

PHOTOGRAPHY AND COPYING OF ARCHIVAL DOCUMENTS IN ARCHIVES' READING ROOMS

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Rapid development of information technologies including scanners, modern digital cameras and other means of "easy" picture taking equipment influence also the requests for individual photography of archival documents by visitors in archives' reading rooms. Using different equipment for taking pictures of archival documents by visitors themselves in the reading rooms of archives is not unified - which is normal - and differs not only from country to country but also within the same country. The situation is given by different legislative measures, different development, technical and personal equipment, etc. in different countries. The results of the survey as a task within former ICA/CPATC are provided.

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Jozef Hanus: Fotografiranje in kopiranje arhivskega gradiva v čitalnicah arhivov. Tehnični in vsebinski problemi klasičnega in elektronskega arhiviranja. Zbornik referatov z dopolnilnega izobraževanja, Maribor 7/2008, str. 193-202.

Izvirnik v angleščini, izvleček v angleščini in slovenščini, povzetek v slovenščini.

Hiter razvoj informacijske tehnologije, in sicer uporaba skenerjev, modernih digitalnih fotoaparatorov in ostalih pripomočkov za enostavno zajemanje slik, vpliva tudi na povpraševanje obiskovalcev v čitalnicah arhivov po individualnem fotografiranju arhivskega gradiva. Določila, ali lahko obiskovalci arhivskih čitalnic uporabijo različno opremo za zajemanje slik arhivskega gradiva, seveda niso poenotena in se ne razlikujejo samo med državami, ampak tudi znotraj držav samih. Takšno situacijo v posameznih državah narekujejo različna zakonska merila, različen razvoj, tehnična oprema idr.

Ključne besede: reprodukcija, fotografiranje, kopiranje, arhivske čitalnice.

INTRODUCTION

Rapid development of information technologies including scanners, modern digital cameras and other means of "easy" picture taking equipment influence also the requests for individual photography of archival documents by visitors in archives' reading rooms.

Using different equipment for taking pictures of archival documents by visitors themselves in the reading rooms of archives is not unified - which is normal - and differs not only from country to country but also within the same country. The situation is given by different legislative measures, different development, technical and personal equipment, etc. in different countries.

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In general, there are two different approaches to the problem. The first approach does not allow the visitors of archives to take pictures of archival documents by themselves at all. The second one allows the use of some equipment under certain conditions, which have to be followed.

At the meeting of the ICA Committee for Preservation of Archives in Temperate Climates in Estonia the participants expressed their interest to examine the situation in this field as much as possible in order to be able to compare and sometimes even to argue by using the facts from the survey of the situation in different countries. That was the reason to create a questionnaire, which could serve as a base for evaluation and analysis of the situation in the field closely connected with archives' services and preservation of archival documents at the same time. Both these activities are among the main tasks and archives' duties as well. However, it is well-known that just these two activities could be very contradictive.

The questionnaire has been answered by members of the ICA CPATC from the following countries:

- Czech Republic,
- Estonia,
- France,
- Germany,
- Hungary,
- Poland,
- Slovakia,
- Slovenia,
- Sweden,
- The Netherlands,
- USA and
- the Archive of the Crown of Aragón in Barcelona, Spain.

The questions submitted in the questionnaire are provided in Annex 1.

THE QUESTIONNAIRE EVALUATION

USE OF EQUIPMENT CONDITIONS

The first questions are concerned with the use of digital/photographic cameras in reading rooms of archives, which - in general - provide such services, and archives without any photographic laboratory (photo or digital services). There was no difference between these two types of archives in their attitude to give permission for the use of visitors' own reprographic equipment.

The first approach is very clearly expressed by the attitude of archives' administrations in all lands within Germany.¹ All answers claim that they do not allow the visitors to take pictures of archival documents by themselves. One administration admitted granting very few exceptions, especially when the equipment of the archives is not appropriate. This is the result concerning the state archives in Germany, however the preservation strategies of other (smaller) archives (municipal, church, etc.) may not be considered as severe.

¹ Maria Rita Sagstetter, Staatsarchiv Amberg, Germany, Personal written communication.

