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## The Legal Deposit Questionnaire: a step toward gathering information about the situation worldwide

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**Simultaneous Interpretation:** English, Arabic, Chinese, French, German, Russian and Spanish

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### Abstract

*At the IFLA conference in Durban, the Section on Audiovisual and Multimedia (AVMS) adopted a project to begin work on a survey on the legal deposit of audiovisual materials worldwide. A group of students worked on a draft questionnaire that could be used for data collection. The group first searched for information on the legal deposit and the forms it takes around the world. Another search was undertaken to gather models of questionnaires that could be used as a basis for building the Legal Deposit Questionnaire. After many meetings, much work and much discussion, the group succeeded in producing a draft questionnaire. It has been submitted to the AVMS for comments and revisions. The students hope their work will provide a solid basis for the next steps in this work.*

### Introduction

Information about the state of audiovisual collections around the world is incomplete, to say the least. Even less is known about the status of the legal deposit for audiovisual materials. During its meetings at the World Library and Information Congress (WLIC) in Durban, the Section on Audiovisual and Multimedia (AVMS) of IFLA adopted a project to begin work on a survey on the legal deposit of audiovisual materials worldwide, in order to respond to this lack of knowledge. As a first step, students in the master's programme in information studies at the École de bibliothéconomie et des sciences de l'information of the Université de Montréal were solicited to prepare a draft questionnaire that could be used for the survey's data collection. The work was offered to the students as a special project, for credit, within the framework of a course on visual and sound documents, in the fall of 2007. Five students agreed to work on the project. The deliverable for the project was in two parts, a first draft questionnaire that could be submitted to the AVMS for further work and ultimately transmission to those concerned, and a report on the work required to produce the questionnaire. The report (Champagne et al. 2007) was to include reflexions on the problem

of the legal deposit, and the rationale behind the decisions arrived at concerning the content of the questionnaire. This paper borrows freely from the content of the report, as agreed upon with the students.

The group quickly understood the precarity of the state of conservation of audiovisual documents, citing Emmanuel Hoog, president and director-general of the national audiovisual institute in France, l'Institut national de l'audiovisuel (INA). Hoog (2005) notes that eighty percent of this memory of the world is in real danger, then adds that a single figure should capture our attention: within ten years, at the most, everything will have been lost. The Coordinating Council of Audiovisual Archives Associations offers similar figures for radio and television broadcast archives (CCAAA 2006a). Klijn and de Lusenet (2008, 59) observe that "for many audiovisual carriers, particularly tape, chemical degradation limits life expectancy to decades, and this will be even shorter when deterioration is accelerated by suboptimal storage." Worse yet, these authors note that only 116 out of 349 participants in their survey on audiovisual collections in Europe, or one third, indicate that they have any kind of preservation programme for audiovisual collections (Klijn et de Lusenet 2008, 60-61). This is alarming, because preservation is the activity that constitutes the bridge between the precarious situation of audiovisual documents and the legal deposit.

Many sources indicate that the legal deposit dates from the Ordonnance de Montpellier in 1537. However, on the web site of the INA, this can be found : "The library at Alexandria was the first to establish a form of legal deposit, by confiscating every document that passed through the port in order to make a copy of it. The library then kept the original, and gave the owner the copy that had been made" (Institut 2008, our translation). If we accept this definition, then the legal deposit dates from about 300 B.C. After a long history, the legal deposit was in effect in 52 countries by 1938, and in 139 countries by 1990 (Jasion 1991, 117, cited by Lor 2000).

Over the years, modifications were made to the various laws concerning legal deposit, in order to include types of documents other than paper-based documents. Today, the question is clouded by the integration of digital documents into heritage collections. In addition, as Pinion (1997, 225) notes, the presence of legal deposit legislation does not guarantee that a patrimonial collection of audiovisual documents will be built. Recent projects, mostly sponsored by UNESCO, contribute to developing a more global awareness of audiovisual collections. These projects favour networks and the establishment of standards for the preservation of audiovisual materials. The article by Abdelaziz Abid (1995) provides a great deal of supplementary information on the subject, as do the recommendations of the CCAAA (2006b) paper on the constitution of a new UNESCO instrument for the safeguarding and preservation of the audiovisual heritage (Champagne et al. 2007, 3).

