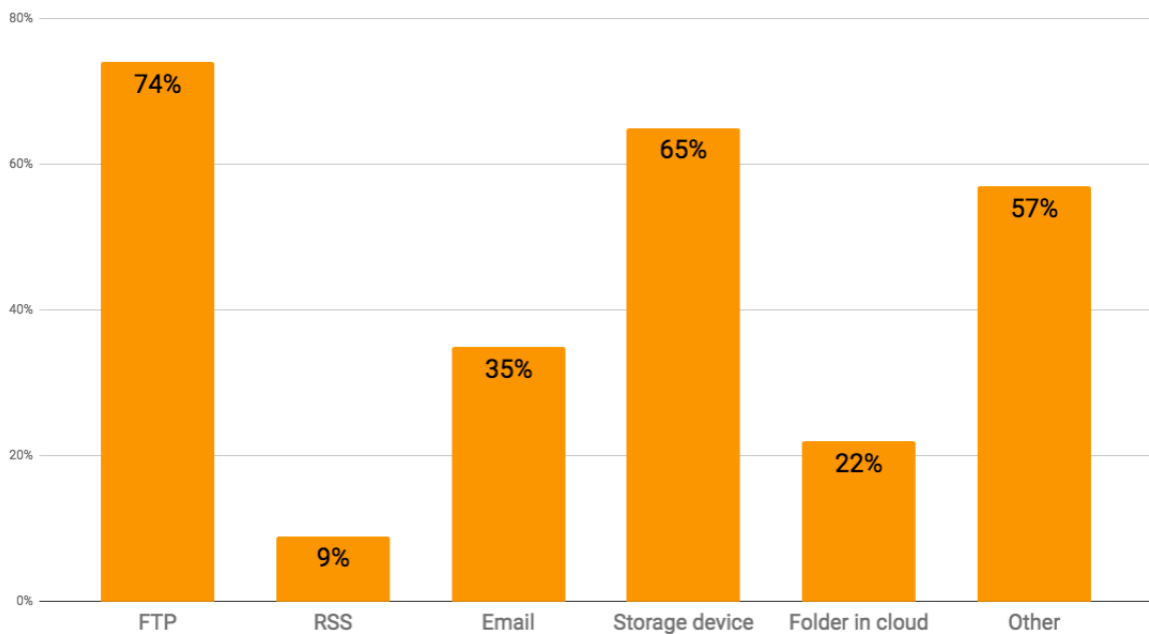
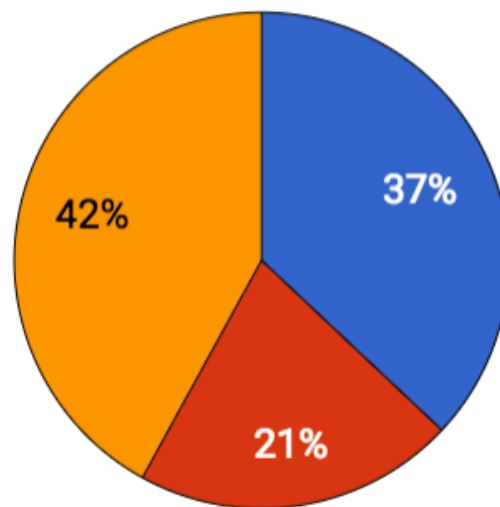| Sample Comments |
|---|
| "OAI-PMH (metadata with direct links to files, so actually more pull than push); web form with upload." |
| "The Library has developed an e-deposit portal that enables publishers to deposit digital publications with the Library. see https://www.nla.gov.au/edeposit/. The Library is also developing secure FTP sites for publishers to provide ONIX metadata, digital object and cover art. This material is then ingested into NLA systems and made accessible." |
| "We have produced a special ingest interface for the e-publishers." |

Q15. If publishers "push" digital works to libraries, how does your library decide which publishers?
- ○ Our library is obliged to accept all digital works
- ○ Our library accepts all digital works even though it is not obliged to do so

○ A digital curator selects the digital works to preserve or selection criteria guide which digital works to preserve.

For this subset of survey respondents 37% (7 of 19) answered *Our library is obliged to accept all digital works*, 21% (4 of 19) answered *Our library accepts all digital works even though it is not obliged to do so*, and 42% (8 of 19) answered *A digital curator selects the digital works*.

Q16. If none of the above, please explain in this box:

Several respondents did not choose one of these options but instead answered this questions with the following comments.

Sample Comments
"As digital works which are neither webpages, nor published on a physical carrier (e-books, for example) fall in a somewhat grey area of the law (it can be argued that they are online publications, but in this case we should be harvesting them, not accepting via file transfer), we are accepting them on case to case bases, mostly via formal agreements (for example, to receive print files of newspapers) or informal agreements (for example, to receive e-books and other digital publications) with publishers. Therefore, we accept any kind transfer method, and most types of formats."
"If it's a publisher we have a contract with he can use FTP to send publications - no need to decide anymore if we collect the content or not. If a publisher uses the web platform to upload a digital book a curator is checking if the content belongs into our collection."

"We've reached out to certain publishers holding material that we are especially keen on getting in a digital format. Additional deposits made by individual publishers are also accepted, pending curator approval."

Q17. In what format(*s) does your library accept digital works?
   ○ EPUB
   ○ PDF (any type)
   ○ MOBI
   ○ TIFF
   ○ JPEG
   ○ Open Doc
   ○ Other

For this subset of survey respondents, 83% (19 of 23) answered *EPUB*, 96% (22 of 23) answered *PDF*, 26% (6 of 23) answered *MOBI*, 57% (13 of 23) answered *TIFF*, 57% (13 of 23) answered *JPEG*, 13% (3 of 23) answered *Open Doc* and 61% (14 of 23) answered *Other*.

