

**Society of American Archivists
Council Meeting
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Chicago, Illinois**

**Recommendation to Introduce New Rights Statement Elements to
Describing Archives: A Content Standard
(Prepared by Becca Wiederhold and John Bence)**

BACKGROUND

In late 2017, Technical Subcommittee on *Describing Archives: A Content Standard* (TS-DACS) received a change proposal from Alston Coburn (East Carolina University) and Patrick Galligan (Rockefeller Archives Center) to introduce rights statements for archival description. Following the subcommittee's review process, including community feedback and revision, on February 1, 2019, TS-DACS member Matthew Gorham submitted to the Standards Committee a change proposal for adding two new required elements to *Describing Archives: A Content Standard* (DACS) and supporting documents. Following a review of the documentation provided in the submission packet, the Standards Committee voted in favor of recommending approval of the change request.

The Standards Committee submitted the proposal to Council for its May 2019 meeting.¹ At that time, the Council declined to vote on the proposal, requesting further information about the benefits and drawbacks of making the elements required. The Standards co-chairs, John Bence and Becca Wiederhold, subsequently met with TS-DACS via phone conference and email. TS-DACS worked to address the stated concerns and submitted a revised proposal to the Standards Committee in October 2019. The committee feels this revised proposal addresses the concerns outlined in Council's May meeting minutes and subsequent communications from our Council liaison and is therefore bringing the strengthened proposal to the Council with our recommendation.

DISCUSSION

The proposal includes the addition of a new required element to DACS for Description Control (chapter 8, element 8.2) for a Rights Statement for Archival Description. Similarly, chapter 13 would include a new Rights Statement for Archival Authority Records (element 13.10). Chapters 1 and 9 would also be updated to reflect the requirement for these elements for single-level

¹ See May 2019 Council meeting agenda item 0519-IV-C-2-DACSRightsStatements.
<https://www2.archivists.org/sites/all/files/0519-IV-C-2-DACSRightsStatements.pdf>

minimum descriptive records and archival authority records. Please see Appendix A of the change proposal for the text of the proposed new elements.

DACS Principle 8 states “Archival description should be easy to use, re-use, and share.” As archival descriptions are in themselves copyrightable works, the Standards Committee and TS-DACS feel that the addition of these rights statements elements to the *DACS* standard will help archivists to better align with our professional value for open and transparent cultural heritage. This proposal to open these descriptions for reusability would benefit researchers, as was discussed in a panel at the 2016 SAA Annual Meeting. Particularly within the digital humanities, data about our collections can be used in new and interesting ways, including through text mining activities. It is necessary to standardize the ways in which cultural heritage institutions can communicate with researchers and other archivists how archival description data can be used, thereby promoting more open and transparent access to the materials we preserve. The addition of these elements in our content standard will provide necessary guidance for archivists’ work in communicating the reusability of our archival descriptions.

Accommodations for these new elements are addressed in EAD3’s 1.1 release and the draft update of EAC-CPF, and a new feature request has been submitted to ArchivesSpace to create a corresponding field in the Finding Aid Information section of Resource records.

The Standards Committee’s review of the consultation process indicates an outreach to relevant SAA sections, committees, and membership via listserv announcements. Minutes from the TS-DACS conference call on May 16, 2018, demonstrate the reasoning behind how they addressed community feedback. These minutes are included in the submission packet as Appendix B. Community feedback was received via GitHub and the SAA website form, and these are included in the submission packet in Appendices C and D. The submission packet includes a narrative discussion demonstrating their consideration of each community comment and how suggestions were incorporated into the final proposed changes. The attached proposal packet illustrates TS-DACS’s commitment to engaging with the community regarding how the proposed changes will impact archival institutions.

Initial community feedback was positive regarding the need to make these descriptions transparently reusable and supportive of the addition of these rights statement elements for archival descriptions. Suggestions from commenters primarily focused on acknowledging the significance of adding a required element and facilitating the hurdles to implementation. In particular, making the field required was seen as possibly challenging in the near term for some institutions. The Standards Committee believes that *DACS* remains flexible in how institutions convey this information (for example, allowing system-level rights statements), as this flexibility lessens the impact of requiring a new element for content. Additionally, while some commenters suggested making the new elements optional at first, to give institutions more time to implement the change, the Standards Committee feels that TS-DACS’s discussion of the drawbacks of such an implementation strategy has merit. Requiring the elements would provide stronger backing for those institutions that need to obtain support from administration, legal counsel, or other stakeholders, encouraging deliberate action toward implementation. For this purpose, the Standards Committee agrees with requiring these rights statement elements from the outset of their introduction into *DACS*.