Also Tallinn City Archives, the only one in Estonia functioning separately from the National Archives of Estonia, is reported as the archives, which does not permit photocopying in their archives by the visitors.²

The Archives of the Crown of Aragón in Barcelona, Spain, also belong to the archives, which do not regularly grant permission to visitors for using photographic equipment in their reading rooms.³

The same attitude prevails also in the Slovak state archives. There is no clear and strict official regulation concerning this matter yet. However, the permission to use own digital/photographic cameras depends on the decision of the director of respective state archives.

The use of digital cameras without flash is allowed at the National Archives in the Netherlands.⁴ However, the visitors have to ask permission to use a digital camera in the reading room. The permission is granted by the head of the reading room. All other technologies are not allowed. All other services are provided by the National Archives, including digital photo services. When visitors take their own pictures there is no charge fee for this activity. When they use the facilities of the National Archives they are charged according to the rules of the archives.

According to the Swedish law, researchers have the right to use their own (digital) cameras but the archives also have the right to set the standards of behaviour and rules.⁵ This is the reason why very strict routines and regulations are followed in reading rooms of Swedish archives (See Annex 2). All users must have knowledge of how and when digital equipment may be used. A photo permit must be placed on the table of each user. The main goal is to avoid any harm or damage done to the documents, therefore no flash, no cords, no tripods, no flatbed-scanners neither other technical devices can be used. Archives can provide some equipment that is believed to be safe enough for the user - such as studio-tripod. If studio equipment is brought into the reading room it is not accepted. Only documents opened to the public according to the freedom of information act can be digitized freely. No private papers are allowed to be digitised without permission. These rules may be applied in the Swedish National Archives, the War Archive and the Regional Archives. Other archival institutions may have their own set of rules.

Archival system in Hungary is not centralised.⁶ The National Archives of Hungary (NAH) is ranked within the structure of the Ministry of Cultural Heritage; the other archives are under regional or local authorities or under certain organisations (e.g. universities, churches etc.).

The use of own digital cameras in reading rooms of the NAH is allowed under the following conditions given by internal regulations:

- Any visitor who would like to use a digital camera of his own can get a photo ticket (PT) after he/she has already had a valid visiting ticket for the reading room. The PT is valid in all reading rooms and its price is as follows:

² Ruth Tiidor, *Estonian National Archives, Tartu, Personal written communication.*

³ Maria Carme Sistach, *the Archive of the Crown of Aragón in Barcelona, Spain, Personal written communication.*

⁴ Ted Steemers, *National Archives of The Netherlands, The Hague, Personal written communication.*

⁵ *Swedish National Archives. Personal written communication.*

⁶ Gabriella Albrecht-Kunszeri, *National Archives of Hungary, Budapest, Personal written communication.*

- 1 day 1.000 Ft
 - 5 days (5 subsequent working days) 4.000 Ft
 - 1 month (31 calendar days) 10.000 Ft
 - 1 year 60.000 Ft
- The valid PT should always be presented to the inspector of the reading room. Inspection of photography is the duty and responsibility of the head of the reading room. The head or a person from the reading room staff authorised by the head of the reading room can prevent taking photographs of a certain document according to the archival regulations. The following documents are generally not allowed to be photographed:
 - fractures (folded along the longer side) or other folded documents,
 - documents whose consultation required a special „supporting statement”,
 - books belonging to the library of the NAH and microfilms.
 - Using flash, stand or any other supporting tools and lightings are forbidden.
 - The photographs - according to the current copyright legislation - can be used for research purposes exclusively; the publication, even on the Internet, can only be done with the permission of the NAH and after paying a certain fee.

Breaking the above mentioned rules can induce suspension of the visiting ticket. Each researcher must sign the agreement with the conditions given by the archives. Their purpose is to limit and reduce the quality of digital pictures taken by researchers. If they need and want to have good quality pictures they can order them from the Department of Reprography at the National Archives. After one year practice, the regulation is being revised; e.g.: the number of pictures must be limited, because many people are taking photos all around the opening time, etc. To keep the documents flat a special passe-partout was made for visitors taking pictures of archival documents to avoid them using different types of weights.

