

# Self-service photography terms of use and guidance

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## Terms of use

### 1. General terms of use

* You will be given a yellow permission card to display on your desk when taking photographs. Please ensure the card is always visible. You may **not** photograph any material that is not issued with a yellow placard.
* Only certain materials may be photographed as set out in this guidance. Various materials may not be photographed because of copyright or licensing restrictions, terms of ownership or deposit, privacy restrictions, conservation issues, or for other reasons.
* Because of electronic resource licensing restrictions computer screens may **not** be photographed.
* You may **only** use compact cameras, mobile phones or tablets.
* You may **not** use your own photography aids (such as scanning tents) without the Library’s approval.
* You may **not** use large cameras, hand-held scanners, tripods or removable lenses.
* You may take still images only; you may not record video or moving images.
* Flash must be switched off and devices must be silenced.
* Please respect other reading room users and Library staff and be aware of actions that may disturb others.
* Do not take photographs of other people.
* The Library reserves the right, at our discretion, to require that you stop taking photographs or to remove your self-service photography permission.
* You must stop taking photographs if requested by a member of staff. You may be asked to stop because of the impact on other users, because activities appear to be breaching the terms of this agreement or for another reason.

### 2. Copyright

* Many works are protected by copyright, even if they are very old (most manuscripts are in copyright until 2040).
* Exceptions to copyright allow you to make limited copies from works that are protected by copyright. In general, it is permissible to make limited copies of parts of works for the purposes of non-commercial research, private study or illustration for instruction, or for quoting from a published work, for the purposes of caricature, parody or pastiche, or for news reporting (excluding photographs). For more information see the Library's Copyright Guidance posted beside photocopiers, in the guidance below, or visit [the UK Government’s web page about exceptions to copyright](https://www.gov.uk/guidance/exceptions-to-copyright).
* Your photographing should be limited and you may not distribute or pass on photographs of in-copyright works to anyone else.
* You are responsible for ensuring any copies you make are lawful. The Library is not responsible for any infringement of copyright that you undertake.

### 3. Privacy and data protection

* Many items contain personal information, which may relate to living individuals.
* You must comply with data protection legislation when taking photographs. Always consider the rights of individuals and if unknown assume a lifespan of 100 years. For more information on data protection legislation, including the UK General Data Protection Regulation and the Data Protection Act 2018, consult guidance available in our reading and access spaces, on [our website](http://www.nls.uk/guides/using-personal-data) or visit the [Information Commissioner’s Office website](https://ico.org.uk/).

### 4. Collections care

* Bound volumes and printed books must be placed on foam supports or cushions and kept open with book weights/snakes. Please **do not force material** beyond its natural opening angle. Please consult staff or signage for guidance on handling material safely.
* When taking photographs, you should handle material in the same way as when reading it.
* Single sheet material and unbound manuscripts must be placed flat on the desk and not held up in the air. Please take care to preserve the original order of loose material. Fasteners (paperclips, staples, ribbons etc.) must notbe removed.
* The Library reserves the right to revoke photography permission if there is any risk posed to the material.

## Guidance

### 1. What items can and cannot be photographed?

#### Collections available in the General Reading Room (George IV Bridge building)

|  |  |
| --- | --- |
| **Can be photographed****(Subject to certain exceptions for copyright, ownership or preservation reasons)** | **Cannot be photographed****(Some exceptions noted)** |
| **Unless an item falls into one of the categories on the right** | **Other categories:*** Computer/microform screens
* Photocopies
* Mintel
* Electoral Registers.
 |

#### Collections available in the Special Collections Reading Room (George IV Bridge building)

|  |  |
| --- | --- |
| **Can be photographed****(Subject to certain exceptions for copyright, ownership or preservation reasons)** | **Cannot be photographed****(Some exceptions noted)** |
| **Manuscripts:*** Adv.MSS. **(except 82.1.1-82.9.13)\***
* MSS.
* Acc. (except items on deposit)
* Ch.
* Ch.A
* Ch.B
* FR
* Wodrow.

**\***All Oliphant of Gask manuscripts are clearly marked **Not to be Copied** – this includes self-service photography.**Rare Books & Music:*** Advocates Library items, including Abbotsford
* Any printed Rare Books & Music items not part of a deposited collection.

