

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 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 in the reading room.
- If a member of staff asks you to stop taking photographs, please do so. 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.
- The Library fully reserves the right, at our discretion, to require that you stop taking photographs or to remove your self-service photography permission.

2. Copyright

- Many items are protected by copyright, even if they are very old (most manuscripts are in copyright until 2039).
- **Please consult library staff before photographing any original photographs or photocopied material.**
- 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 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 self-service photocopiers or visit gov.uk/exceptions-to-copyright.
- Your photographing should be limited and you may not distribute or pass on your photographs of copyright protected items 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 General Data Protection Regulation and the Data Protection Act 2018, consult guidance available in our reading and access space or from our website at www.nls.uk/guides/using-personal-data or visit ico.org.uk.

4. Collections care

- You may find it useful to keep a record of exactly what you have photographed. If you want more information about an item in future, a citation will allow staff to locate the material for you, i.e. the shelfmark, manuscript number or other identifier, and the page, folio or other sequence number. You may also want to record the date the image was taken.
- 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 in the Reading Room 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 not be removed.
- Reading Room staff reserve the right to revoke photography permission if there is any risk posed to the material.

Guidance

1. What items can and cannot be photographed?

CAN be photographed (Subject to certain exceptions for copyright, ownership or preservation reasons)	CANNOT be photographed (Some exceptions noted)
Collections available in the General Reading Room (George IV Bridge building)	
Unless an item falls into one of the categories on the right	Other categories <ul style="list-style-type: none"> • Computer/microform screens • Photocopies • Original photographs • Mintel • Electoral Registers
Collections available in the Special Collections Reading Room (George IV Bridge building)	
Manuscripts <ul style="list-style-type: none"> • Adv.MSS. (except 82.1.1-82.9.13)* • MSS. • Ch. • Ch.A • Ch.B • FR • Wodrow <p>*All Oliphant of Gask manuscripts are clearly marked Not to be Copied – this includes self-service photography.</p> Rare Books & Music <ul style="list-style-type: none"> • Advocates Library items, including Abbotsford • Any printed Rare Books & Music items not part of a deposited collection Other categories <ul style="list-style-type: none"> • Open access reference material <p style="text-align: center;">Unless an item falls into one of the categories on the right</p>	Manuscripts <ul style="list-style-type: none"> • Acc. • Dep. (Including T.D) Rare Books & Music <ul style="list-style-type: none"> • Deposited collections - see shelfmark list below Other categories <ul style="list-style-type: none"> • Any Safe item • Any loaned item • Photocopies • Original photographs • Scrapbooks • Computer/microform screens Deposited collections shelfmarks <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> • R.Soc.E • Saltoun • SCA • Soc • Sund
Collections available in the Maps Reading Room (Causewayside building)	
<p>Map Collections</p> <ul style="list-style-type: none"> • 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 • Post Office directories • RSGS • Scotland: Geological Survey • Scotland: Soils • Soil Leaching • Tactile maps • WWII aerial photographs <p>Other categories</p> <ul style="list-style-type: none"> • Open access reference material <p style="text-align: center;">Unless an item falls into one of the categories on the right</p>	<p>Manuscript Maps</p> <ul style="list-style-type: none"> • Acc. • Dep. (and other deposited collections) <p>Other categories</p> <ul style="list-style-type: none"> • 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 • Original photographs (except WWI aerial photographs) • Photocopies • Realia/Physical objects (i.e. globes) • Scrapbooks <p>Deposited collections shelfmarks</p> <ul style="list-style-type: none"> ○ BCS ○ Blair Cadell ○ Carson Clark ○ Crummock/Montague Evans ○ Dinwiddie ○ Eglinton ○ GRP ○ Galbraith ○ Howdle ○ Hunterston ○ Land Utilisation Survey ○ RHAS ○ RSE ○ Signet ○ Stevenson
<p>CAN be photographed (Subject to certain exceptions for copyright, ownership or preservation reasons)</p>	<p>CANNOT be photographed (Some exceptions noted)</p>

2. Why are some items excluded?

Materials are generally 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 the item to be photographed, whether it is in copyright or not. This is why deposited items are excluded, even if there are no copyright issues. Certain manuscript materials, including items with the prefix ACC., are excluded because they are un-sorted and un-foliated, meaning that curators have not yet been able to identify key issues, such as personal data or intellectual property. We also exclude items which would be damaged by photography, or would otherwise be placed at risk.