Czech Republic reports that visitors are allowed to use their own photographic or digital cameras without flash; also the use of scanners is permitted.⁷ The use of private reprographic equipment in reading rooms of archives in the Czech Republic is governed by Regulation n. 625 from December 13, 2004 by which some provisions of the Act 499/2004 on Archives and record management and changes of some Acts from July 30, 2004 are executed. The application for using own reprographic equipment is published in the annex of pattern rules for the reading room (see Annex 3).

It can be summarized that the regular use of visitors' (searchers') own photographic/digital cameras - after the previous approval of the appropriate archives authorities - is accepted in all responding institutions and countries even in the case that the archives is equipped with photographic laboratory and provides such services. The exception is Germany (only the archives of the Landschaftsverband Rheinland⁸ is reported to permit using digital cameras) and USA (Church of Jesus Christ of Latter-day Saints)⁹ - where all the services are provided by the institutions themselves.

⁷ Michal Ďurovič, National Archives Prague, Czech Republic, Personal written communication.

⁸ Wolfgang Werner, Landschaftsverband Rheinland Rheinisches Archiv- und Museumsamt, Personal written communication.

⁹ Brent Thompson, Church of Jesus Christ of Latter-day Saints, Personal written communication.

Only photographic or digital cameras without flash are allowed for these purposes. No flash accessories, neither scanners can be used - except Poland, where also scanners can be used with the permission of the respective authorised person - the director's permission covers all the problems.¹⁰ All answers concerning the use of this equipment are the same from all answering countries.

The tendency of using searchers' own cameras (analogue and digital) is obvious in French local archives (départementales, municipal and regional) in which the institutional photographic services are more and more oriented to the systematic preservation of documents than to individual demands of researchers.¹¹

The visitor has to fill in the application, which - after the approval - serves also to control the rights of dissemination in the case of publication. Researchers at the National Archives can make a reservation of a place, which is better equipped for the photography of documents than the ordinary place at the table in the reading room. Scanners are excluded from the use - only cameras without flash are allowed in reading rooms. Photographic department provides photographic or digital services according to the visitors' requirements. However, the tendency of visitors' demands for photographic/digital services provided by the archives is decreasing. It happens mostly in cases when publishers need professional photos for publishing. The same situation is also in the archives where there is no photographic laboratory providing such services.

LIMITS FOR NUMBERS OF DIGITISED PICTURES

Usually, there are no limits for the extent or number of pictures taken by own digital cameras for study or private purposes. Only the archives of the Landschaftsverband Rheinland in Germany reports that no complete files or series can be digitized.⁵

CHARGE FOR USING OWN EQUIPMENT

The following question intended to find out whether the archives charge for digitization made by visitors themselves or is it free of charge. Poland reports that it depends on the decision of the director of the appropriate archives; the Landschaftsverband Rheinland in Germany reports that it is not free of charge, Church of Jesus Christ of Latter-day Saints in the USA makes all the copies for their users/customers and charges a reasonable cost which is called cost recovery. If the photographs or documents might be damaged, copies are not provided.

The charges at National Archives Hungary are mentioned above.

The use of own digital/photographic camera is free of charge in all other respondent institutions (countries).

CAN THE PICTURES TAKEN BE FREELY USED FOR ANY PURPOSE?

¹⁰ Anna Michas, *State Archives Krakow*, Personal written communication.

¹¹ Marie-Claude Delmas, *National Archives of France*, Personal written communication.

Most of the answers show that these pictures cannot be freely used for any purpose. Some countries limit their use for private and/or study purposes and there is usually no restriction for making pictures for study/private purposes in responding countries (The Netherlands, Slovenia, Estonia, France, Germany, Czech Republic). However, there are some restrictions reported for publication purposes.

In Poland the pictures can be used for any purpose according to the appropriate law (however in reality nobody gives much attention to searching whether the law is kept or not).

Sweden also reports that there are restrictions in some cases concerning private papers, copyright, secrecy law, etc.

Church of Jesus Christ of Latter-day Saints reports that they may limit the use of photographs because of copyright issues. The photographer may still own the copyright.

The use of pictures for private purposes is free of charge also in France. For their dissemination some fees are charged and permission of the archives is required, however some exceptions may exist (e.g. for scientific publications).

If the pictures are intended for publication visitors are charged a reproduction fee according to the official price list of services provided by archives (also in Czech and Slovak Republic).