Q17. In what format(*s) does your library accept digital works?	Percent	Count
EPUB	83%	19
PDF (any type)	96%	22
MOBI	26%	6
TIFF	57%	13
JPEG	57%	13
Open Doc	13%	3
Other	61%	14

Q17: In what format(s) does your library accept digital works?
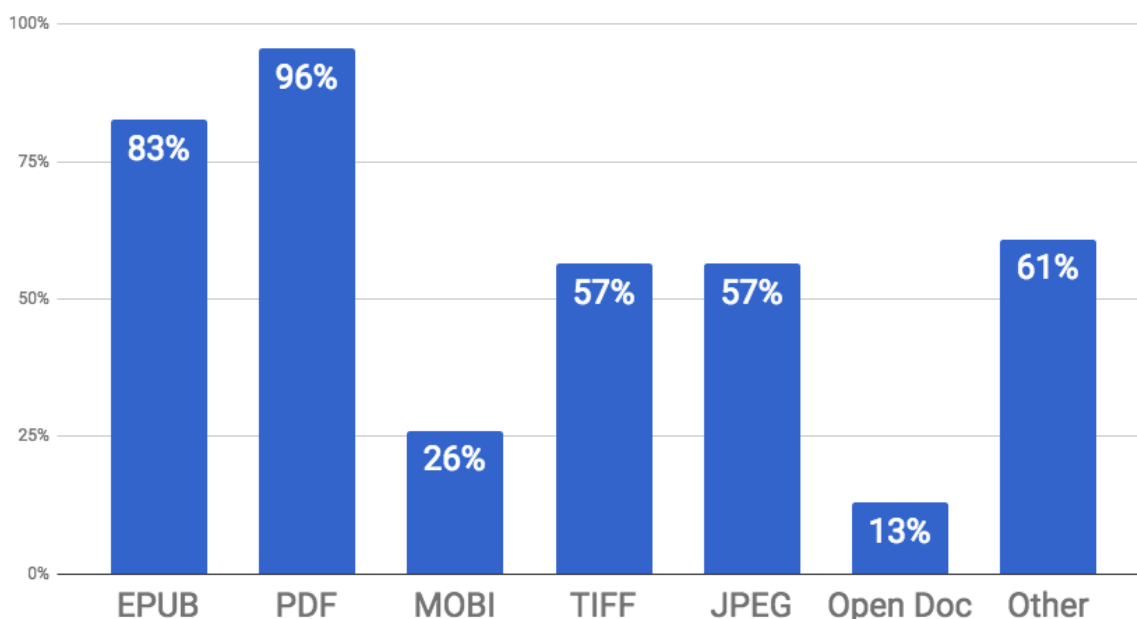
For this subset of survey respondents, several respondents choose *Other* and listed the following formats.

| Sample of Other Responses |
| --- |
| "MP3, MP4" |
| "PDF 2000 goes for the e legal deposit newspapers." |
| "The e-deposit service accepts EPUB, PDF or MOBI files for books, journals, magazines, newsletters and music scores. Our preference is EPUB. The service accepts PDF, GeoPDF, TIFF, or GeoTIFF files for maps. We do not accept Word documents. For cover art publishers can upload JPG, JPEG, TIF or TIFF cover images with an RGB colour profile. Files must be under 250 MB. While the e-deposit system will accept images with a CMYK colour profile, we cannot currently display them online." |

Q18. Does your library offer a batch or bulk legal deposit service to publishers?
- o   Yes
- o   No
- o   I don't know

For this subset of survey respondents, 59% (13 of 22) respondents answered *Yes*, and 41% (9 of 22) answered *No*. In addition, several respondents provided the following details.

Q18: Does your library offer a batch or bulk legal deposit service to publishers?

41% 59%

● Yes ● No

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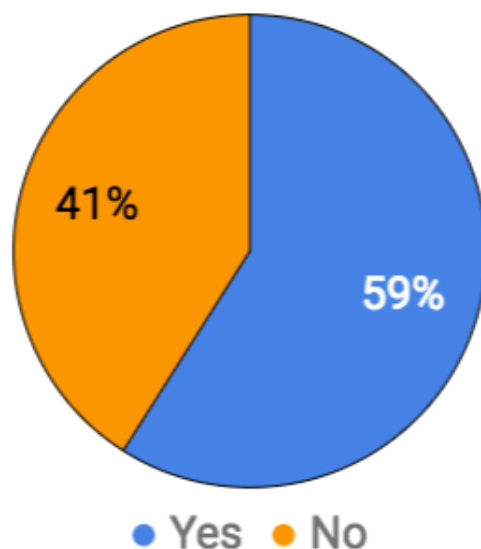
Q19. Please provide further details on your answer in this box (OPTIONAL):

Sample Responses
"Bulk deposit methods are available upon agreement/negotiation with publishers. The Library is an approved channel within CoreSource and this one method of bulk deposit. We are currently developing others."
"But only upon request. Usually the library is the one requesting."
"E.g. If we receive older vintage newspapers we offer them the digitised files in return when they are done. If we regularly receive New Newspapers they are made available to them on our website, this also goes for the local Libraries around the country."

Q20. What type of access do you provide to e-legal deposit digital content? For this question, **onsite** means within the library premises or on networks controlled by the library. **Offsite** means outside of the library premises and on networks not controlled by the library. **Embargo** means the period of time, usually specified by the publisher, for which access to the content is either limited or denied.
- o   Onsite only
- o   Onsite and offsite after an embargo period
- o   Onsite and offsite immediately
- o   Content can be freely downloaded

Q20. What type of access do you provide to e-legal deposit digital content?	Percent	Count
Onsite only	67%	14

Onsite and offsite after an embargo period	10%	2
Onsite and offsite immediately	24%	5
Content can be freely downloaded	0%	0

Q20: What type of access do you provide to e-legal deposit digital content?

