

Durham University e-theses service Takedown Policy

1. Background

The Durham University e-theses service provides free and open access to electronic copies of all Higher Degree research theses. 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 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 the e-thesis service, the Library uses the following take-down policy.

2. Scope of the policy

This policy applies to the following:

1. Durham PhD and Higher Research Degrees passed before 1 October 2009.
2. Third party copyright holders who may wish to request the removal of copyright material.

If your thesis was passed on or after 1 October 2009, you should follow the process outlined on the [Restricting Access to your Thesis](#) page on the Academic Support Office website.

3. Takedown policy

If you are a rights holder and are concerned that you have found material on the e-theses service 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. The main conditions under which the takedown policy may be invoked are listed in Section 4;
6. Whether you are seeking a time-limited embargo (up to a maximum of 3 years in the first instance) or the permanent removal of the full text from the e-theses service. The permanent removal of content will normally only be agreed in exceptional circumstances.

4. Conditions for requesting takedown

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 and the availability of the thesis would prejudice this contract. Where possible, a copy of any publication contract should be supplied to confirm this

Note: Feedback from publishers and other institutions suggests that the deposit of a thesis in a repository does not generally affect future publication opportunities. This is because publishers do not consider this to be 'publication' or expect a thesis to be substantially re-written prior to publication. It is worth checking this with your publisher before invoking the takedown policy.

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.

5. Contact details

All takedown requests to remove material from the e-theses service and which fall within the scope of this policy (see Section 2) 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

6. 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, or request further information about your request. 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.

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

1. If a complaint is deemed to have been made on valid grounds, the full text of the theses will be removed from public view via the e-theses service for the duration of the approved embargo period or, in exceptional circumstances, permanently. The metadata relating to the research (author, title, abstract etc.) will remain publicly available;
2. The material will remain on the e-theses service with changes agreed by all parties;
3. If the complaint is not upheld, the material will remain accessible via the e-theses service;
4. If an immediate agreement cannot be reached, the material will be temporarily made unavailable for public viewing until a resolution has been agreed with all parties;

7. Additional information

1. Where material is removed from public view 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.
2. If the thesis has been made available via the British Library's ETHoS service or the DART-Europe e-theses portal, Durham University Library will contact the British Library and DART-Europe on behalf of the complainant to request its removal.

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