HOW THE ARCHIVES' "COPYRIGHT" IS PROTECTED?

In Poland the permission of the appropriate archives is required for publication of pictures taken from archival documents.

Users should sign a special statement before taking photographs in Slovenia. Archives claim from users to deliver all snapshots. In Germany users have to declare the use of photos for publication purposes.

Church of Jesus Christ of Latter-day Saints informs the users what the copyright status is and requests that they follow the law.

In Sweden a researcher must act according to the Swedish law. He must not, for instance, publish the pictures without permission; in the case of copyright, appropriate regulations must be followed and it is the responsibility of the user not to misuse the archival material. There are no special regulations in this field reported by the Netherlands National Archives.

Estonia reports that almost all archival documents are created by the public institutions and now these documents belong to the public archives. They are eligible to decide about the application of the copyright regulations.

The National Archives of Estonia does not normally apply these rights (exceptions are audiovisual documents). The only recommendation is that the publisher should note the name of the archives as the source (owner) of the materials.

Indication of archives and signature of documents are required for publication in French archives (e.g. AD Sarthe, 8 S 788, AM Lyon, Fi 93).

As far as the National Archives of France is concerned the example of quotation required is as follows: "Document conservé au Centre historique des archives nationales, Paris" together with the exact signature of reproduced documents.

If the photo or negative (slide) was produced in the Photographic Centre of the National Archives the following quotation is used: "Cliché Atelier photographique du Centre historique des Archives nationales"; the similar quotations are used also for other departments / centres of the National Archives (e.g. "Document conservé au Centre des archives d'outre-mer des archives nationales, Aix-en-Provence", etc.).

When photographic copies for exhibitions or publications are demanded, the Archive of the Crown of Aragón in Barcelona, Spain,³ provides the possibility of contracting an outside service photo-company with stated agreement with the Ministry of Culture.

Copies are made in the Archives under strict control of the person in charge of reprographic service. Negatives and/or slides are kept in the Archives and neither digital cameras nor flash are used.

No copyright is stated but it is normally required to leave several issues of publication where documents are published. Microfilm reproductions shall be requested by means of forms available in the reading room or by post. Reproductions shall depend on the condition of the documents. The reproduction of complete document series requires special authorisation by the Directorate General of Archives

CONCLUSION

All archives have to deal with an increased requirement for picture taking of archival documents in the course of their study, by visitors themselves in reading rooms of archives. Using different equipment for taking pictures differs not only from country to country but also within the same country.

The situation is given by different legislative measures, different development, technical and personal equipment, etc. in different countries.

Despite the two principal attitudes of archives' authorities in different countries towards the solution of this problem (mentioned in the introduction of this paper), it can be stated, on the basis of evaluation of the questionnaire, that the prevailing trend in this field is permission for the use of photographic/digital cameras without flash under certain conditions and regulations that have to be followed.

The intention of this survey is to provide some information concerning the solution of these problems in some countries to those countries/archival authorities, which have to take a stand and to decide on regulations in this field.

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Annex 1

1. Do you allow regular using of visitor's (searcher) own photographic / digital camera, scanner or other equipment to make pictures / copies of archival documents by himself in the search room of your archives (in your country) if there is photographic laboratory in your archives providing such services?

	Yes	No
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2. Do you allow regular using of visitor's (searcher) own photographic / digital camera, scanner or other equipment to make pictures / copies of archival documents by himself in the search room of your archives (in your country) if there is **no** photographic laboratory in your archives providing such services?

	Yes	No
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3. If yes, which equipment?

• Photographic camera + flash	(your archives)	Yes	No
	(your country)	Yes	No
• Photographic camera - no flash	(your archives)	Yes	No
	(your country)	Yes	No
• Digital camera + flash	(your archives)	Yes	No
	(your country)	Yes	No
• Digital camera - no flash	(your archives)	Yes	No
	(your country)	Yes	No
• Scanner	(your archives)	Yes	No
	(your country)	Yes	No
• Other equipment (please, specify)			

4. If yes, is it limited to some extent / number?

	Yes	No
	(if yes, what are the limits)	

5. If yes, is it limited for some purposes?

Study	Yes	No
Private	Yes	No
Publications	Yes	No
Others (please, specify)	Yes	No

6. If yes, is it free of charge?
(If no, do you charge for each picture or for permission to make photos in general?)

	Yes	No
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7. Can these pictures be freely used for any purposes?

