Hi,

Please find enclosed an e-mail comment from a non-legal perspective.

Re:

Consultation on the Legal Deposit of published digital material in the 21st century in the context of Copyright legislation

Submissions

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, on behalf of the National Library of Ireland, welcomes submissions in relation to the questions below:

1. Should the policy of collecting, preserving and making available the published output of the nation for the benefit of the public be extended to include all contemporary publication formats of Irish interest including online digital formats e.g., .ie websites?

2. What issues arise if a policy extension on digital legal deposit is not provided for?

3. What are the benefits if a policy extension on digital legal deposit is provided for?

Respondents are requested to make their submission in writing by email to digimaterial@ahg.gov.ie. The closing date is Thursday 11th May 2017. Any queries regarding the consultation should be emailed to tadhg.oshea@ahg.gov.ie.
Q1 Yes. In a VUCA world, the nature of media is evolving and impacting upon and extending to libraries and other institutions and upholders of copyright. Websites add multiple layers of complexity such as the replacement of internet products and loss of data whereas books are easier to manage and more accessible and can be categorised and classified more easily according to systems such as Dewey Decimal. I do not have any legal training whatsoever but I do have an interest in this area owing to previous studies and qualifications. And therefore it is important to draw analogies in order to fully understand the subject at hand.

Libraries are centrefold to a fully functioning society in my view. However, libraries are being faced with major and significant challenges such as how to incorporate the digital world in an effective manner. In a world of information overload how can we structure the data in order to make it purposeful and add meaning? Digital is a craft and we are a long way off from perfecting this craft. Mistakes and errors have yet and will continue to be made and in the aftermath valuable lessons learnt in order to progress.

The reality is that whole sections of life and society will be forgotten if digital memory fails to be preserved. Each and every morsel and titbit of information and byte of data has a part to play in the collective memory of society. The wiping out of this data is perilous. The re-ordering, re-structuring and re-use of such data should always be in the public interest and should not infringe upon any individuals’ rights. The law is outdated in many aspects and possibly inconsistent regarding digital standards. However, it should be noted that keeping pace with the production of ever-expanding terabytes of data is not to be scoffed at. And this can have serious and significant ramifications on society over a wide range of areas and over differing life-spans. Digital in the public domain is in its infancy yet and the digital sphere has yet to impact generations yet to follow. There are many imminent issues which have yet to be ironed out.

It will be a slow and difficult process but the information will have to be categorised, classified and catalogued according to certain and specific standards such as metadata standards. There will be many instances of overlap and duplication. And going forward perhaps managing the material through transcription would help ease the burden. The information of such websites should undergo regular review, dynamism rather than being static or inert.

Copyright and legal frameworks need to evolve to keep in line with the digital sphere. The internet has been a free for all publishing platform for a number of
years and it is not fully clear what is actually considered acceptable and appropriate when it is being used and many people are aligned by and apply individual approaches and deal with the consequences (if there are any when common sense does not prevail) at a later date. Generally any negative impact or fallout especially relating to social media is usually dealt with by a moderator in another part or located at the other side of the world. There is a crossover between websites and social media and therefore it cannot be ignored or dismissed. The internet enables freedom of expression and Irish copyright law has in many cases in the past hindered and waivered the right to freedom of expression. Information needs to be placed within contextual frameworks, for example, in tertiary sources such as Wikipedia you can examine previous versions of any article and the references can be challenged by others. Every single piece of data cannot go underneath a lens without serious levels of manpower and therefore data must be structured efficiently so that it tells the most important bits of the story at a glance. The undermining and stifling of internet users’ activities in any way will not go unnoticed and is likely to provoke people and lead to protests. People crave freedom of expression and that is why the internet seems so attractive.

Defining what is of Irish interest is paramount. However, it should be noted that going forward sovereignty may not have as significant a role to play and interests may be re-aligned in this respect, that is, how Irish people at home and the Irish Diasporas will identify themselves in future years is a key question. Digital transcends borders and there is a need now more than ever for foreign policy e.g. surrounding public internet diplomacy.

The steps taken regarding collection, preservation and availability of material should have different yet consistent outcomes, that is, the input and output should differ but adhere to named standards. Some people may view this as censorship but it should be viewed in terms of relevancy and quality and should at all times be subjected to regular and ongoing reviews.

Ireland is lagging behind which is surprising for a digital hub of innovation. Ireland cannot afford to be left behind in the face of so much rapid change. General Data Protection Regulations are coming into play in May 2018 and many are not ready for such levels of change in my view. Where traditional media can bind information and create conversation surrounding events while adhering to rhetoric and is more formal, digital is less formal; informal really and therefore it is more difficult to impose standards, digital enables debate and development of a more holistic mind and life experience. Every eventuality in relation to growth and development can be documented and is there for the world to see and experience and therefore can potentially lead to more open-mindedness and better problem-solving skills with the right tools and know-how. Done incorrectly it can have adverse implications, in my view.

Q2 certain areas are likely to be ignored such as the issue of identity and health owing to the loss of cultural context. A lack of understanding may form with the loss of digital and collective memory particularly surrounding multinational cultures. A person may be born in Ireland, have parents of different nationalities and cultures, the person may have dual citizenship and may grow up in another part of the globe but where does the person identify themselves is the key question. There are so many instances nowadays e.g. migrants, asylum seekers. That same person (and persons from all walks of life) can now develop entirely their own set of beliefs and cultural norms influenced by their internet environment which can differ significantly from their place of work or education.

Health may be ignored and fail to be properly understood with large gaps in
digital and collective memory. The digital sphere has altered life significantly in Ireland. The digital has in some instances replaced or led to a decline in other activities with significant amounts of time being spent online, one example is the decline of social activities such as the frequenting of public houses. Ireland and Irish people are evolving for better or worse and the digital sphere has implications for our health and a significant impact on everyday living. The digital experience has enveloped, captivated and encapsulated so many people in twenty-first century Ireland. A significant part of our shared history and culture would be blocked, eliminated and erased without the work and activities of institutions such as the National Library of Ireland. The lack of preservation of sites or any impediment to the carrying out of such work will leave a dent in the Irish psyche and memory which may never be repaired. Digital and collective memory exists in the context of decision making at many differing levels.

Social media allows barriers to public versus private sharing of information and knowledge. However, information in many cases is shared without proper consent and can lead to viral trends and such. If there is to be total accessibility to every morsel of information then the author should not be identified without their knowledge and consent. However, this is almost impossible. Some give real and accurate identities, others pseudonyms and some give false or fabricated identities to various platforms. Therefore, users’ information can be protected while they are living through the levels of information shared in the public domain about the website in question. The user generates content but may be unaware of certain things and later will update the information for it to be more accurate or perhaps to distort. The user may be unaware of what the information is actually being used for. This information, for example, could be sold elsewhere such as advertising to third-party websites as agreed in the digital terms and conditions which were unlikely to be read and of which there is no record for the user to hand.

Q3 In short the benefits exceed the drawbacks.

- Tap into digital and collective memory of 21st century Ireland.
- Improve the user experience inside and outside of the digital realm.
- Evolution of the role of learning and education.
- Lead to better understanding in complex areas such as health and identity.
- Improved understanding of the management and governance of complex and exorbitant levels of information.
- Better equipped to face the challenges of a VUCA society and world.

Thanking you.

Kind regards,

Danielle Lawlee