



# Reconsideration of library collections policy

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## Document control

Version	Approved by	Approval date	Revisions
V 1.0	State Librarian and CEO	7 November 2023	Original Policy

### 1 Authority

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State Librarian and CEO.

### 2 Responsibilities

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All State Library of Queensland staff are required to follow this policy.

Decisions must not be made by a single staff member, and must be documented, endorsed and approved by the appropriate delegated officer.

### 3 Policy statement

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This policy enables State Library to assess and respond to requests to change the availability, access or catalogue descriptions of physical or online content. State Library collects and preserve Queensland's cultural and documentary memory, provides free access to information and fosters knowledge and learning. We partner with local government to realise the potential of public libraries and Indigenous Knowledge Centres.

What we collect is guided by the [Content Strategy](#) and content guidelines for the [Memory](#), [Extraordinary](#), [Information](#) and [Public Library Collections](#).

The [Intellectual Freedom Policy](#) and our enduring values underpin our commitment to the principles of freedom of expression and free and equitable access to information and knowledge. These principles are fundamental to the library profession and freedom of expression is a protected human right in Queensland. They represent a major driving force in the creation of new ideas and innovation; and support cultural understanding and sustainable socio-economic development.

State Library acts and make decisions in a way that is compatible with human rights and considers all

human rights relevant to decisions as required under the *Human Rights Act 2019* (Qld).

Changes to the availability and access to content will be made only in extraordinary circumstances. Changes to catalogue descriptions and discovery aids will be made in alignment with State Library's Content Description Principles.

## 4 Purpose

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This policy provides a framework for a consistent response to requests for changes to the availability, access or catalogue descriptions of physical or online content.

## 5 Scope

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Collection material made accessible through the library catalogue and on State Library's website and third-party websites with which we have a formal agreement is covered by this policy, including material published in Queensland and deposited via the National edeposit (NED).

Catalogue records and discovery aids made accessible on State Library's catalogue and website and third-party websites are covered by this policy.

This policy does not apply to withdrawal and disposal of collection item decisions made by State Library as a component of collection management activities. This is covered by the [Content Withdrawal Policy](#).

This policy does not apply to review, amendments and corrections of website, and exhibition content, and catalogue records undertaken as business-as-usual work.

## 6 Definitions

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Word	Definition
Australian Classification Board	The Australian Classification Board makes classification decisions and provides advice about the content of films, computer games, and certain publications using the legislative framework of the <a href="#">Classification (Publications, Films and Computer Games) Act 1995</a> (Cth).
Catalogue descriptions	Bibliographic and descriptive metadata to aid discovery and access to collections.
De-indexing	De-indexing is the process of removal of content from the search indexes of search engines, so that no results can be found when undertaking an internet search.
Discovery aid	A discovery aid describes a collection of archival records, personal papers, or manuscripts. It is a tool to help researchers discover content, find where materials are located, and understand and interpret the materials they are using. They include a summary of the collections they describe, and some include more detailed descriptions and inventories.
National edeposit (NED)	National edeposit (NED) is a collaboration between Australia's nine national, state and territory libraries, which provides for the deposit, management, storage, preservation, discovery and delivery of published electronic material across Australia.
takedown	A request to remove information from the internet, which is considered to breach copyright or other relevant law or contains information that is culturally sensitive.

## 7 Reasons for reconsideration requests

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Reconsideration requests fall into three categories.

- Temporary or permanent restriction of access to collection items due to
  - changes in classification of a publication from *Unrestricted* to *Category 1 Restricted (CAT 1)* or *Category 2 Restricted (CAT 2)* by the [Australian Classification Board](#)
  - cultural considerations
  - copyright or other intellectual property constraints
  - legal challenges (libel, or through other court proceedings)
  - a privacy related request related to sensitivity of information or the risk of adverse impact or harm.
- Amendment of the catalogue record of a collection item due to incorrect, offensive or harmful information
- Permanent removal from the collection due to
  - an infringement of copyright
  - an outcome of legal proceedings, where removal is required
  - a change in classification status to *Refused classification (RC)* by the [Australian Classification Board](#)
  - an objection to content in a collection item
  - a privacy related request related to sensitivity of information or the risk of adverse impact or harm
  - a donation reversal request
  - cultural considerations

## 8 Reconsideration principles

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State Library must apply the following principles with regard to reconsideration requests.

- The broadest possible onsite and online access to collection materials will be provided.
- Permanent access restrictions, online deindexing and takedown, or removal from the collection will be considered only as an exceptional response.
- Access restrictions, takedown or removal from the collection will consider any specific legislation and related exemptions.
- The cultural considerations of the person(s) making the request will be taken into account when assessing proposed changes to catalogue records or restrictions to access.
- The rights of Aboriginal and Torres Strait Islander people to their own cultural heritage. These rights underpin how State Library collects, manages and makes accessible its Aboriginal and Torres Strait Islander collections. Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, to which Australia is a signatory, affirms that: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

State Library will also take into account the general principles outlined in the National and State Libraries Australasia (NSLA) Position statement and procedural guidelines on takedown.

