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# News media & new media

- implementing e-legal deposit legislation in Sweden

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e-legal deposit legislation in Sweden



### Morgon

Hillary Clinton är officiellt en presidentkandidat. Slut på ockerpriser i taxibranschen.



### Kväll

Putin: Ryssland ska förse Iran med missiler. Här får du lägenhet snabbast i Stockholm.



# Background on legal deposit in Sweden

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- First legal deposit legislation in Sweden in 1661
- Part of a series of reforms of the political system
- Main focus on control, not on building a national collection of printed publications
- "It is deemed to be useful and necessary that Their Royal Majesties may have knowledge about what books and other writings are printed and brought to light in the realm and the provinces"

# Development of legal deposit legislation

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- Revision in 1978: microfilming of newspapers and legal deposit for sound and moving images
- 1993-2004 further changes to keep up with technological development, e.g. electronic documents in fixed form
- 2012 a new law on e-legal deposit material (SFS 2012:492) after almost fifteen years of reports and proposals

# The road to e-legal deposit - 1998

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- E-legal deposit report of 1998 (SOU 1998:111): to preserve and provide access to the Swedish cultural heritage for posterity; large amounts of published electronic material that fell outside the legal deposit law
- Material “widely available in this country and related to Swedish conditions”, even behind paywalls, collected as completely as possible (like printed and audio-visual material); *collection method: web harvesting*
- Focus on publications produced by professional publishers and producers
- Private web pages, information from local associations only by selection, collected four times a year; databases once a year

# The road to e-legal deposit - 2003

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- E-legal deposit discussed in a broader government 2003 report (SOU 2003:129) about the work and future of the National Library
- The existing legal deposit legislation to include “remotely transmitted digital materials”, defined as “such materials that are made available to the public via remote transmission over a network”
- Material of permanent character, i.e. material not intended to change over time
- The producer or provider of web page content *to deliver* e-legal deposit material, if already in possession of a publication license (i.e. a certificate of no legal impediment to publication); thus mandatory for newspapers, municipalities, authorities, etc.

# Web harvesting in the Kulturarw<sup>3</sup> project

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- No changes in the law after the proposals on e-legal deposit in 1998 and 2003
- But web harvesting in the Kulturarw<sup>3</sup> project since 1997: all Swedish web pages were to be saved a couple of times per year
- Daily harvesting of 140 newspaper web sites since June 2002
- An almost complete collection instead of a careful selection because it cannot be known what material will be in demand in the future
- Some legal support from 2002 in a regulation (SFS 2002:287) concerning the processing of personal data

# Proposed e-legal deposit legislation

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- In February 2009 a new investigation concerning e-legal deposit legislation and in November 2009 the memorandum “Legal deposit for electronic documents” (Ds 2009:61)
- Proposed new legislation which picked up where the 2003 report had left off
- Government bill on e-legal deposit June 13, 2012
- The new legislation (SFS 2012:492) effective July 1, 2012
- Closely follows the ideas in the proposal from 2009



# Publishers covered by the law

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Three groups of publishers covered by the law:

1. Publishers with constitutional protection (e.g. newspaper publishers or TV and radio companies)
2. Government and municipal agencies
3. Companies which *professionally* produce electronic documents, e.g. e-books, e-music and e-movies

Electronic documents produced or provided by private individuals not generally to be included, e.g. private blogs

# Implementation of the law

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The new law has been implemented in two steps:

- From July 1 2012 to December 31 2014 only a limited number of publishers: the 10 largest (printed) newspapers, the 10 largest (printed) magazines and journals, a number of radio and TV companies, and 15 government agencies
- The second step in January 1 2015 with identification of and information to all publishers covered by the law, including “enterprises professionally producing electronic materials”

# Materials covered by the law

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- Only unchanging electronic documents: “a defined unit of electronic materials with text, sound or image that has a predetermined content intended to be presented at each use”, e.g. news articles, opinion pieces, reviews. (Not complete web pages and similar combined/dynamic material)
- Material published only online, but “web unique” content is difficult to identify and publishers are allowed to deliver material even if it has also already appeared e.g. in print
- Material “related to Swedish conditions”: aimed at people who understand the Swedish language, includes works by a Swedish author or a performance by Swedish artist or otherwise mainly targeted at the general public in Sweden

# Delivery methods

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The e-legal deposit law states that the material should primarily be delivered on a physical carrier, but in reality this will be the last resort:

- RSS used for frequently updated web sites e.g. newspapers and radio/TV websites, with automated retrieval of new items through a custom RSS service (combination of Dublin Core and Yahoo's Media RSS) roughly every hour
- Web ingest form for uploading material through a web browser
- FTP used for some material, mostly larger files of audio-visual material

# Organizational development

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- In the beginning: a new and (in retrospect) understaffed separate e-legal deposit division (with technical support from the IT department)
- After a re-organization of the library the e-legal deposit work is more integrated in different divisions under Digital Collections and Physical Collections
- Development of the different systems and technical IT support handled by the Information Systems Department in dialogue with Collections
- Legal support through the Corporate Services Department
- About 20 members of staff, but not fulltime

# Experiences from implementation

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- Previous transition to regular digital ingest for radio and television
- Problems identifying web unique productions
- Combining two parallel legislations
- Information/communication
- Monitoring

# Future development of the legislation

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The National Library is expected to report back to the government about the implementation of the e-legal deposit legislation. Desirable changes are:

- the prescribed method of delivery: on physical carrier; default method should be over the Internet
- a better definition (based on experiences 2015-) in the legislation of the rather vague “enterprises professionally producing electronic materials”
- focus shift away from viewing print/broadcast publishing as the main form of delivery and basis of collection building
- legal support for making the e-legal deposit material available

# Conclusion

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- What the library collects with the help of the e-legal deposit law is to a large extent only the elements that make up web sites, without visual context or structure
- It is really a necessity to tie together the traditional web harvesting process with the archive of the more complete content to give a *reasonable picture* of what is published on the web.
- The new law is in many respects a good start and makes it possible for the National Library to start preserving also the electronically published part of the Swedish cultural heritage for future research and studies