Response to Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs public consultation run on behalf of the National Library of Ireland

The National Library of Spain is the head of the Legal Deposit libraries in Spain and has been preserving the documentary heritage since it was founded, more than three centuries ago.

With the explosion of internet and the online publications, it became critical to afford the necessary steps to preserve the increasing documentary heritage available on the World Wide Web. Since a new legal deposit law was enacted in 2011, that considered the websites and online publications object of legal deposit for the first time, the National Library of Spain promoted a specific legislation to regulate the legal deposit of online publications (including websites). The Royal Decree 635/2015, that regulates the legal deposit of online publications came into act in October 2015. This royal decree enables the National Library of Spain, along with the regional libraries with competencies on legal deposit, to select, collect and preserve the websites and the online publications that contain national documentary heritage, not only the free-access publications, but also those ones under subscription or payment.

Please find our response to the public consultation outlined 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?

Having into account the Guidelines for the preservation of digital heritage, published by the UNESCO in 2003, it is critical to extend the policy to online publications. These ones are very ephemeral and contain documentary heritage that should be preserved for future generations.

Many countries (Spain among them) have already amended legal deposit legislation to incorporate deposit of the published digital output of that country, e.g. websites and electronic publications. This is digital legal deposit. These countries are already actively collecting this digital material. This is an urgent task to afford by the National Libraries, among other institutions (like University Libraries or National Archives).

The extension of this policy to include all contemporary formats, including online digital formats is a necessity in this era of a changing publications landscape. It is an important precursor to amended digital legal deposit legislation.
2. **What issues arise if a policy extension on digital legal deposit is not provided for?**

If an according legislation for the preservation and access of online publications is not provided for, there will be a considerable amount of these publications that will be lost forever, and consequently a considerable part of the memory of the nation. The balance between digital and physical material will shift, and eventually there will be more digital material produced than physical, and none of this digital material will be collected and preserved for future research. The loss of publications that document all aspects of 21st century life will only add to the ever growing digital black hole created by the ongoing absence of legislation in this area.

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

We believe these digital publications will be as important as printed books for future generations to understand life in any country in the 21st century, and they are more fragile than books so we need to capture them now. They are important to researchers and citizens alike as they document the local as well as the national, the creators and innovators as well as the more formal machinery of the state. Life in the 21st century will increasingly be documented in digital form, in blogs, websites and digital newspapers. The extension of policy, to facilitate amendments to current legislation in Ireland to enable the capture of this material will ensure collection, preservation and access to the documentary and intellectual heritage of 21st century in Ireland.

We therefore support the proposal as outlined in the public consultation and urge the Minister of Arts Heritage, Regional, Rural and Gaeltacht Affairs to consider and act on this response.

Yours sincerely,

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