- Onsite only ● Onsite & offsite embargo
- Onsite & offsite immediately
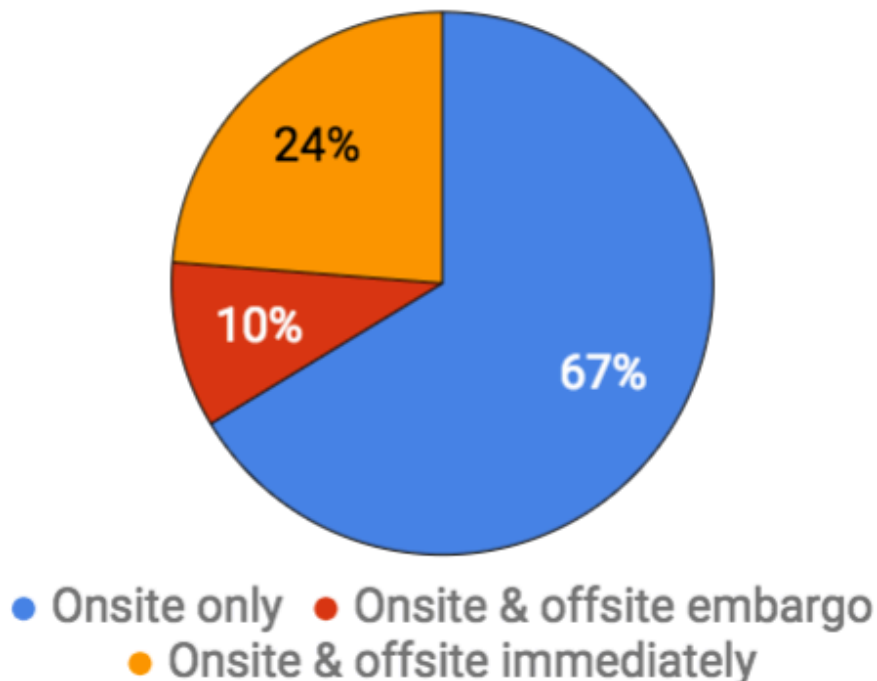
Q21. If none of the above, please explain in this box:

For this subset of survey respondents, 17 selected *None of the above* and made the following comments:

| Sample Responses |
|---|
| "According to the legal deposit it is onsite. But the right holders can grant us the right to give offsite access and for these publications we offer offsite access." |
| "Access depends on negotiations with publishers since we don't have a legal deposit. To some digital content we can give free access incl. downloads, some content can only be looked at onsite and some are under an embargo." |
| "By the law publisher has right to assign the type of access. All above types are possible." |

Q22. Does your library harvest websites and webpages?
   ○ Yes

○ No
○ I don't know

For this subset of survey respondents, 81% (25 of 31) answered *Yes*, and 19% (6 of 31) answered *No*.

## Q22: Does your library harvest websites and pages?
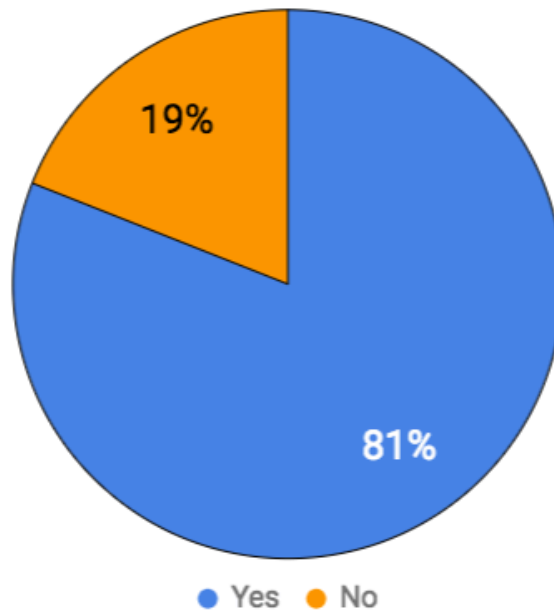
Q23. If your library harvests websites and webpages, does this include those behind a paywall?
○ Yes
○ No
○ For selected websites only

For this subset of survey respondents, 12% (3 of 25) answered *Yes*, 60% (9 of 25) answered *No*, and 28% (7 of 25) answered *For selected websites only*.

Q23: If your library harvests websites and pages, does this include those behind a paywall?
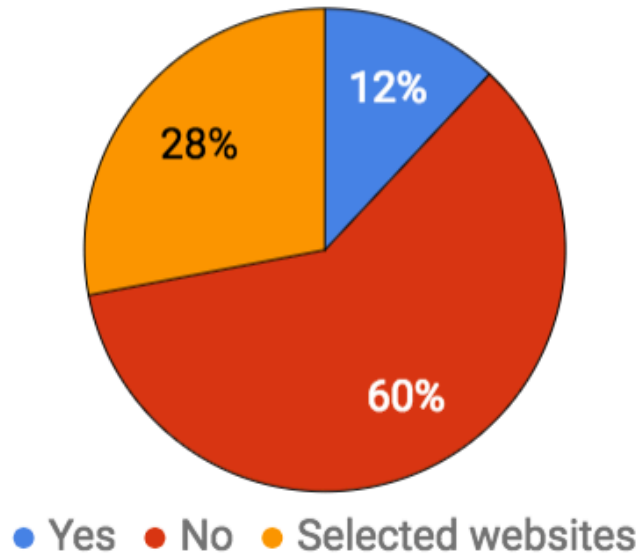
- Yes
- No
- Selected websites

Q24. Please provide further details on your answer in this box (OPTIONAL):

This subset of survey respondents gave further detail as follows:

Sample Responses
"This is not a part of the harvesting going on as of today, but is being included in our next solution. It will be used on national or local newspapers web sites."
"Where it is deemed to be of sufficient value to pursue the matter."
"For the types of publishers covered by the law, the library has the right to receive material from behind paywalls. This is done by harvesting, but also via push through ftp."

