

Statement on Ethical Sharing of Electronic Records and Guidelines for Electronic Record Sharing

Purpose

This document outlines guidelines for ethical behavior on the part of library personnel for all parties involved in electronic record sharing. It also makes recommendations to commercial entities regarding design, development and distribution of related software, and provides guidance to libraries to assist them in controlling outside access to their electronic records.

The intent of the guidelines is twofold:

(1) to promote the use of library discovery resources (MARC records and other types of metadata) and to guide behavior so that libraries can continue to operate for the benefit of all, and

(2) to suggest how each library can share metadata while also protecting its investment in the electronic records it has created or purchased.ⁱ

Statement on Ethical Record Sharing

It is possible to gain access to a library's MARC records without the knowledge or permission of the library that created the records. This can be done by using a variety of software applications that make use of the z39.50 protocol, including several open source and commercial products. Having the ability to consult the records of other libraries can be valuable in solving cataloging questions. This is an accepted practice in the cooperative community of librarians. However, in some instances, library personnel and others not only gain access to these records, but also download the MARC records intact for use in their own catalog with little or no modification. This is clearly not "record sharing."

Librarianship is a profession that prides itself on advancing through the cooperative efforts of its practitioners. This cooperation takes many forms, from consultation on management issues and gathering of statistical information to sharing resources and even work products. In all such cooperative efforts, librarians acknowledge the importance of respecting institutional policies and procedures and adhering to the highest ethical standards.

Libraries can add bibliographic data to online catalogs and other patron discovery tools in several ways, including:

- (1) Original or copy cataloging using the OCLC database or transferring bibliographic records from OCLC via the z39.50 protocol. This method involves attaching the library's holdings symbol to the OCLC record directly or through batchloading
- (2) Using a z39.50 client (purchased from an ILS vendor or a vendor that sells search-and-capture software) to harvest bibliographic records from other libraries' catalogs
- (3) Purchasing bibliographic records from a vendor
- (4) Using MARC records to create other types of metadata

Prior to using any record created by another library, **ethical record sharing requires that permission must be gained from the creating library.** Failure to do so may violate copyright laws. All conditions, including payment of applicable fees, must be fulfilled. Using records of another library without its permission or before meeting its conditions, whether in an internal database or in a catalog or database generally available, is an unacceptable use of another library's work product. Such use is considered unethical in the library community.

Guidelines for Electronic Record Sharing:

The following guidelines are offered to assist libraries in protecting their work product, and in seeking and gaining permission to use the records of other libraries.

A. For All Libraries:

1. Add copyright statements or statements of ownership, usage, permission, etc. to online catalogs and records. Examples of copyright statements include:

a. The Jenkins Law Library includes this statement in the online catalog:

JAC Plus powered by Innovative Interfaces, Inc. Copyright 1996-2009, Jenkins Law Library. All rights reserved. See <http://jac.jenkinslaw.org/>

b. Cassidy Cataloguing Services, Inc. adds a copyright statement to each record:

(c)2009 Cassidy Cataloguing Services, Inc

c. LexisNexis adds this statement to the CIS microfiche library records that libraries purchase:

Reuse of record except for individual research requires license from Congressional Information Service, Inc.

See <http://jac.jenkinslaw.org/record=b155811>.

2. Configure load profiles for bibliographic records to include a vendor-supplied copyright statement.
3. Modify access to your library's OPAC to allow z39.50 client searching, but not MARC downloads if your institution is not comfortable with that practice. ILS vendors should provide this capability.
4. Protect access to your z39.50 server for record sharing by creating password access. Potential users would contact target libraries so that they may grant access, or not, depending on the situation. ILS vendors should provide this capability.
5. Develop a records sharing policy or statement and post it on the library Website with a contact name for more information. Agree to share your library's records when asked, if that is possible.
6. Monitor usage activities of your OPAC for unapproved use of your MARC records. Block unapproved use if your ILS has that capability. Follow up with contact to the searching institution. ILS vendors should provide the capability to both monitor searches done using the ILS z39.50 server and block unapproved use when that is warranted.
7. Promote the importance of the contribution of MARC records and holdings to a worldwide library community, such as OCLC, by actively following *Guidelines for Contributions to WorldCat* <http://www.oclc.org/worldcat/catalog/guidelines/default.htm>.

