



Canada's LGBTQ2+ Archives

Copyright and Takedown Policy A009 V.02

Purpose

The purpose of the Copyright and Takedown Policy is to provide a high-level statement for The ArQuives regarding copyright and the removal of online content. This policy will assist The ArQuives in its efforts to fulfill its mandate, adhere to the *Canadian Copyright Act*, and engage with the community in a respectful and consenting manner. This policy outlines the commitment, principles, and procedures that The ArQuives will follow to prevent copyright infringement.

Scope

This policy and related procedure apply to all volunteers and staff members of The ArQuives who act on behalf of The ArQuives in carrying out their roles and responsibilities and all material found on any website and social media pages administered by The ArQuives.

Definitions

Public: For the purpose of this policy, clients, users, researchers, and the general public will be referred to as “the public.”

Social Media: Applies to any online social media platform that The ArQuives currently or in future chooses to use.

Staff: A staff member is anyone who is a paid full-time, part-time, probationary, temporary, or casual worker.

Volunteer: A volunteer is anyone who, without compensation or expectation of compensation beyond reimbursement, performs a task at the direction of and on behalf of The ArQuives. For the purpose of this policy, interns will be referred to as “volunteers.”

Website: Any website or database The ArQuives maintains. Websites include our main site, Online Collections Portal, and Digital Exhibitions site.

Institutional Responsibility

The Executive Director will:

1. Establish procedures to address copyright and takedown requests.

2. Provide all staff/volunteers/interns/Board members with training and information regarding this policy.
3. Monitor the organization's compliance with this policy and related procedures.
4. Review this policy to ensure that it is current and useful.
5. Act promptly concerning all complaints.
6. Maintain the confidentiality of those involved in requests.

The Archivist will:

1. Monitor email for any takedown requests.
2. Report any request for takedowns to the Executive Director.
3. Update online descriptions as the need arises.
4. Remove or reinstate any content as needed.

The Board of Directors will:

1. Review and approve the Copyright and Takedown Policy.
2. Ensure that staff under their supervision receive adequate information and training on this policy.

Policy

1. It is the policy of The ArQuives to make every reasonable effort to identify, locate, and contact rights holders to obtain necessary permissions and to ensure that third parties are not harmed by inappropriate disclosure of sensitive information.
2. The ArQuives recognize that occasionally material published online may be in breach of copyright laws, may contain sensitive personal data, or may include content that may be regarded as defamatory.
3. If any content infringes on the rights of individuals or the rights of any third parties, or content is not correctly identified or acknowledged, The ArQuives will take down the material immediately while we review the takedown request.
4. The Archivist and Executive Director shall assess the case's merits within ten (10) business days and come to a decision.
5. The ArQuives Executive Director will inform the writer of the decision by email. If the request is not well-founded, the material will be restored to social media, The ArQuives website, Online Collections Portal, and/or the Digital Exhibitions page. All decisions of the Executive Director are final.
6. This policy will be made available on our website. The Online Collections Portal and Digital Exhibitions site will link to the policy to allow for requests to be made easily.

Procedures

In making material available online, The ArQuives makes every reasonable effort to identify, locate, and contact rights holders to obtain necessary permissions and ensure that third parties are not harmed by inappropriate disclosure of sensitive information. The ArQuives recognize

that occasionally material published online may be in breach of copyright laws, may contain sensitive personal data, or may include content that may be regarded as defamatory.

If you have found such material on any of our websites, please contact us in writing stating the following:

1. Your contact details (name, pronouns, email address, phone number)
2. A detailed description of the material
3. The complete and exact URL of where you found the material
4. If the request relates to copyright, include proof that you are the rights holder and a statement that you are the rights holder or an authorized representative
5. The reason for your request including but not limited to copyright law, breach of personal privacy, defamation, etc.

Upon receipt of the request, The ArQuives will remove the material and assess the case's merits within ten (10) business days. The ArQuives Executive Director will inform the writer of the decision. If the request is not well-founded, the material will be restored to the website. Decisions of the Executive Director are final.

Amendment, Modification or Variation

This policy may be amended, varied, or modified in writing after consultation and agreement by The ArQuives Executive Director and Board of Directors. The Executive Director shall be responsible for revising the policy every three years or with greater or lesser frequency as warranted. This review process seeks to correct any oversights in previous terms of reference and account for new circumstances that have arisen since the last review.

Document Title	Copyright Clearance Takedown Policy
Version Number	2.0
Author and Title	Raegan Swanson, Executive Director Jean Dryden, Consultant Lucie Handley-Girard, Archivist
Original Date Approved	May 18, 2017
Version 2 Approval	February 8, 2021
Date of Next Review	2024