Q25. If your library harvests websites and webpages, what criteria are used to decide if born digital works from a particular published should be preserved?
- o   Our library harvests all websites of in-country publishers
- o   A digital curator selects the websites to harvest
- o   Library selection policies guide or mandate selection of the websites to harvest

For this subset of survey respondents, 42% (13 of 31) answered *Our library harvests all websites of in-country publishers*, 61% (19 of 31) answered *A digital curator selects the websites to harvest*, and 48% (15 of 31) answered *Library selection policies guide or mandate selection of the websites to harvest*.

| Q25. If your library harvests websites and webpages, what criteria are used to decide if born digital works from a particular published should be preserved?	Percent	Count
Our library harvests all websites of in-country publishers	28%	13

A digital curator selects the websites to harvest	41%	19
Library selection policies guide or mandate selection of the websites to harvest	33%	15

Q25: If your library harvests websites and pages, what criteria are used to decide if born digital works from a particular publisher should be preserved?
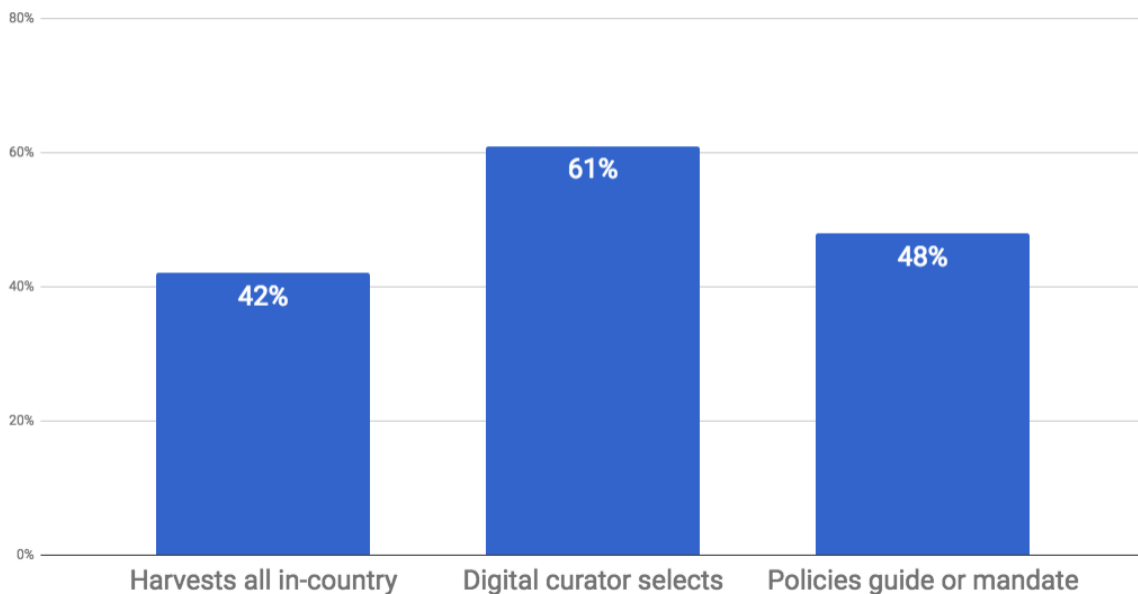
Q26. Please provide further details on your answer in this box (OPTIONAL):

This subset of survey respondents gave the following comments and explanations:

Sample Responses
"The main criteria are national author, national language or published nationally. For the thematic collection, we have about 1375 websites that we harvest on a regular basis. For the domain based harvesting the number of seed URLs is 117,000."
"Although we are entitled by law to harvest websites behind paywall, in reality we so far haven't requested access to any protected website."
"We accept user suggestions."
"We did one national domain crawl and do selective crawls related to topics and events."
"We harvest "everything" 4 times a year, and selected pages "all the time". On top of that we have curated harvestings of events - i.e. elections."

Q27. If your library harvests websites and webpages (excluding digital news), how frequently does it harvest?
- o A number of times per day
- o Once per day

- o A number of times per week
- o Once per week
- o A number of times per month
- o Once per month
- o Less often
- o Other

For this subset of survey respondents, 8% (2 of 25) answered *A number of times per day*, 12% (3 of 25) answered *Once per day*, 4% (1 of 25) answered *A number of times per week*, 16% (4 of 25) answered *Once per week*, 8% (1 of 25) answered *A number of times per month*, 24% (6 of 25) answered *Once per month*, 28% (7 of 25) answered *Less often* and 72% (18 of 25) answered *Other*.

Q27. If your library harvests websites and webpages (excluding digital news), how frequently does it harvest?	Percent	Count
A number of times per day	8%	2
Once per day	12%	3
A number of times per week	4%	1
Once per week	16%	4
A number of times per month	8%	1
Once per month	24%	6
Less often	28%	7
Other	72%	18