Following the initial submission of this proposal to the Council in May 2019, TS-DACS has successfully provided a solution that would allow institutions to maintain DACS compatibility, by implementing a version control system for DACS. Institutions still in the process of updating descriptions to include these elements would still be able to remain compliant with a previous version of DACS under this model.

In September 2019, after implementation of the version control system for DACS was complete, TS-DACS reached out to the individuals who had provided specific suggestions or who had expressed concerns during the original comment period. See Appendix F of the proposal package for the email template which outlined how specific issues were addressed in TS-DACS's final proposal and also requested feedback from these engaged community members. The responses received indicated support for the proposal as it now stands.

RECOMMENDATION

THAT the SAA Council approve the change proposal to add required rights statements elements 8.2 and 13.10 to *Describing Archives: A Content Standard*.

Support Statement: The Standards Committee unanimously supports the approval of this DACS change proposal to include newly required elements Rights Statement for Archival Description (8.2) and Rights Statement for Archival Authority Records (13.10), and revisions to Chapters 1 and 9 to reflect these new required elements for single-level minimum descriptive records and archival authority records. These changes will enable archives to easily open their archival descriptions and authority records and clarify restrictions on how data about collections can be reused, which will potentially increase awareness of archival collections to new researchers and research methods.

Impact on Strategic Priorities: Approval of this change proposal would assist in achieving SAA Strategic Goal #1 (*Advocating for Archives and Archivists*), by opening archival descriptions for reuse by researchers, thereby increasing the value of archives to communities (1.1) and improving accessibility of the historical record (1.3).

Fiscal Impact: None.

Describing Archives: A Content Standard (DACS) change proposal

January 2019 (revised October 2019)

Submitted by Alston Coburn (East Carolina University) and Patrick Galligan (Rockefeller Archives Center)

Chapters to change

Chapter 1: Levels of Description

Chapter 8: Description Control

Chapter 9: Archival Authority Records

Chapter 13: Authority Records Management

Proposed change

This proposal aims to update Chapter 8 (Description Control) to include a new required element 8.2, Rights Statement for Archival Description, as well as to update Chapter 13 (Authority Record Management) to include a new required element 13.10, Rights Statement for Archival Authority Records (both of the proposed elements are included as Appendix A). Ancillary to these changes, Chapters 1 and 9 will also be updated to reflect new required elements for single-level minimum descriptive records and archival authority records.

Justification for the proposed change

As Merrilee Proffitt from OCLC discussed in a Society of American Archivists (SAA) panel at the 2016 conference, opening archival descriptions for reuse is beneficial to researchers, particularly those in the digital humanities, as it allows them to use the data about our collections in new and interesting ways, such as text mining. As researchers develop new ways to interact with our collections and archival descriptions, cultural heritage institutions need standardized ways to tell researchers and future archivists the ways in which they can use archival description data. Stating these rights directly in the archival descriptions themselves affords us another way to fulfill our mission to help researchers use the archival collections with which we are entrusted. Additionally, allowing our archival descriptions to be reused aligns with our professional value to promote open and transparent cultural heritage, and brings DACS into better alignment with the new Principle 8, which calls for archival description to be easily used, reused, and shared.

The SAA Technical Subcommittee on Encoded Archival Standards has added an element to its EAD3 1.1 release in hopes of accommodating this need. A corresponding element was included in the draft update of EAC-CPF, which was released for community comment in September 2018. A new feature

request has been submitted to ArchivesSpace asking for the creation of a corresponding field in the Finding Aid Information section of Resource records. Bringing all three standards and this system that utilizes them into alignment on this point would both provide a guideline for how to implement rights as well as the ability to do so in a standardized way.

Impact of proposed change

Adding this DACS element would encourage archives to open their archival descriptions and authority records by enabling them to do so easily. Since archives very clearly own the copyrights to description created by the archival repository, the lack of appropriate DACS, EAD3, and EAC-CPF elements in which to record the rights information is the only real impediment to archives that wish to open their archival descriptions and archival authority records. Clarifying the restrictions on how the data about our collections can be used also has the potential to increase the awareness of our collections and make archives relevant to new researchers and research methods.