B. For Libraries (and Other Organizations) that Seek to Use Others' Data:

1. Use MARC search-and-capture software to access bibliographic utilities, such as OCLC and *MarciveWeb SELECT* (<http://www.marcive.com/HOME/PAGE/WEB6.HTM>) and publicly funded catalogs such as the Library of Congress.
2. When installing search-and-capture software, consult records sharing policies and contact the target libraries to ask for permission to obtain records from their OPACS.
3. Contribute to the greater library community by actively following *Guidelines for Contributions to WorldCat* <http://www.oclc.org/worldcat/catalog/guidelines/default.htm>, making catalogs available to others, participating in interlibrary loans, etc.

C. For Library ILS Vendors:

1. Design your OPAC and web-based ILS products to allow z39.50 client searching; however, MARC record downloading would require a password or could be blocked altogether from remote locations. The library installing the software could make the access choices.ⁱⁱ
2. Give your ILS the ability to monitor usage activities, especially for the OPAC. The library should be able to run regular reports showing IP addresses that are accessing the

OPAC remotely and any activity while connected. 3. Protect access to record harvesting software for record sharing by incorporating tools into ILS management functionality.ⁱⁱ Examples:

a. Softlink International has designed the latest version of their z-search module with a form that the client library has to fill out. If the target library doesn't freely offer their OPAC as a search target, then the client library would need to call the target library for setup details and to obtain permission to download records.

b. Innovative Interfaces, Inc. an ILS vendor, allows its customers to block IP access to libraries, searchers, vendors or others they think may be "harvesting" records from their catalogs without permission; however, this method requires labor intensive checking of logs on the part of target libraries.

D. For Commercial Developers and Distributors of Standalone MARC Record Harvesting Software and Open Source Equivalents:

1. Promote the use of MARC record harvesting software to access bibliographic utilities, such as OCLC and *MarciveWeb SELECT* (<http://www.marcive.com/HOMEPAGE/WEB6.HTM>) and publicly funded library catalogs such as the Library of Congress.

2. Assume that materials are copyrighted or are protected under the fair use guidelines even if they do not explicitly state that they are copyrighted. Debate continues as to whether or not fair use guidelines include originally created or modified MARC catalog records. Information on the website [Copyright & Fair Use. Stanford University Libraries.](#) indicates that they do. The third of the four factors that judges consider when deciding fair use cases is "the amount and substantiality of the portion taken."ⁱⁱⁱ

3. Promote the importance of the contribution of MARC records and holdings to a worldwide library community, such as OCLC as part of the sale or use of search-and-capture software.

APPENDIX I

Publicizing the “Statement on Ethical Sharing of Electronic Records and Guidelines for Electronic Record Sharing”

The Committee, with the permission of the American Association of Law Libraries Executive Board, plans to share the guidelines with the following:

- ALA (ALCTS, LITA)
- AALL Executive Board
- AALL local chapters
- ALL-SIS membership
- Book and serial vendors
- Canadian Library Association
- IFLA
- ILS vendors
- MLA (Medical Library Association)
- MLA (Music Library Association)
- OBS-SIS membership
- OCLC (Glenn Patton)
- PLL-SIS membership
- SLA (Special Libraries Association)
- TS-SIS membership
- Z39.50 software vendors
- Other organizations to be determined

APPENDIX II

Selected Resources

“ARIN WHOIS Database Search.” *American Registry for Internet Numbers*. American Registry for Internet Numbers, 1997-2008. Web. 19 June 2008.

“Bibliography.” *SRU: Search/Retrieval via URL*. Lib. of Cong., 26 November 2007. Web. 24 June 2008.

Bintliff, Barbara A. and Briscoe, Georgia. “The Ethics of Electronic Record Sharing.” *AALL Spectrum* 10.8 (June 2006): 16-17. American Association of Law Libraries. Web. 19 June 2008.

This American Association of Libraries award-winning article provides background on the topic. The article was based on their program at the American Association of Law Libraries annual conference in San Antonio in July 2005 entitled “Nabbing vs. Sharing: Z39.50 and the Ethics of Directly Importing MARC Records.”