## **9 Making a reconsideration request**

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There must be information on State Library's website for members of the public to make a reconsideration request.

Members of the public making a reconsideration request must supply the following information:

- Contact details, including name and email or street address
- Full description and details of the collection item(s) identified for reconsideration
- The reason for the request, in accordance with the scope of this policy

State Library must acknowledge the reconsideration request in writing within 10 business days of receiving the request and the person initiating the request advised on how the request will be assessed and anticipated timeframes.

Personal information must be managed according to the principles in the [Information Privacy Act 2009](#).

## **10 Reconsideration assessment**

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Reconsideration requests must be investigated and assessed using the following criteria:

- Does removal of the collection material undermine freedom of expression or intellectual freedom?
- Have there been changes in classification of a publication from *Unrestricted* to *Category 1 Restricted (CAT 1)*, *Category 2 Restricted (CAT 2)* or *Refused Classification (RC)* by the [Australian Classification Board](#)
- Is the material subject to a suppression order or other legal restriction to access?
- Is access to the material onsite or online in breach of copyright law?
- Does onsite or online access to the material contravene conditions placed by a donor?
- Is the material identified or notified as defamatory or objectionable under Australian law?
- Does the material contain personal information about someone who is still alive and there is a need to mitigate possible adverse impact or harm or meet requirements of the privacy principles in the Information Privacy Act (2009)?
- Is there a need to mitigate possible legal liability?
- Is access to the material in breach of protocols maintaining the right of Indigenous peoples to determine access provisions for materials which reflect their history, culture, language and perspectives?
- Does the catalogue record or discovery aid contain language that is incorrect, offensive or possibly harmful?

During the assessment period the material may be temporarily removed from onsite and/or online access by suppressing the catalogue record and/or removing from the library shelves.

## **11 Reconsideration decisions**

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State Library must make all possible efforts to resolve reconsideration requests quickly, with the following possible outcomes:

- If temporarily removed, access to the material is restored via the State Library catalogue, website, and third-party websites.
- If temporarily removed, access to the material is restored with required changes via the State Library catalogue, website, and third-party websites.
- Access to the material is modified (e.g. online access changed to onsite only access, access restricted to State Library members, access restricted to particular groups) embargo for a specified period.
- Material is retained in the collection, but access is removed.
- Material is removed from the collection.

The person making the reconsideration request must be notified in writing of the decision by the Director, Queensland Memory or Director, Content Management.

If the person making the reconsideration request is dissatisfied with the decision in relation to their request, they will be directed to the [complaints process](#). State Library is committed to handling complaints in a responsive, efficient, effective, fair and economical way.

## 12 Essential considerations

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### Human Rights

The main objectives of the *Human Rights Act 2019* (Qld) (the Act) are to:

- protect and promote human rights
- help build a culture in the Queensland public sector that respects and promotes human rights
- help promote a dialogue about the nature, meaning and scope of human rights.

The Act protects 23 fundamental human rights drawn from international human rights law, including the following rights:

- freedom of thought, conscience, religion and belief
- freedom of expression
- peaceful assembly and freedom of association
- taking part in public life
- privacy and reputation
- cultural rights –generally
- cultural rights –Aboriginal peoples and Torres Strait Islander peoples
- right to education.

State Library acknowledges that Aboriginal and Torres Strait Islander self-determination is a human right as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. The Act also recognises the particular significance of the right to self-determination of Aboriginal and Torres Strait Islander peoples.

When applying this policy, the State Library must act and make decisions in a way that is compatible with human rights and give proper consideration to all human rights relevant to a decision as required by the Act.

## 13 References

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The policy is supported by:

Queensland Government

- [Libraries Act 1988 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Information Privacy Act 2009 \(Qld\)](#)

State Library of Queensland

- [Content Strategy](#)
- Content guidelines for the [Memory](#), [Extraordinary](#), [Information](#) and [Public Library Collections](#).
- [Aboriginal and Torres Strait Islander Collections Commitments](#)
- [Intellectual Freedom Policy](#)
- [Client Complaints Management Policy and Procedures](#)
- [Strategic plan](#)

Other

- [NSLA position statement and procedural guidelines on takedown](#)
- International Federation of Library Associations and Institutions (IFLA) [Statement on libraries and intellectual freedom](#)
- 2014 [Lyon Declaration on Access and Development](#)
- NSLA [Position Statement: Indigenous Cultural and Intellectual Property](#)
- United Nations [Declaration on the rights of Indigenous peoples](#)

## 14 Approval

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7 November 2023

Vicki McDonald

State Librarian and CEO

## 15 Creative Commons

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