In spite of this important work on preserving the audiovisual heritage, the state of the legal deposit for audiovisual materials around the planet is not known. The draft questionnaire produced by the group of students from the Université de Montréal constitutes a first step in rectifying this situation.

## **Method**

Following the meetings of the AVMS at the IFLA conference in Durban, in the fall of 2007 a proposal was made to the students in the master's programme in information studies at the Université de Montréal who were registered in my course on managing visual and sound documents. After a number of adjustments, by the fifth week of classes the team was stabilised at five participants, all women. A series of six meetings was planned in order to ensure the progress of the work. These meetings took place on Thursday, immediately following our class.

As a first step, the students undertook a search for information, “in order to gain an understanding of the factors at play in preserving and conserving audiovisual documents around the world” (Champagne et al. 2007, 4, our translation). They gathered information on the various forms the legal deposit can take, and on what kinds of organisations were depositaries for the documentation in various places. Another step consisted of searching for model questionnaires that could be used as a basis for the draft questionnaire the students were mandated to produce. In order to assure broad geographical coverage, each student took responsibility for gathering information about the state of the legal deposit on one continent.

A series of discussions on the information gathered allowed the students to compare the various approaches to collecting audiovisual documents. The variety of approaches in turn helped them to understand the diversity of the situations that needed to be considered, and they soon saw that the way the questions were formulated needed to be general enough to accommodate a broad range of conditions and environments, all the while remaining specific enough to gather information that would be useful. It further became evident that there was a broad variety of legal frameworks that needed to be considered. In addition, the large number of third-world countries needed to be considered, as this will influence the situations to be taken into account and the way the questions are formulated.

As a first pass, each member of the group produced a number of versions of the questionnaire, and this provided much material for discussion. They had to decide to what degree the questionnaire should be comprehensive, what type of information they should ask for, and what should be excluded. These discussions led to an agreement on a general structure for the questionnaire. It was decided to adopt a logical order, from general to particular, in asking the questions. Just how to formulate each question was the subject of a great deal of discussion, because it was absolutely necessary to achieve universal understanding of the questions, and to make sure there was no ambiguity in what they were asking.

Little by little, the questionnaire took shape. One of the difficult parts of the numerous revisions that were made involved the elimination of questions that were potentially interesting, but that were considered not necessarily directly related to the objectives of the questionnaire, and that might risk making it cumbersome. An important aspect in recruiting participants for any survey is the necessity of being able to assure them that the task is relatively simple to accomplish and that the questionnaire can be completed in a reasonable amount of time.

Finally, writing the report on the work they did required a great deal of collaboration and much coordination. Each member of the team took responsibility for a section of the report, and one of the students took on responsibility for the graphic look and layout of the questionnaire, with the aim of making it attractive and easy to complete. Many versions of both the report and the questionnaire circulated, until every member of the group said she was satisfied with them. Since the work was done in French, the professor took responsibility for producing the English-language version of the questionnaire, in order to present the work to colleagues in the AVMS section of IFLA, so that the section could then begin discussion of the next steps to take in planning the survey. The English-language version of the questionnaire is appended to this paper.

## **Discussion**

The searches that took place for information covering every continent helped in understanding the variety of legal frameworks and of the audiovisual collections that needed to be considered. Of course, just being conscious of the range did not supply solutions to the problems. However, the understanding that was developed by doing this work guided the

discussions on the content and the wording of the questions that needed to be included in the questionnaire the students eventually succeeded in producing.