Cassidy, Joni Lynn. “Ethics in Cataloging?” *Informed Librarian Online*. Infosources Publishing, Dec. 2005. Web. 19 June 2008.

“Charts and Tools.” *Copyright & Fair Use. Stanford University Libraries*. Stanford University Libraries, 2005-2008. Web. 12 Sept. 2008.

Datema, Jay. “Open Data: What Would Kilgour Think?” *Open Libraries*. Open Libraries, 2 April 2007. Web. 24 June 2008.

“Guidelines for Contributions to WorldCat.” *OCLC*. OCLC, 2008. Web. 19 June 2008.

“The Law, Digitally Speaking.” *Chronicle of Higher Education*. 54.30 (2008): B14. Web. Sept. 2008.

“MARC Specialized Tools.” *MARC Standards*. Lib. of Cong., 9 Sept. 2008. Web. 16 Sept. 2008.

McLemee, Scott. "Open Library." *Inside Higher Ed*. 8 August 2007. Web. 24 June 2008.

"Measuring Fair Use: the Four Factors." *Copyright & Fair Use. Stanford University Libraries*. Nolo, 2007. Web. 4 June 2008.

Sobel, Lionel S. "Copyright Navigator: A Digital Annotated Concept Map of the Fundamentals of U.S. Copyright Law." *Copyright Navigator*. Copyright Navigator, 2005. Web. 24 June 2008.

"Add-Ons: Liberty Z-Cataloging." *Softlink*. Softlink International, 2005. Web. 22 Sept. 2008.

Taylor, Mike and Dickmeiss, Adam. "Delivering MARC/XML Records from the Library of Congress Catalogue using the open protocols SRW/U and Z39.50." World Library and Information Congress: 71st IFLA General Conference and Council. Oslo. 14-18 August 2005. Web. 17 Sept. 2008.

"Z39.50 Software." *Z39.50 International Standard Maintenance Agency*. Z39.50 Maintenance Agency, Network Development & MARC Standards Office, October 2006. Web. 24 June 2008.

Wolven, Robert. "In Search of a New Model." *Library Journal.com. netConnect*. Library Journal, 15 January 2008. Web. 24 June 2008.

ⁱ **Cost of Cataloging:**

“Cataloging at the Library of Congress.” *Library of Congress Help and FAQs Page*.

Library of Congress, 30 March 2006. Web. 8 July 2008.

From October 2000 to September 2001, the Library of Congress cataloged 270,801 bibliographic volumes at an average [cost of \\$122.60](#) per volume.

From October 2001 through September 2002, the Library of Congress cataloged 310,235 bibliographic volumes at an average cost of \$94.58 per volume.

Technical Services Division Program Review Physical Processing and Preservation Group. End Processing Unit. “Cost to Process a Book, November 1999.” *Technical Services Division Program Review Physical Processing and Preservation Group. End Processing Unit*. University of Maryland Libraries, 20 August 2004. Web. 8 July 2008.

Datema, Jay. “Is there a bibliographic emergency?” *Open Libraries*. Open Libraries. 10 July 2007. Web. 22 Sept. 2008.

“In part, Lugg credited this pressure to the basic MARC record becoming a commodity, and he estimated the cost of an original cataloged record to be \$150-200.” Rick Lugg, partner, R2 Consulting.

“Book vendors are a major provider of MARC records, and may employ as many catalogers as the Library of Congress does.” - Bob Nardini, Coutts Information Services.

Datema, Jay. “LC merging cataloging and acquisitions by 2008.” *Library Journal*. Reed

Business Information. 10 July 2007. Web. 22 Sept. 2008.

Beacher Wiggins, Library of Congress director for acquisitions and bibliographic control, read a paper that gave the LC perspective. Wiggins cited Marcum’s 2005 paper that disclosed the costs of cataloging at \$44 million per year. LC has 400 cataloging staff (down from 750 in 1991), who cataloged 350,000 volumes last year.

ⁱⁱ The Committee plans to survey ILS vendors about the technical feasibility of adding more controls on the outflow of data and ask what it would take for them to make it a priority on their development list.

ⁱⁱⁱ “Measuring Fair Use: the Four Factors.” *Copyright & Fair Use*. Stanford University Libraries. Nolo, 2007. Web. 4 June 2008.