3. Why can't photographs or photocopies be photographed?

Photocopies are already copies of other works. It is likely that photocopies are copies of works that are in copyright. It is not possible or 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.

Photographs present a separate set of challenges. Legally, photographs may be copied under exceptions to copyright just as any other copyright work can be (although photographs are specifically excluded from the reporting current events exception). However, photographs and still artworks are difficult to manage under exceptions to copyright because it is very difficult, if not impossible, to make use of a copy without taking a copy of the entire image. While this may well be fair and legal, the risks are significantly higher. We have therefore excluded photographs from self-service photography.

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

Computer terminals provide access to licensed digital collections. Unlike items we own, licensed digital collections are only made available subject to specific licensing conditions. In order to prevent a breach of these terms we do not allow any photography of computer screens. It would not be practical or desirable for staff to monitor what users are looking at on their screens.

Microforms (e.g. microfilm, microfiche) are normally copies of other works. As explained in response to question 3 (above) it is not possible or 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 opening hours of the respective reading rooms:

General Reading Room and Special Collections Reading Room	Monday, Tuesday, Thursday 09.30-19.00 Wednesday 10.00-19.00 Friday, Saturday 09.30-17.00
Maps Reading Room	Monday-Thursday 10.00-13.00 and 14.00-17.00

6. What equipment can be used?

Only 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. Any devices that create a noise, including any cameras with a mechanical shutter, may not be used. Handheld 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.

We have strict criteria related to the devices that may be used because of the need to protect collection items (e.g. from bulky equipment) and the need to maintain reading rooms as places of quiet study (e.g. no mechanical flash noises).

Can be used



Compact Cameras



Mobile Phones



Tablets

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>

Cannot be used



Bridge Cameras



**DSLR Cameras
(Digital Single
Lens Reflex)**



Manual Cameras



**Compact System
Cameras with
removable lens**

**Handheld
Scanners**

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/eQqIEQ>; '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?

Every time you wish to take photographs you need to inform staff on the service or issue desk before you may take any photographs. 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?

8.1 In-copyright materials

Many items held by the Library are in copyright, even if they are very old. In most cases copyright protection lasts for 70 years after the year in which the last author of a work died. However, unpublished works are often protected by copyright until the end of 2039 or later, irrespective of their age. Works that are in Crown copyright (including Ordnance Survey maps) have protection for 50 years after publication or 125 years after being made, if they remain unpublished.

Works that are in copyright may only be photographed with specific permission from the copyright holder(s) or under an exception to copyright. There are several exceptions to copyright which may apply to self-service photography. Details of these are available in the [annex](#) or at gov.uk/exceptions-to-copyright.

If you are taking photographs under an exception to copyright you may only photograph **as much of the work as you require for your specific purpose** and the amount that a work you photograph must be **fair and justifiable** (see below and the [annex](#)). Exceptions to copyright, for example, do not allow you to take lots of photographs with a plan to later select which will be useful for your purposes.

Most exceptions to copyright only allow you to make copies in ways that are consistent with the concept of **fair dealing**. This concept does not have a specific definition, but in general we advise that you carefully consider whether what you are doing is fair to the copyright owner.

When considering whether your use is fair, you may want to consider the following:

- How would a fair-minded and honest person deal with the material?
- Will what you are doing affect the market for the original?
- Is the amount you are using no more than is necessary? Is the amount fair and justifiable?
- Are you using a reasonable and appropriate amount of the work?

Depending on the material you are using, your purpose, and the particular exception to copyright on which you are relying, these factors will have varying degrees of significance. For example, a work that is commercially viable may be harder to treat fairly than a very old work that has little or no commercial value.