There are four sections to the questionnaire: 1. General questions, 2. Legal deposit, 3. Financing, and 4. The state of the audiovisual collection. The students said, “we have made it brief, concise, and clear in order to maximise the chances of it being completed. User-friendly and intuitive, and with a format designed for clarity, it should guide participants in their reflexion on the state of their archival audiovisual collections” (Champagne et al. 2007, 5, our translation).

In the first section, information is sought on the organisation and the respondent, specifically what type of organisation it is, and whom to contact in case this becomes necessary. In the second section, information is sought about legislation concerning the legal deposit. In addition, an attempt is made to identify the role of the responding organisation in relation to the legislation. Does the country have a legal deposit in effect, and if so, what form does it take? When did it come into effect? To communicate openness to other possibilities if no legal deposit is in effect, one question asks whether there is another process that acts as a legal deposit. Another asks whether there is any other initiative in place to systematically build a national collection. Another then asks whether there is other related legislation, such as copyright legislation. Finally, there is a question asking whether the legislation includes audiovisual documents. Throughout the questionnaire, examples are given, in order to try to elicit responses that will include all the possible document types and situations. At the end, a question on digital resources is added, because in at least one of the cases studied, the legislation included its audiovisual documents under this category.

In the third section, information is sought on whether the organisation responsible for the legal deposit receives sufficient resources to accomplish the task, and whether financing is full or partial. The second question in this section seeks to target the audiovisual material. It asks what percentage of the total financing goes to the audiovisual collections.

In the fourth section, the questions gather information on the state of the audiovisual collection built as part of the legal deposit. This information will help institutions compare their situation with that of other institutions. After much discussion on the formulation of the questions, it was decided not to offer a comprehensive list of the types of documents and formats, but rather to offer a few simple examples to guide the respondents. In this way, we hope they will feel at liberty to express their own vision of their collections, while providing useful information. Next, in order to get an understanding of the size of their collection, the students needed to decide how to measure this. They opted for a measure that is very familiar in archives, linear metres of material on the shelf. The amount of memory required for digital materials is asked in terms of Megabytes, Gigabytes or Terabytes, again in order to allow respondents to express their responses as they understand them, without having to convert them to some predetermined unit of measure.

In this fourth section we also ask for information about the criteria for acquisition of audiovisual documents, having seen a great deal of variation in these from one country to another. This question might also provide useful information related to the responses to the preceding questions. Next, we ask two simple questions about the conservation and preservation of the collection, which we think are sufficient for the requirements of this survey. We ask about the general state of the collections, offering a scale of five choices, then whether the organisation has equipment specifically dedicated to its audiovisual documents. The last question of the survey asks whether the audiovisual materials are made available to the public.

## Conclusions

The questionnaire that appears quite short, simple, and easy to complete is the result of a great deal of research, and of even more thought and discussion. Thanks to the work of this group of students, the AVMS project to undertake preliminary work on a survey to learn about the present state of the legal deposit for audiovisual materials has gotten underway, with the production of this draft questionnaire. The section hopes to take advantage of the Québec conference to get comments and feedback from participants. In this way, the next step toward finalising the questionnaire and getting it ready for distribution to participants can be accomplished.

From thence, the organisation or institution that takes responsibility for the survey will need to finalise it, if necessary, taking into account any other considerations that can be identified in the context of a global undertaking. Once a usable version has been established, it will be time to solicit participants, distribute the questionnaire, receive the responses, code the data, analyse the responses, and produce a report. Such a survey will offer the first portrait of the global state of the legal deposit for audiovisual and multimedia materials. Each institution will then be able to find its place within this portrait, compare its situation to that of other institutions, identify useful models, then work on obtaining or improving national legislation for the legal deposit of audiovisual documents. This will constitute a step forward toward libraries without borders. It will also be the work of others. We hope the contribution of this group of students will provide them with a solid base on which to continue this work.

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## **Appendices**

Appendix A:

### **Questionnaire in English :**

<http://www.ifla.org/IV/ifla74/papers/095-AVMSQuestionnaire-en.pdf>