Q27: If your library harvests websites and pages (excluding digital news), how frequently does it harvest?
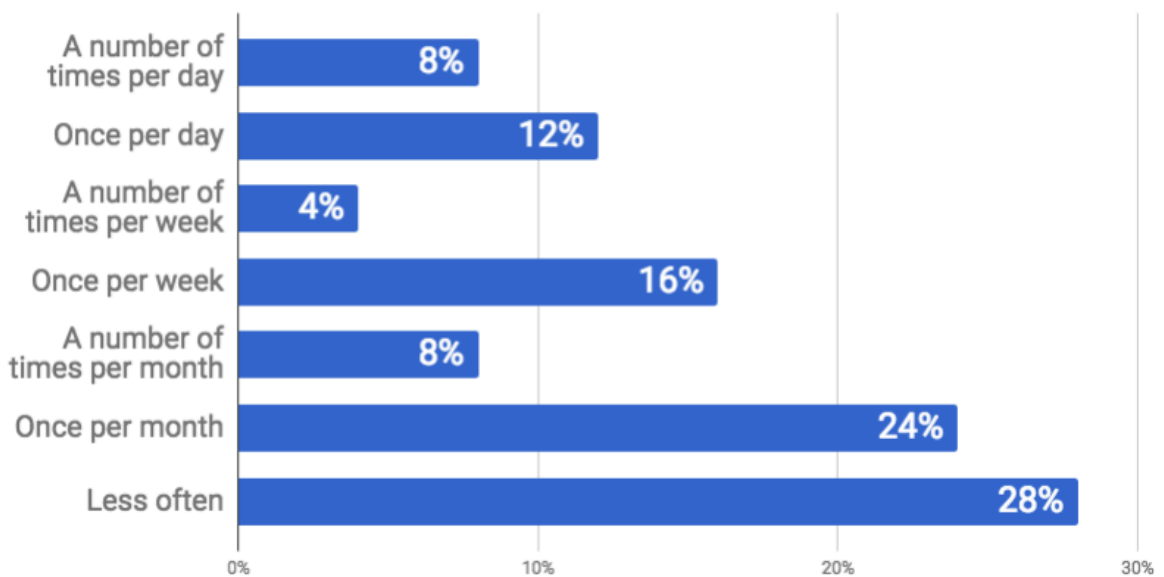
For this subset of survey respondents, the following additional comments and explanations were given:

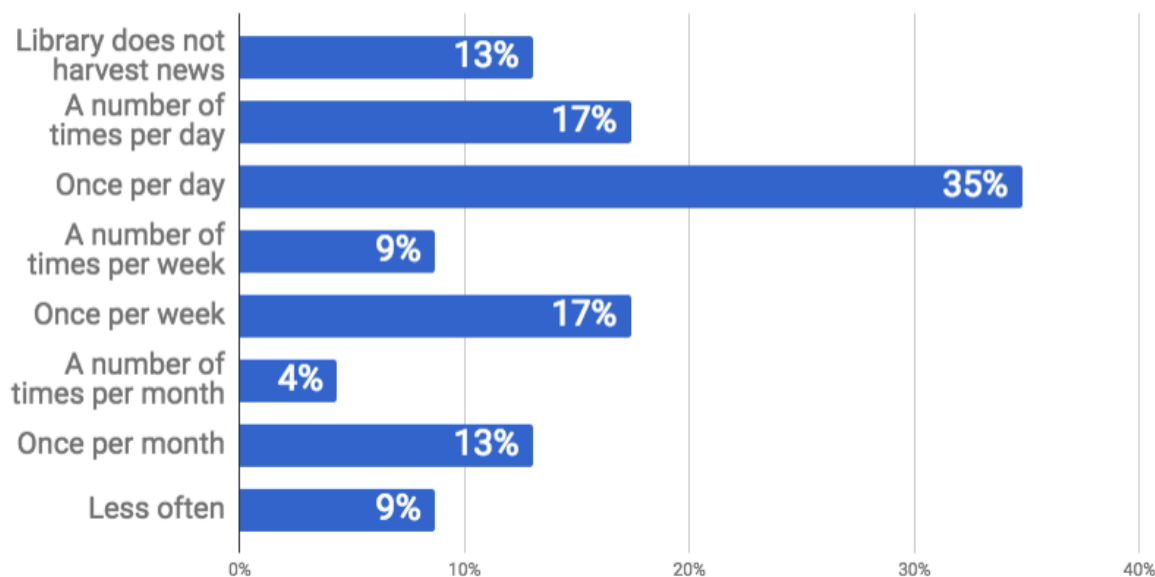| Sample Comments |
| --- |
| "Default is twice a year, but this can be different for some websites. Event crawls are always individually configured." |
| "Different materials have different timelines, in addition there are campaigns, e.g. elections etc." |
| "Standard frequency is one per year, but the following options can be chosen as well: Twice a year, all 2 years, all 4 years, once only." |

Q28. If your library harvests digital news websites and webpages, how frequently does it harvest?
 Library does not harvest digital news websites or webpages
 A number of times per day
 Once per day
 A number of times per week
 Once per week
 A number of times per month
 Once per month
 Less often
 Other

For this subset of survey respondents, 13% (2 of 23) answered *Library does not harvest digital news websites or pages*, 17% (4 of 23) answered *A number of times per day*, 35% (8 of 23) answered *Once per day*, 9% (2 of 23) answered *A number of times per week,* 17% (4 of 23) answered *Once per week*, 4% (1 of 23) answered *A number of times per month*, 13% (3 of 23) answered *Once per month*, 9% (2 of 23) answered *Less often* and 57% (13 of 23) answered *Other.*

Q28. If your library harvests digital news websites and webpages, how frequently does it harvest?	Percent	Count
Library does not harvest digital news websites or pages	13%	3
A number of times per day	17%	4
Once per day	35%	8
A number of times per week	9%	2
Once per week	17%	4
A number of times per month	4%	1
Once per month	13%	3
Less often	9%	2
Other	57%	13

Q28: If your library harvests digital news websites and pages, how frequently does it harvest?

Category	Percentage
Library does not harvest news	13%
A number of times per day	17%
Once per day	35%
A number of times per week	9%
Once per week	17%
A number of times per month	4%
Once per month	13%
Less often	9%

In addition, the following comments were made for *Other*:

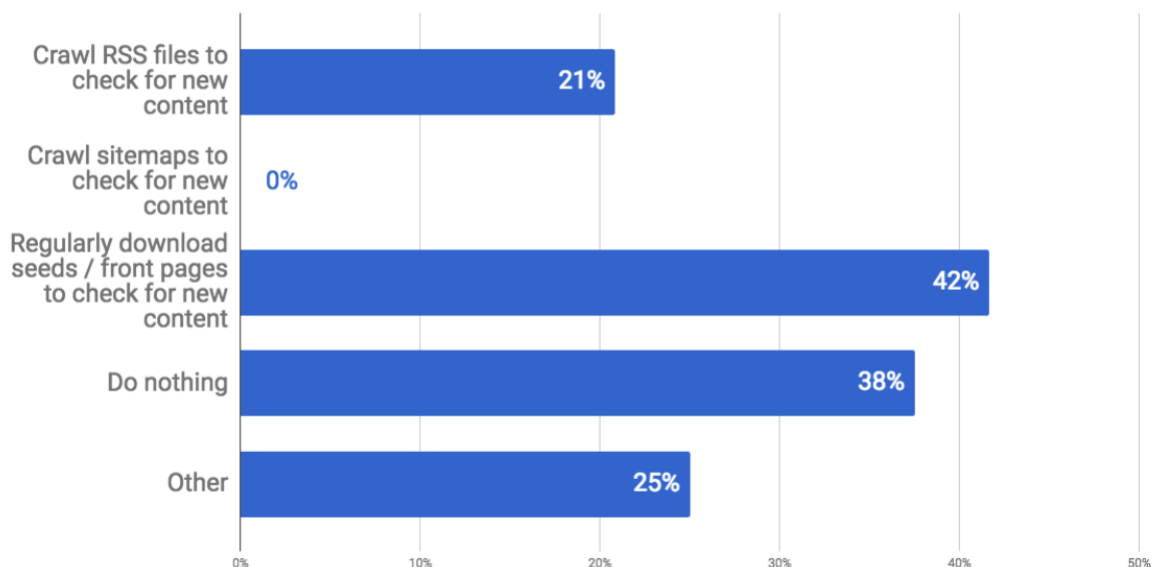| Sample Comments |
|---|
| "Ad hoc basis for selected content" |
| "The harvesting period depends on the type of serial publication. There are some titles that we have to collect several times a day, others are published daily, weekly or monthly." |
| "We harvest all websites 3x a year. Select websites are harvested more frequently. News websites are frequently chosen for more regular harvests." |

Q29. N/A (this question was removed from the survey; no data was collected)

Q30. Depending on the publisher, born digital content published on the web may be updated several times in an hour, day, or week. What methods does your library use to capture updated pages?
- o Crawl RSS files to check for new content
- o Crawl sitemaps to check for new content
- o Regularly download seeds / front pages to check for new content
- o Do nothing
- o Other

- o For this subset of survey respondents, 21% (5 of 24) answered *Crawl RSS files to check for new content*, 0% (0 of 24) answered *Crawl sitemaps to check for new content*, 42% (10 of 24) answered *Regularly download seeds / front pages to check for new content*, 38% (9 of 24) answered *Do nothing,* and 25% (6 of 24) answered *Other.*

Q30. Depending on the publisher, born digital content published on the web may be updated several times in an hour, day, or week. What methods does your library use to capture updated pages?	Percent	Count
Crawl RSS files to check for new content	21%	5
Crawl sitemaps to check for new content	0%	0
Regularly download seeds / front pages to check for new content	42%	10
Do nothing	38%	9
Other	25%	6

Q31. Please provide further details on your answer in this box (OPTIONAL):

This subset of survey respondents gave the following comments and explanations:

Sample Responses
"Current harvesting policy focuses mainly of webpages of government agencies, cultural institutions and events and other socially or culturally important resources. News resources are not being harvested mainly because of their size, but also because they are deemed not important by the harvesting policy. For this reason, only selected articles from news resources are preserved (mainly opinion articles). Most of the webpages are harvested once a year."
"Regularly (once a day, several times a week, once a week, several times a month, once a month, etc.) harvests born digital content, especially news portals and websites."

> "Two-prong strategy collecting RSS feeds twice daily and home page and other content less frequently (monthly and/or quarterly)."
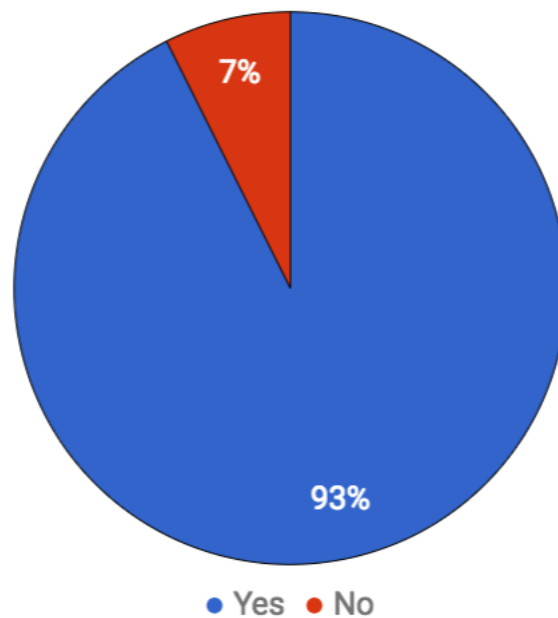
> "We currently mostly do this manually, but we do use some of the methods above on a very few sites."

Q32. Does your library require preservation of its digital content?
   ○ Yes
   ○ No
   ○ I don't know

For this subset of survey respondents, 93% (25 of 27) answered *Yes* and 7% (2 of 27) answered *No*.

Q32: Does your library require preservation of its digital content?

    7%

    93%

  ● Yes ● No

Q33. At your library is digital preservation ….
   ○ Mandatory for all digital works and websites
   ○ Automatic but not mandatory (publisher or the library can choose not to preserve certain content)
   ○ Optional

For this subset of survey respondents, 88% (22 of 25) answered *Mandatory for all digital works and websites*, 4% (1 of 25) answered *Automatic but not mandatory (publisher or the library can choose not to preserve certain content)* and 8% (2 of 25) answered *Optional*.

Q33. At your library is digital preservation ….	Percent	Count
Mandatory for all digital works and websites	88%	22

Automatic but not mandatory (publisher or the library can choose not to preserve certain content)	4%	1
Optional	8%	2

Q33: At your library is digital preservation ...