**Other categories:*** Open access reference material

Original photographs**Unless an item falls into one of the categories on the right.** | **Manuscripts:*** Acc. items on deposit
* Dep. (Including T.D)

**Rare Books & Music:*** Deposited collections - see shelfmark list below.

**Other categories:*** Any Class 1 item
* Any loaned item
* Photocopies
* Computer/microform screens.

**Deposited collections shelfmarks:** * Birk. T (type collection)
* CIM
* CMS
* Crawford
* Dowd
* Dry
* FIN
* ICAS
* KH/EH
* MRB
* Oban
* Orr
* PCL
* PDT.
* PDP.
* PDL.
* Phot.
* Print.9 (printing artefacts)
* R.S.M.
* R.Soc.E
* Saltoun
* SCA
* Soc
* Sund.
 |

#### Collections available in the Maps Reading Room (Causewayside building)

|  |  |
| --- | --- |
| **Can be photographed****(Subject to certain exceptions for copyright, ownership or preservation reasons)** | **Cannot be photographed****(Some exceptions noted)** |
| **Map Collections:*** Ordnance Survey
* Map Areas A-N
* Admiralty/Decca/Omega Charts
* Aeronautical Charts
* Bartholomew
* Bathymetrical Maps
* Copper plates
* Edinburgh University (Drummond Library)
* EM **(except EM.p and EMS.p)**
* Fabric maps
* GAD
* GB.
* GGB
* GNL
* GOE
* GOF
* Ireland – Down Survey
* MS
* Map.
* Marischal
* Newman
* Original photographs
* Post Office directories
* RSGS
* Scotland: Geological Survey
* Scotland: Soils
* Soil Leaching
* Tactile maps

**Other categories:*** Open access reference material
* Acc. (except items on deposit).

**Unless an item falls into one of the categories on the right.** | **Manuscript Maps:*** Acc. items on deposit
* Dep. **(and other deposited collections).**

**Other categories:*** Any loaned item
* Class 1 items (Adair, Gordon, Pont)
* Computer/microform screens
* EM.p
* EMS.p
* Material delivered from the General Reading Room
* Newbattle
* Newhailes
* Photocopies
* Realia/Physical objects **(i.e. globes)**

**Deposited collections shelfmarks:*** + BCS
	+ Blair Cadell
	+ Carson Clark
	+ Crummock/Montague Evans
	+ Dinwiddie
	+ Eglinton
	+ GRP
	+ Galbraith
	+ Howdle
	+ Hunterston
	+ Land Utilisation Survey
	+ RHAS
	+ RSE
	+ Signet
	+ Stevenson.
 |

### 2. Why are some items excluded?

Materials are excluded because of legal, preservation, safety, or ownership issues, or a combination of these. If the Library does not own an item, we may not have the right to allow it to be photographed. This is why deposited items are excluded. Certain manuscript materials are excluded because they are un-sorted and un-foliated, meaning that we have not yet been able to identify content, such as personal data. We also exclude items which would be damaged or put at risk by photography.

### 3. Why can't photocopies be photographed?

Photocopies are already copies of other works and may be copies of works that are in-copyright. It is not practical to determine whether photocopies were made under an exception to copyright, under licence, in infringement of copyright, or of an out-of-copyright item. Photocopies made under an exception to copyright or under licence may not be re-copied, therefore we have a blanket ban on creating copies or photographs of photocopied or copied materials.

### 4. Why can't computer screens and microforms be photographed?

Computers provide access to licensed digital collections. Unlike items we own, licensed digital collections are only available subject to licensing conditions set by third parties. To prevent a breach of the terms we do not allow photography of computer screens. It would not be practical for staff to monitor what users are looking at on their screens.

Microforms (for example, microfilm and microfiche) are normally copies of other works. As explained in response to question 3 (above) it is not practical to determine whether microform copies were made under an exception to copyright, under licence, or of an out-of-copyright item. See question 3 for more information.

### 5. Where and when is self-service photography permitted?

We permit self-service photography in our three reading rooms – the General Reading Room, the Special Collections Reading Room, and the Maps Reading Room.

Self-service photography is available during the published opening hours of the reading rooms.

### 6. What equipment can be used?

Compact cameras, mobile phones, or tablet computers may be used. Sounds on all devices must be switched off, including any artificial shutter noises. Larger cameras, such as DSLRs, superzoom or bridge cameras, or any removable lenses, may not be used.

