

## Meetings Report

### Current legal issues in information work: key areas and what you need to know

Seminar organised by the UK Online User Group  
Belfast 6 April 2004

Thanks to Easyjet it was much cheaper for me to fly from Edinburgh to Belfast than to London. Also I was born in Belfast, so I was quite happy to attend this seminar, which sounded very relevant to my work. The venue sounded very modern but in fact was previously a school and we sat in what had been a classroom with a blackboard and children's paintings on the wall! However the tables and chairs were full size and we had all the modern technology (for PowerPoint presentations) as well.

Charles Oppenheim, Professor of Information Science, Loughborough University, started the day talking about "Copyright and Database Rights". He admitted at the beginning that it was a "fast whiz through", assuming little knowledge of the legislation, and he packed a lot into his one and a half hours! He started with the basic principles of copyright and told us not to confuse it with physical ownership. There is a tension between owners and users and it is important to get the right balance. Copyright is a negative right, which stops or prevents people from copying original work without permission. He went through categories of work, restricted acts and infringement and emphasized the difference between fair dealing and library privilege (the first is copying yourself, the second is asking librarian to do it). NB: e-signatures are still not accepted yet on declaration forms. Moral rights (e.g. in newspapers) and e-copyright concerns came next.

He then looked at current issues and recent developments, with database and web issues and linking. The new EU 2001 Directive was mentioned. I was particularly interested in the changes and interpretation of "commercial and non-commercial research" which is not defined in the legislation. He talked about technological protection systems which can cause problems for access to information. The Copyright (Visually Impaired Persons) Act 2002 was discussed. The importance to librarians of reading licenses carefully and managing them was stressed.

Although I knew quite a bit about copyright it was very useful revision to go over it again. A lot of information was covered in the time, and a whole day could have been allocated to it.

After a break, which was very welcome with huge home made assorted scones, Laurence Bebbington, Law Librarian and Information Services Copyright Officer, University of Nottingham, kicked off with "Freedom of Information: public access to recorded information". I am responsible for this in my

organisation and although the Scottish legislation only appeared in 2002 all of the UK is going "live" from 1 January 2005. Laurence reviewed the Act, with requests for information, responding, exemptions, Publication schemes, regulation and enforcement. He then compared the FOIA 2000 with the DPA 1998, which I found very useful.

A Question and Answer session followed, including, under FOI, the thorny subject of access to Council minutes. Having just completed our Publication Scheme (for a government agency) I know it is difficult to change the culture of organisations to become far more transparent and accountable.

After lunch Professor Oppenheim ran through the eight principles of Data Protection. I didn't know much about this and wanted to know a lot more. I found the examples that Charles gave made it a lot easier to grasp them. Cases like the Soham murders have brought DP into the news a lot more, and illustrate that not everyone interprets the Act correctly (e.g. 5th principle - "shall not be kept for longer than is necessary", but the police should have kept them). Examples of security (7th principle) included not having a VDU with borrower details visible to others in a library. Personal data was defined with the rights of data subjects and data controllers, and transfer of data. Questions followed, e.g. how long to retain references for job applicants.

This session was followed by Laurence's talk on recent developments in DP. This was fascinating as he gave specific court cases. In one example, Durant v Financial Services Authority 2003, the Court of Appeal took very narrow definitions of "personal data" and "relevant filing system" in the Act, redaction (blocking out) of documents was justified, and none of the Information Commissioners guidance was referred to. A result of this was that the IC had to review and amend his guidance. The court cases show that the only important interpretation is what the Court of Law decides!

There is now an increased public awareness of DP, and increasing LIS areas of impact such as contracts/licensing (with lists of users), sharing databases, FOI, Regulation of Investigatory Powers Act etc. have important DP issues.

After a tea break, Laurence launched into "Disability Discrimination - what you really need to know". He introduced the DD Act 1995 and went over the meanings of definitions used. He told us that to discriminate against someone is to treat them differently, but that it may be OK if it can be justified. Examples were given in LIS such as access to buildings, furniture, IT equipment and web sites.

Our last session of the day was about managing risks

and developing policies for information work. Risks are everywhere, such as copyright infringement, unlicensed software use, illegal distribution and defamation by email and unauthorised data disclosure. We have to identify, prioritise, manage, monitor and review policies (e.g. disclaimers in all university emails going out). We were warned if putting up posters to be careful of wording (use "Under the Act you may be able to ...", rather than "you cannot do this..."). If in doubt take legal advice!

Wow. It was a long day. Both speakers were excellent. They were extremely knowledgeable and provided a great double act, but there was a lot of information to take in. We certainly got our money's worth and learnt a lot. I definitely found it very useful and it is an area that is increasingly important to all information professionals.

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## **Books waiting for review**

The following books from Facet Publishing are awaiting reviewers - please contact Peter Chapman if you would like to do one (or more...)

Chowdhury, G G introduction to modern information retrieval 2nd ed.