• Mandatory for all digital works • Automatic, but not mandatory: • Optional
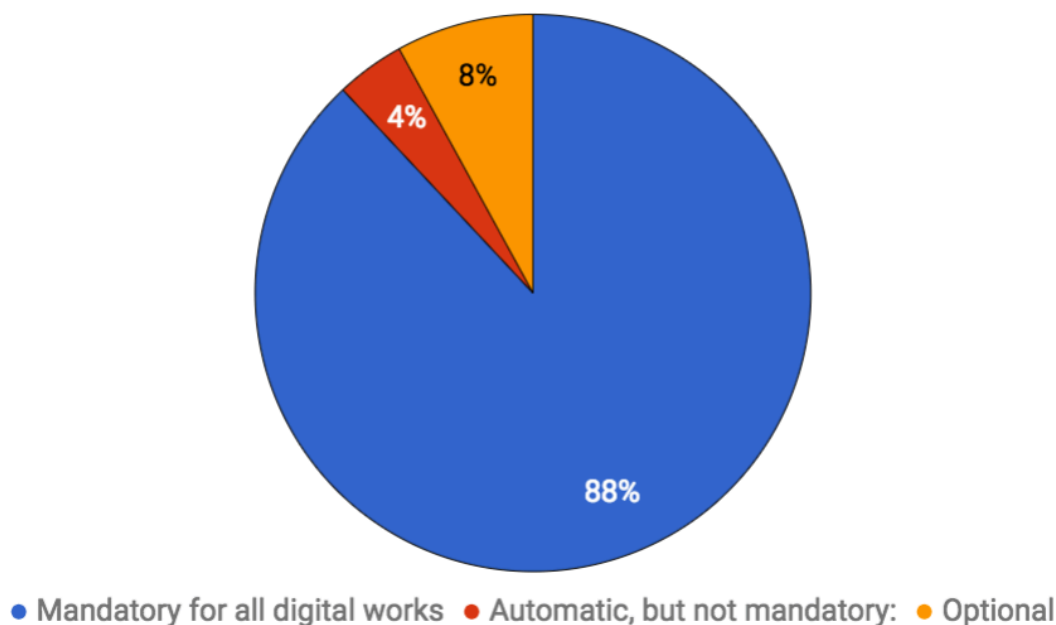
What we have learned:

Progress in electronic deposit legislation has been slow: The British Library survey of European and other developed countries in 2009 indicated that 74% (26 of 35) of the countries surveyed had implemented some version of an electronic deposit law. The 2011 British Library survey was targeted at finding out more about the specific kinds of digital media being collected. Within those categories, such as CD-ROMs, offline publications and audio content, the BL survey found that about 70% of countries were collecting such content. Although methodologies used by the British differed substantially from our 2017 survey[9], it is troubling that although 84% of respondents indicated that their countries had passed legislation allowing for some form of legal deposit into their national library, only 69% have laws allowing for digital deposit. Given these indicators, although far from perfect, it is fair to say that progress in this area appears to be slow.

Track legal deposit legislation: The 2017 survey includes a question regarding the URL of the legal deposit legislation. There were only a few responses, but we believe that it would be worthwhile to continue efforts to identify and share a more complete record of such resources. It would be helpful in understanding the intricacies of such complex legislation and might also assist in advocacy efforts in countries that haven't addressed legal deposit and especially electronic legal deposit.

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[9] Zarndt, Carner, McCain (2017) http://library.ifla.org/1905/1/S18-2017-zarndt-en.pdf

Keep it simple! This was our mantra when we began creating this survey. After reviewing 17 surveys deployed by other organizations in an attempt to learn more about legal and electronic legal deposit laws, we chose to streamline queries using simple "yes" or "no" questions. The current survey could still be improved by simplifying future queries.

Translating the survey into different languages: We are aware that we might have obtained more completed responses if the survey had been deployed with multiple language translations.

What's Next?

Find new partners/collaborators: Because several organizations have an interest in legal deposit laws, closer collaboration on survey deployment would be advantageous. The British Library's "Advocacy Pack," [10] created for national library directors as an advocacy guide for electronic legal deposit legislation was a major step in international collaboration. UNESCO PERSIST[11] and IFLA have convened working groups to address the need for more international collaboration on digital preservation of cultural heritage content. We would like to join collaboratively with other groups seeking similar information.

Assess the progress of electronic legal deposit legislation: Deploying a similar yet more refined survey annually, in multiple languages, would allow interested parties the ability to track the progress of electronic deposit legislation, how and what each national library collects, acceptable formats, as well as levels of access. Ideally, conversations and collaborations resulting in new electronic legal deposit legislation could be encouraged by tracking annual progress.

Investigate state electronic legal deposit schema: In an attempt to capture information about how state libraries have a role in their country's legal deposit schema, we sought responses from several state libraries. Realizing that each state's mandate may be different, we need to design more appropriate questions to adequately capture information about their roles.

Appendix 1: Countries and National Libraries that completed the 2017 E-Legal Deposit Survey

Argentina: Biblioteca Nacional Mariano Moreno
Australia: National Library of Australia
Austria: Austrian National Library
Belgium: Royal Library of Belgium
Brazil: Fundacao Biblioteca Nacional
Canada: Library and Archives Canada
Chile: National Library of Chile
Croatia: National and University Library in Zagreb
Czech Republic: National Library of the Czech Republic

[10] British Library, (2012) http://www.cdnl.info/sites/default/files/docs/2012_Towards_an_advocacy.pdf
[11] Brungs, Julia; Marz, Vera & de Niet, Marco. "Workshop of the UNESCO PERSIST Content and Best Practices Working Group". Frankfurt am Main, 23-24 February 2017. Available at https://unescopersist.files.wordpress.com/2017/04/persist-cbp-frankfurt-workshop-report.pdf