Self-service photography is intended to provide photographs for **reference and research purposes only**.

Heavy and large equipment is bulky and may damage collection items if dropped. Tripods or other supports or attachments may not be used, unless supplied by the Library. Any devices that create a noise, including any cameras with a mechanical shutter, may not be used. Handheld or portable scanners may not be used (as these may scrape against items when used) nor may other photography devices, such as laptop cameras. Devices should remain unplugged when they are being used. A device that is plugged in presents a greater risk as the cord may get caught in an item, which may cause the device to fall onto collection material, or drag across collection material.

**You can use:**

|  |  |  |
| --- | --- | --- |
| **Compact cameras** |  **Mobile phones** | **Tablets** |
| **Compact camera** | Mobile phone | Tablet device |

**Images, left to right:** 'Nikon Coolpix S570 (2512020772)', José Antonio Gil Martínez. CC BY 2.0, <https://goo.gl/LLVHlm> ; Mobile phone, CC0 public Domain, <https://goo.gl/eaon9d>; 'IPad 1 PSD Mockup', Justin14. CC BY-SA 3.0, <https://goo.gl/wm07nk>

**You cannot use:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Bridge cameras** | **Digital Single Lens Reflex (DSLR) cameras** | **Manual cameras** | **Compact system cameras with removeable lens** | **Handheld /portable scanners** |
| Bridge camera | Digital Single Lens Reflex camera | Compact system camera with a removeable lens  | A camera with a lens  |  |

**Images left to right:** 'LumixFZ50-1', Peter Voeth. CC BY-SA 3.0, <https://goo.gl/RvLxRP>; 'EOS 650D', FuFu Wolf. CC BY 2.0, <https://goo.gl/eQqlEQ>; 'Nikon-F6 MG 2034'. CC BY-SA 2.0 fr, <https://goo.gl/bmGVRe>; 'Sony A5000 white', Tiia Monto. CC BY-SA 4.0, <https://goo.gl/kvY7KI>

### 7. How do I get permission to take photographs?

Each time you wish to take photographs, ask staff for permission when you are issued with your collections materials. Staff will check the materials you request against the permitted list above.

You will need to place a yellow permission card on your desk when taking photographs, which staff will give you when you receive your materials. This allows staff to know who has permission to take photographs.

### 8. How much can I photograph?

The amount you can photograph, and what you can do with your photographs, depends on whether the material is in-copyright.

Most works are in-copyright for 70 years from the death of the last living author, but there are some exceptions:

* works with no known human author are usually in-copyright for 70 years from publication
* most unpublished works (no matter how old) are in-copyright until 31 December 2039 or later
* most Crown copyright works (works by the UK Government and many of its bodies) are in-copyright for 50 years from publication or 125 from being made, if they remain unpublished

### 8.1 Out-of-copyright works

If the work is **out-of-copyright**, you may photograph as much as you wish.

However, the reading rooms continue to be places for study and consultation. Extended photographing can be taxing on the objects and disruptive to others. Keep photography of out-of-copyright works to a reasonable minimum. The Library's professional imaging services can make copies of out-of-copyright materials. More information is available on the [Library’s website](http://www.nls.uk/using-the-library/copying-services).

### 8.2 In-copyright works

If the work is or may be **in-copyright**, you may *only* take photographs if you:

* have permission from all the copyright owners
OR
* can rely on one of the *exceptions to copyright*. These are outlined below.

If you’re going to rely on an exception to copyright:

* O*nly* photograph as much of the work as you need for your purpose
* The amount you photograph must be *fair* and *justifiable* under an exception to copyright
* In most cases you need to exercise '**fair dealing**': ensuring your use is fair to the copyright owner. Consider:
	+ How would a fair-minded and honest person deal with the material?
	+ Will your activity affect the market for the original?
	+ Are you using a reasonable and appropriate amount of the work?
* You may *not* take lots of photographs in order to later select which will be useful for your purpose
* There is no set page count, proportion, or quantity that is 'fair' to photograph
* The less you photograph, the more likely your use is to be fair
* Attribute the work and its creators and cite your use of a copyright exception

The exceptions to copyright that are most likely to be useful are:

* **Fair dealing** with a work for one of the following purposes does not infringe copyright:
	+ non-commercial research
	+ non-commercial private study
	+ quotation (**does not apply to unpublished works**)
	+ criticism (**does not apply to unpublished works**)
	+ review (**does not apply to unpublished works**)
	+ non-commercial illustration for instruction by a person giving or receiving, or preparing to give or receive, instruction (including setting exam questions)
	+ reporting current events (**does not apply to photographs**)
	+ parody
	+ caricature
	+ pastiche
* Copyright is not infringed in the following cases:
	+ **Disability**: making an accessible copy of a work for a disabled person if they have lawful access to the work and their disability prevents them from enjoying the work to the same degree as a non-disabled person. The copy may be made by the disabled person or by another person on behalf of the disabled person.
	+ **Text and data analysis**: A work may be copied so a person who has lawful access to it can carry out computational analysis for non-commercial research.
	+ **Parliamentary or judicial proceedings, Royal commissions, or statutory inquiries**: Copyright is not infringed by anything done for the purposes of parliamentary or judicial proceedings, Royal Commissions, or statutory inquiries, or for the purposes of reporting such proceedings.

If the work is or may be in-copyright and your purpose is not included within one of the exceptions to copyright, you may **not** take photographs until you have permission from the copyright owners.

You are responsible for complying with copyright law.

More information on the exceptions to copyright is included in the [Annex](#_Annex:_Certain_exceptions).

For **printed music** items, the Intellectual Property Office has developed detailed guidance which is available from the [UK Government’s website](https://assets.publishing.service.gov.uk/media/5a801e5140f0b623026919f9/Copyright_Notice_Printed_Music.pdf).

The Library is an **Ordnance Survey** Licensed Partner, meaning that we can supply more extensive copies from in copyright superseded Ordnance Survey maps than you may be able to fairly copy yourself. There is [more information on the Library’s website](http://www.nls.uk/collections/maps/services/reprographics/os-licence).

Ordnance Survey guidelines request that copies made from their in-copyright maps under exceptions to copyright are accompanied by the following acknowledgement (unless this would be impossible for reasons for practicality or otherwise): '© Crown copyright and database rights. Reproduced by permission of Ordnance Survey'.

### 9. Can unpublished works be photographed?

Unpublished works are usually in copyright, even if they are very old. Most will be in copyright until at least 31 December 2039. Unpublished material is also likely to contain personal data, the use of which is controlled under data protection legislation, including the UK General Data Protection Regulation and the Data Protection Act 2018 (guidance on data protection is available from the [Information Commissioner's Office](https://ico.org.uk/)).

In-copyright unpublished works may be photographed under most exceptions to copyright (see question 8). However, extra care should be taken with unpublished material, particularly in terms of personal or sensitive data.

### 10. What is the difference between copying and photographing?

In copyright terms, taking a photograph is a form of copying. Therefore, in terms of what is permitted under copyright rules, the same applies to self-service photography as to the use of photocopiers. When you photograph a work, you are copying it.

### 11. What can I do with my photographs?

If you take a photograph under an exception to copyright you may **only** use that photograph for the specific purpose of that exception. For example, if you take a photograph of a letter for the purpose of non-commercial research you cannot use the photograph for anything other than non-commercial research.

Except in rare situations as outlined in copyright law (see [Annex](#_Annex:_Certain_exceptions)), attribution should always be given to the creator and source of a work.

You may do what you like with photographs that you take of out-of-copyright material. We encourage you to provide attribution to the creator of the content and the Library as the location of the material. This will help others who see the images to understand its context and to find out more information if they want to.

### 12. Can I use my photographs on social media?

Posting photographs on social media is a form of publication. In copyright terms making copies and publishing copies are two different acts. In many cases when it is fair dealing to photograph a work it may *not* be fair to publish that photograph. In certain cases, publication, including via social media, may be fair, for example if the purpose is reporting current affairs, the amount of the work photographed is only as much as necessary, and the source has been attributed.

* Is the photograph of an out-of-copyright work? If so, the photograph may be posted on social media as long as there are no data protection issues.
* Is the photograph of a work that is in-copyright? If so, it *may*be OK to post it on social media, depending on the specific purpose and depending on any data protection issues.