8. How do you protect the archives "copyright"?

9. Your comments and remarks

Annex 2

Regulations for the use of the Reading Room at the Swedish National Archives

1. Archival material and books can be ordered weekdays from 9.00-11.50 and 13.00-15.50. Researches that plan a visit on evenings or Saturdays may make their order in advance. Information about opening hours in general, pricelist etc. is to be found at www.ra.se.
2. Readers must sign signature book in Reading Room each day.
3. Bags, overcoats, umbrellas, food or drink etc. must not be brought into the Reading Room. No use of mobile/cellphones is allowed. The Swedish National Archives takes no responsibility for private items (cameras, computers etc) left on tables or in lockers. Readers are recommended not to leave items unwatched anywhere and to bring only notepaper/lap top to the table in the Reading Room.
4. Staff may restrict the number of volumes a reader may bring to a table; no more than five (5) volumes may be issued at a time and only one (1) volume, box or folder opened at a time on the table. Collections of papers must be kept in the order they are received.
5. Volumes may be kept in the adjacent depository for one (1) week after it has been ordered. If more time is necessary, please contact the staff.
6. All items must be handled with great care and the instructions of the staff in this regard must be followed. Only pencils may be used, please wear gloves to protect both the documents from wear and tear, but also to protect yourself from dust. Do not use any document as desk-pad.
7. Classified records, private papers that need permission from donor and all fragile documents must be studied at the tables in front of the staff. Readers must not leave volumes or folders open if they leave the room and, if required, must return certain volumes to the staff on each occasion.
8. Volumes or books may not be brought from the Reading Room without permission from the staff.
9. Copy-service is open weekdays 10.00-12.00 and 13.00-15.00. Bring the whole volume/box to the copyservice. 40 copies at a time can be done, otherwise fill in an application and order copies. Application for photocopies or the use of your own digital camera can only be accepted if there is no risk to the original and no copyright or donor restrictions.
10. After use, bring the volume(s) to the staff, and put them at the proper shelf, shown to you by the staff. You will receive a copy from your receipt, informing you what archival material/book you have studied.
11. The use of books from the library in the Reading Room is free (self-service). You just fill in and put a green note where you took the book and put it back when you are done. The use of books from the main library and the special libraries (Heraldry, Diplomatarium Suecanum) requires you to be in contact with the staff at the Informationdesk or the librarian.

Annex 3

Application for permission to use own reproduction equipment in reading room Czech Republic

Name and surname:

Fond, collection, box, signature, inventory number, folio:

Supposed number of taken images:

I, signed XY, apply for using of own reproduction equipment (equipment specification: ,,,,,,,,,,,,,,,,,,,,,,,)

Hereby I proclaim that pictures taken by my own reproduction equipment will be used exclusively for my own study purposes and they will not be published. At the same time I proclaim that in the case of interest to publish these copies I am obliged to pay to the archives a reproduction fee according to Price service list provided by an archives or to ask the archives for a dispensation of this fee. At the same time I am aware of necessity to settle the potential copyrights and related rights.

Date:

Applicant signature:

Approved by:

POVZETEK

FOTOGRAFIRANJE IN KOPIRANJE ARHIVSKEGA GRADIVA V ČITALNICAH ARHIVOV

Vsi arhivi se morajo soočati s povečanim povpraševanjem obiskovalcev čitalnic po individualnem zajemanju slik arhivskega gradiva. Uporaba različnih pripomočkov za zajem se ne razlikuje samo od države do države, ampak tudi znotraj njih. Takšno situacijo v posameznih državah narekujejo različna zakonska merila, različen razvoj, tehnična oprema idr.

Ne glede na različne pristope arhivov do reševanja tega problema lahko na osnovi ocene in analize vprašalnika rečemo, da je najpogosteje dovoljena raba digitalnih fotografskih aparatov brez bliskavice pod določenimi pogoji in z upoštevanjem pravil.

Namen te raziskave je priskrbeti informacije o rešitvi tega problema tistim državam oz. arhivom, ki morajo stališče do njega še zavzeti in se odločiti, kako ga rešiti.