In general:

- The **less** of a work that you use, the more likely it is that your use may be considered fair.
- Clear **attribution** should always be provided (unless this would be impossible, perhaps because there is no known source or because attribution would negate the purpose, such as the setting of exam questions).
- Uses should **not compete** with the copyright owner's own use of the work or their reasonable expectations.

Knowing how much of a work you can fairly and justifiably copy under an exception to copyright can be challenging. Most exceptions do not define a quantifiable amount of a work that may be copied. In

general, we advise that **the less that is copied, the more likely the use is to be fair**. 8.1.1 Fair dealing guidelines from other organisations

8.1.1 Fair dealing guidelines from other organisations

Some libraries and organisations publish guidelines on what they interpret 'fair' amounts to be.

- The British Library advises that a fair amount is normally understood to mean 'no more than 5% of an in-copyright work, one chapter of a **book** or its equivalent, or one article from a single issue of a **journal**'.
<http://www.bl.uk/reshelp/atyourdesk/docsupply/industryspecificinfo/publisher/copyright/>
- The Bodleian Library at the University of Oxford also advises that a fair amount might include 'One **short story** or **poem** in a collective work, up to ten pages in length'.
<http://www.bodleian.ox.ac.uk/bodley/using-this-library/copyright#1-1>
- The Cambridge University Library further advises that 'an A4 extract from a **map** or **atlas** page' may be a fair amount.
<http://www.cilip.org.uk/advocacy-campaigns-awards/advocacy-campaigns/copyright/briefings-resources/copyright-poster>
- The Libraries and Archives Copyright Alliance (LACA) and the Chartered Institute of Library and Information Professionals (CILIP) advise that '5% of a **published work** could possibly be reasonable' to copy.
[Guidance accurate as of 27 January 2016 at
<https://www.ordnancesurvey.co.uk/docs/licences/copying-of-maps-held-in-public-libraries.pdf>]

We strongly advise anyone taking photographs of in-copyright material, or otherwise copying in-copyright material to be sure they are only copying a limited amount that is fair and justifiable. You may wish to consider the more detailed guidelines from these or other organisations in making this determination.

You should remember that complying with copyright law is **your** responsibility when you make your own copies or take your own photographs.

8.1.2 Printed music that is in copyright

For printed music items, the Music Publishers Association (MPA) has prepared further guidance on copying, which is available from: <http://www.mpaonline.org.uk/content/printed-music>.

8.1.3 Ordnance Survey maps that are in copyright

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. Further information is available from:
<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'.

8.2 Out-of-copyright material

While you are not required to comply with the exceptions to copyright when you are taking photographs of out-of-copyright materials, self-service photography is intended to allow you to capture **only sections of works, not generate facsimile reproductions** of materials.

The Library's reading rooms continue to be places for study and consultation. Extended photographing of materials can be taxing on the objects and may be disruptive to other users. We therefore request that you keep photography of out-of-copyright works to a reasonable minimum. The Library's professional imaging services are the best way to obtain full copies of out-of-copyright materials. More information is available at <http://www.nls.uk/using-the-library/copying-services>.

It can be difficult to know, especially with archival material, whether an item is in copyright or not. Many unpublished works are in copyright until the end of 2039 or later, irrespective of their age, and

the duration of copyright can vary depending on the nature of a work. We advise that wherever there is uncertainty about the copyright status of an item it is treated as if it is in copyright.

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 General Data Protection Regulation and the Data Protection Act 2018 (guidance on data protection is available from the Information Commissioner's Office at ico.org.uk).

In-copyright unpublished works may be photographed under exceptions to copyright, because exceptions apply to all types of copyright works. 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 law 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 private research you cannot use the photograph for anything other than private research.

Except in rare situations as outlined in copyright law (see [annex](#)), 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 particular exception? Would publication be 'fair dealing'? If there is a commercial element to your publication then it is very 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. Please note, therefore, that 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 very 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 <https://www.gov.uk/exceptions-to-copyright>, speaking with a member of staff, consulting the Act at <https://www.gov.uk/government/publications/copyright-acts-and-related-laws> or contacting 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**. In our view, 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 Intellectual Property Office at <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. If an accessible copy is commercially available on reasonable terms this exception may not be relied on. 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.