

Position statement on access to legacy oral history collections

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Background

Libraries play a pivotal role in the communities they serve, providing free access to information to support lifelong learning, recreation, research and study; preserving cultural heritage and championing freedom of expression and ideas. NSLA is fully committed to expanding access to our collections and to supporting the efforts of those who seek to make access to information more open to stimulate creativity and innovation.

Since the 1950s, Australia's national, state and territory libraries have been collecting, preserving and making accessible oral histories which are important historical records and often provide unique perspectives on people, places and events from those who have an intimate relationship with them. They have been a particularly important tool in documenting both the world views of the highly influential as well as the experiences of marginalised communities or those whose knowledge is primarily passed on through oral tradition.

The importance of oral histories as documents that record this country's history was demonstrated in 2019 by the addition of *Migration Voices Oral Histories* from five Australian collecting institutions to the [UNESCO Memory of the World Register \(Australia\)](#), alongside such iconic documents as the Mabo case manuscripts and the First Fleet journals.

NSLA libraries have been, and continue to be, directly responsible for recording oral histories, working in partnership with government and community organisations to commission oral histories and to acquire them by purchase or donation. Users of oral history collections include researchers, family historians, educators, creative artists and academic researchers.

As technology has evolved, so have the media on which recordings have been made. NSLA libraries continue to be challenged in preserving and maintaining access to recordings on redundant technologies such as reel and cassette tapes, DAT and compact discs. It is essential for preservation and future access that these documents be digitised and, where possible, made widely accessible online.

Purpose and scope

This statement outlines the public position of NSLA libraries regarding the provision of access to legacy oral history collections. It explains the rationale and legal basis for the risk management approach adopted by NSLA libraries for the digitisation and dissemination of legacy collections – primarily those whose creation or documentation pre-dates the advent of the internet. It supports policies and procedures in place at each NSLA library which are specific to the requirements of that library's jurisdiction.

Principles

It is the position of NSLA libraries that materials identified as legacy oral histories will be made accessible online. This includes digitised audio recordings and transcripts.

NSLA libraries recognise that digitised oral histories and transcriptions are more readily discoverable, searchable and accessible. This level of accessibility brings a certain amount of risk. Rather than rendering collections inaccessible, however, NSLA libraries favour a risk management approach.

NSLA libraries will take the following criteria into consideration when determining if a work is a legacy oral history:

- recorded before 1995
- any related contractual agreement has expired
- any embargo or access restriction placed upon them has expired
- agreements for the oral history and associated transcript do not consider the option of online access
- collection provenance information is not available or no longer useable.

NSLA libraries will make reasonable efforts to identify and contact rights holders before making oral histories accessible online.

NSLA libraries may redact parts of a legacy oral history before making it accessible online to ensure private information, broadcast material, confidential or culturally sensitive information is not included without appropriate permission. Where they occur, these redactions will be made overtly and in the interests of preserving privacy or upholding rights, not as a form of censorship.

NSLA libraries will make decisions on making legacy oral histories available based on legislation in their particular jurisdiction and on consideration of their organisation's own policies and procedures.

Rights and constraints in oral histories

This position statement and the subsequent actions taken by NSLA libraries are not intended to impinge upon the legal rights of any individual or organisation. NSLA libraries recognise that an oral history may have multiple rights holders and multiple rights. These include but are not limited to:

- copyright
- moral rights
- privacy (varies for different jurisdictions)
- defamation (varies for different jurisdictions)

Rights may be affected by agreements including access and embargo agreements. Oral histories may include underlying rights where an interviewee performs or quotes works of which they are not the creator or copyright owner.

Where legacy oral histories record Aboriginal or Torres Strait Islanders, or they are the topic of another person's oral history, NSLA libraries will follow [Aboriginal and Torres Strait Islander protocols](#) in determining if these will be made accessible online. See NSLA's [Position statement on Indigenous intellectual property and ownership](#).

Where the rights holders cannot be identified or located, the oral history will be treated as an orphan work in accordance with Australian copyright law. See NSLA's [Position statement on reasonably diligent search for orphan works](#).

Where any individual or organisation believe that they own rights in a legacy oral history that has been made available online without their consent, or they believe that their rights have been impinged, NSLA libraries will encourage them to make contact to resolve the matter.

Takedown provisions and procedures are available in NSLA libraries and these shall be followed when a request is received for the full or partial removal of a legacy oral history or transcript. See NSLA's [Position statement on takedown](#).