Denmark: Royal Danish Library
Estonia: National Library of Estonia
Finland: The National Library of Finland
France: Bibliothèque nationale de France / National Library of France (BnF)
Germany: Deutsche Nationalbibliothek
Hungary: National Széchényi Library
Iceland: National and University Library of Iceland
Ireland: National Library of Ireland
Latvia: National Library of Latvia
Luxembourg: National Library of Luxembourg
Mexico: Biblioteca Nacional de México, National Library of Mexico
Netherlands: Koninklijke Bibliotheek, National library of the Netherlands
New Zealand: National Library of New Zealand, Te Puna Matauranga o Aotearoa
Norway: National Library of Norway
Philippines: National Library of the Philippines
Singapore: National Library Board Singapore
Slovenia: National and University Library
South Africa: National Library of South Africa
Spain: National Library of Spain
Sweden: The National Library of Sweden
Switzerland: Swiss National Library
United States: Library of Congress

Appendix 2: 2017 E-Legal Deposit Survey questions

Q1. Does your country / state have a legal deposit law?
- o Yes
- o No, but my organization collects digital publications anyway
- o No
- o I don't know

Q2. Please copy a link (URL) to the legal deposit act here:

Q3. Please use this box to offer any comment or explanations about your previous answer (OPTIONAL):

Q4. Does the legal deposit law cover digital works?
- o Yes
- o No
- o I don't know

Q5. In what year did your legal deposit act start to cover digital works?
Q6. Do the laws of your country / state **require** publishers to legally deposit digital works? In this case, we mean that publishers MUST send digital works to one or more legal deposit authorities.
- o Yes
- o No
- o Sometimes
- o I don't know

Q7. Please use this box to offer any comment or explanations about your previous answer (OPTIONAL):

Q8. Do the laws of your country / state require cultural heritage institutions (libraries) to harvest websites and webpages that are publicly available (not behind a subscription paywall)?
- o Yes
- o No
- o Only for some websites and webpages
- o I don't know

Q9. Please use this box to offer any comment or explanations about your previous answer (OPTIONAL):

Q10. To what depth does your library harvest webpages (i.e. homepages, thematic pages)

Q11. Do the laws of your country / state require cultural heritage institutions (libraries) and publishers of websites and webpages to cooperate in order to preserve digital works when these works are behind a subscription paywall?
- o Yes
- o No
- o Only some publishers
- o I don't know

Q12. Please use this box to offer any comment or explanations about your previous answer (OPTIONAL):

Q13. Does your library receive digital works from publishers? For this question by "receive" we mean that publishers initiate the transmission of digital works to the legal deposit authority (library). In tech speak, the publisher "pushes" the works to the authority (library).
- o Yes
- o No
- o I don't know

Q14. If publishers "push" digital works to libraries, how do you receive them?
- o FTP
- o RSS
- o email
- o Content delivered on physical storage device (hard drive, thumb drive, etc.)
- o Shared folder in the Internet cloud
- o Other

Q15. If publishers "push" digital works to libraries, how does your library decide which publishers?
- ○ Our library is obliged to accept all digital works
- ○ Our library accepts all digital works even though it is not obliged to do so
- ○ A digital curator selects the digital works to preserve or selection criteria guide which digital works to preserve.

Q16. If none of the above, please explain in this box:

Q17. In what format(*s) does your library accept digital works?
  ○ EPUB
  ○ PDF (any type)
  ○ MOBI
  ○ TIFF
  ○ JPEG
  ○ Open Doc
  ○ Other

Q18. Does your library offer a batch or bulk legal deposit service to publishers?
  o Yes
  o No
  o I don't know
  o
Q19. Please provide further details on your answer in this box (OPTIONAL):

Q20. What type of access do you provide to e-legal deposit digital content? For this question, **onsite** means within the library premises or on networks controlled by the library. **Offsite** means outside of the library premises and on networks not controlled by the library. **Embargo** means the period of time, usually specified by the publisher, for which access to the content is either limited or denied.
  o Onsite only
  o Onsite and offsite after an embargo period
  o Onsite and offsite immediately
  o Content can be freely downloaded

Q21. If none of the above, please explain in this box:

Q22. Does your library harvest websites and webpages?
  ○ Yes
  ○ No
  ○ I don't know

Q23. If your library harvests websites and webpages, does this include those behind a paywall?
  ○ Yes
  ○ No
  ○ For selected websites only

Q24. Please provide further details on your answer in this box (OPTIONAL):

Q25. If your library harvests websites and webpages, what criteria are used to decide if born digital works from a particular published should be preserved?
  o Our library harvests all websites of in-country publishers
  o A digital curator selects the websites to harvest
  o Library selection policies guide or mandate selection of the websites to harvest
  o
Q26. Please provide further details on your answer in this box (OPTIONAL):

Q27. If your library harvests websites and webpages (excluding digital news), how frequently does it harvest?
- o A number of times per day
- o Once per day
- o A number of times per week
- o Once per week
- o A number of times per month
- o Once per month
- o Less often
- o Other

Q28. If your library harvests digital news websites and webpages, how frequently does it harvest?
- o Library does not harvest digital news websites or webpages
- o A number of times per day
- o Once per day
- o A number of times per week
- o Once per week
- o A number of times per month
- o Once per month
- o Less often
- o Other

Q29. N/A (this question was removed from the survey; no data was collected)

Q30. Depending on the publisher, born digital content published on the web may be updated several times in an hour, day, or week. What methods does your library use to capture updated pages?
- o Crawl RSS files to check for new content
- o Crawl sitemaps to check for new content
- o Regularly download seeds / front pages to check for new content
- o Do nothing
- o Other

Q31. Please provide further details on your answer in this box (OPTIONAL):

Q32. Does your library require preservation of its digital content?
- ○ Yes
- ○ No
- ○ I don't know

Q33. At your library is digital preservation ….
- ○ Mandatory for all digital works and websites
- ○ Automatic but not mandatory (publisher or the library can choose not to preserve certain content)
- ○ Optional