

Durham University e-Theses service Takedown Policy

Background

The Durham University e-theses service provides free and open access to electronic copies of all Higher Degree research via the Durham University Library website. Where an embargo was requested and approved at the time of submission, the details of the thesis will be displayed on the e-Theses service, but the full text will not be available until after the embargo expiry date.

Making research available in this way improves its visibility and can result in the work receiving increased citation rates and achieving a greater impact in the wider community.

Durham University Library and Heritage Collections takes copyright seriously and only makes content available on its web sites in accordance with current UK legislation. To accommodate the possibility that a previously unknown copyright holder may come forward and request the removal of content from our public web sites, the Library uses the following take-down policy:

Takedown policy

If you are a rights holder and are concerned that you have found material on our website, for which you have not given permission, which represents a breach of copyright or is not covered by a limitation or exception in national law, please contact us in writing stating the following:

1. Your contact details, including name, postal address and email address;
2. The full bibliographic details of the material;
3. The exact and full URL where you found the material;
4. A statement confirming yourself as the rights holder or an authorised representative and appropriate proof to support this statement;
5. The reason you are requesting the removal of the material from the e-Theses service. Some of the key conditions under which the takedown policy may be invoked are listed below;
6. Whether you are seeking a time-limited embargo on the material or the permanent removal of the full text from the e-Theses service.

The takedown policy may be invoked under the following circumstances:

1. The material is due for publication, or the author is actively seeking to publish this material;
2. Release of the material would substantially prejudice the commercial interests of the University or any person;
3. The material includes information that was obtained under a promise of confidentiality and disclosure would constitute an actionable breach of confidence;
4. The material contains personal information about you or a third party for which disclosure would breach the Data Protection Act or otherwise endanger the health and safety of you or a third party.

If you believe that you have a valid reason for invoking the takedown policy not covered by the above, please provide full details in writing, clearly outlining the reason for your request.

Contact details

All requests to remove material from the e-Theses service should be submitted in writing to:

The University Librarian
Durham University Library and Heritage Collections
Durham University
Stockton Road
Durham
DH1 3LY
Email: e-theses.admin@dur.ac.uk

Dealing with your request

Upon receipt of a request:

1. The Library will acknowledge receipt of your complaint by email or letter.
 - *If you are the contributor:*
The Library will assess the request and apply an embargo, if appropriate. You will be advised of the decision reached and the expiry date of any embargo applied;
 - *In the case of third party copyright breaches or other relevant circumstances:*
The Library will contact the contributor, if possible, and notify them that a complaint has been received. They will be asked to comment on the complaint and provide a response. The complainant and the contributor will be encouraged to resolve the issue swiftly and amicably to the satisfaction of all parties.
2. If a complaint is deemed to have been made on valid grounds, the full text of the theses will be removed from the e-Theses service for the duration of the approved embargo period. The metadata relating to the research (author, title, abstract etc.) will remain available;
3. If the thesis has been made available via the British Library's ETHoS service, Durham University Library will contact the British Library on behalf of the complainant to request its removal;

Following consideration of the complaint one of the following outcomes will be implemented:

1. If the take-down or embargo request is not approved, the material will remain on the e-Theses service;

2. The material will remain on the e-Theses service with changes agreed by all interested parties;
3. The material will be removed from the e-Theses service for an agreed period of time or, in exceptional circumstances, permanently.;
4. If an agreement cannot be reached, the material will remain unavailable until a time when a resolution has been reached;

Note: where material is removed on a temporary or a permanent basis, the basic metadata relating to the thesis (author, title, abstract etc.) will remain available as a complete record of Higher Degree research conducted at Durham University Library.

October 2012