If you want to publish a photograph on social media or elsewhere, we suggest that you consider the following:

* Is the photograph of a work that is in copyright?
* Are there any data protection issues? For example, is there any personal data about living people in your image?
* Did you use an exception to copyright to take the photograph? If so, would publication be consistent with your use of that exception? Would publication be 'fair dealing'? If there is a commercial element to your publication then it is unlikely to be fair, for example.
* Will you be providing sufficient acknowledgement of the author and the source?

Remember that publication and other uses of the photographs that you take are your own responsibility.

## Annex: Certain exceptions to copyright

Chapter III of the Copyright, Designs and Patents Act 1988 outlines the 'Acts Permitted in relation to Copyright Works', otherwise known as the exceptions to copyright. Many of the exceptions will not be relevant when you are using the Library's collections. For example, several of the exceptions are only applicable in the setting of certain types of organisation, such as educational establishments. There are specific exceptions for libraries and archives, which permit the Library to make copies for users in certain circumstances.

The table below outlines only those exceptions to copyright that we believe are to be most applicable to your use of cameras in our reading rooms. This is not an exhaustive list of the exceptions to copyright.

**When using this guide, please remember:**

* Chapter III of the Act extends over more than 35 pages, so this guide only provides a basic outline of a few exceptions
* This guide is not intended to be, nor act as a replacement for, legal advice or official guidance
* If you are in doubt about your use, it is always best to check first, by visiting the UK Government’s exemptions to copyright website, speaking with a member of staff, consulting the [Act online](https://www.gov.uk/government/publications/copyright-acts-and-related-laws) or sending an email to enquiries@nls.uk
* Most of the exceptions outlined below are predicated on the notion of 'fair dealing', so if you are going to make use of one of these exceptions you **also** need to consider whether your use is fair – the exception doesn't count if your use is not fair
* Some exceptions are only valid with works that have been **made available to the public**. For the purposes of exceptions to copyright, being available for consultation does *not* constitute 'making available to the public'. For example, publication *would* constitute 'making available to the public'.

Copyright law in the UK was significantly amended in 2014. This guidance seeks to reflect the law as amended. Guidance on the changes is available from the [UK Government’s website](https://www.gov.uk/government/publications/changes-to-copyright-law).

|  |  |  |
| --- | --- | --- |
| **Part of the Act** | **Exception** | **Short description** |
| **29** | **Research and private study** | **Fair dealing** with a work for the purposes of **non-commercial research** does not infringe copyright. Acknowledgement should be provided where practical. |
| **29A** | **Copies for text and data analysis for non-commercial research** | A work may be copied so that a person who has lawful access to it may carry out computational analysis for the purposes of non-commercial research.  |
| **30** | **Criticism, review and quotation** | **Fair dealing** with a work for the purposes of criticism, review or quotation does not infringe copyright, provided the work has been **made available to the public**. Acknowledgement should be provided, unless this would be impractical. |
| **30** | **Reporting current events** | **Fair dealing** with a work, other than a photograph, for the purposes of reporting current events does not infringe copyright, provided acknowledgment is provided. |
| **30A** | **Caricature, parody or pastiche** | **Fair dealing** with a work for the purposes of caricature, parody or pastiche does not infringe copyright. |
| **31A-31F** | **Disability copies** | Copyright is not infringed by the making of an accessible copy of a work for a disabled person, where that person has lawful access to the work and their disability prevents them from enjoying the work to the same degree as a non-disabled person. The copy may be made by the disabled person or by another person on behalf of the disabled person. Educational bodies and non-profit organisations, including the Library, may also make accessible copies for disabled users based on the criteria above. Where this is done certain data must be recorded and reported. |
| **32** | **Illustration for instruction** | **Fair dealing** with a work for the purpose of illustration for instruction for a **non-commercial purpose** does not infringe copyright. Fair dealing must be by a person giving or receiving, or preparing to give or receive, instruction (including setting exam questions) and acknowledgement should be provided where practical. |
| **45** | **Parliamentary and judicial proceedings** | Copyright is not infringed by anything done for the purposes of parliamentary or judicial proceedings, or for the purposes of reporting such proceedings. |
| **46** | **Royal commissions and statutory inquiries** | Copyright is not infringed by anything done for the purposes of Royal Commissions or statutory inquiries, or for the purposes of reporting such proceedings. |