Element 8.2 is required for single level archival descriptions and element 13.10 is required for archival authority records. Though TS-DACS understands that these requirements cannot be met immediately by many institutions, because of both technical and organizational constraints, the subcommittee strongly supports that they be added as required elements. Making the elements required would encourage institutions to take deliberate action toward implementation, and could be used to argue for the elements' importance and garner support from administrators, legal counsel, or other relevant stakeholders. In order to allow for institutions to maintain DACS compatibility while taking steps to adopt the new required elements, the TS developed a version control system for DACS in the summer of 2019. With the version control system in place, a description would be considered compliant with a previous version of DACS while an institution updates its records to include 8.2 (or any other new significant change to DACS), at which point the description would become compliant with the newly updated version of DACS, thus alleviating the concern of falling completely out of DACS compliance at any point.

TS-DACS understands that for many institutions, the legal and administrative hurdles to implementing a formal license (such as a Creative Commons License) for the use and reuse of archival description might be significant. While the TS sincerely hopes that the proposed elements will encourage institutions to open their archival descriptions for use and reuse, the proposed elements do not require them to do so. If an institution wishes to claim copyright on its archival descriptions, or otherwise prohibit their use and reuse, that is perfectly within their right. What is most important is that the conditions governing their use and reuse are clearly, transparently, and consistently documented and communicated to users.

Documentation of the Consultation Process

In accordance with the TS-DACS procedures manual, a change proposal for DACS 8.2 was submitted to TS-DACS. TS-DACS reviewed the requested change and decided that there was merit to the proposal. The proposal was then submitted to the archival community for feedback in April 2018. The proposed change was announced to a number of listservs including: SAA leaders, SAA Description Section, SAA TS-EAS Committee, SAA Announcements, and SAA Collection Management Tools Section. Feedback on the proposal was accepted from April 20, 2018 to May 7, 2018.

TS-DACS offered the community two means by which to provide feedback on the change proposal: by directly commenting on the proposal on the TS-DACS Github site, or by submitting comments through a webform hosted on the SAA website. In total, the proposal received feedback from 14 individuals on the Github site (compiled below in Appendix C) and from 3 individuals on the SAA-hosted webform (compiled below in Appendix D).

Commentary

The TS discussed the proposal and user community feedback via conference call on May 16, 2018 (see Appendix B for meeting minutes).

The members of the TS reached consensus that despite some concerns, the proposal is supported by the community and therefore the committee pushes it forward for approval from Standards and Council.

The majority of feedback received was positive. In fact, all commenters supported the introduction of a rights statement element in principle, though a number of issues were raised, mostly regarding the impact of the new required elements on the DACS user community. In particular, several commenters offered suggestions for the implementation of the new elements, as a means of easing the impact of the new requirements. TS-DACS's responses to their feedback is summarized as follows:

In their comments on Github (see Appendix C), Mark Matienzo (Github username @anarchivist) suggested that the scope of the new element be expanded to be a rights statement for archival description, as opposed to a license for archival description, as the proposal had originally been written and submitted. As they suggested, doing so would provide institutions with greater flexibility in applying the new element. TS-DACS agreed with this suggestion, and the proposal was amended by Alston and Patrick accordingly.

In her comments on Github (see Appendix C), Kate Bowers (username @KateBowersHarvard) brought up the concern of whether the new elements would need to be applied on a record-by-record basis, or whether they could be applied globally in a system-level rights statement (such as a single rights statement that would cover all descriptive records in an OPAC or finding aids database). TS-DACS discussed this concern and concluded that since DACS can be used in a wide range of different systems

and types of description, the method of conveying the information to the user should be left to the discretion of the repository. In order to make this option clear to users, Alston and Patrick revised the proposal to include examples of system-level statements for each of the newly-proposed elements.

In their joint comments submitted through the SAA-hosted webform (see Appendix D), Gordon Daines and Cory Nimer made two very helpful suggestions. First, they suggested that the rights statement for archival description element be added as element DACS 8.2 rather than element 8.1 (which would require the current element 8.1 to be renumbered 8.2), as had been originally proposed. As they suggested, doing this would lessen the impact of the new element, as it would require fewer edits to institutions' local documentation. TS-DACS agreed with this suggestion, and the proposal was amended by Alston and Patrick accordingly.

Gordon and Cory also suggested that a corresponding rights statement element for archival authority records be added to DACS Part II. TS-DACS agreed with this suggestion, and decided that it would make the most sense to package that new element with the current proposal. Patrick and Alston amended the proposal accordingly, and it is included in this proposal as element 13.10.

Their final concern was that there is no equivalent element in ISAD(G) or the initial draft of Records in Contexts (RiC). As the current version of ISAD(G) is 19 years old and there are no plans to update it, it was the potential conflict with RiC that concerned TS-DACS. To address this issue, the subcommittee contacted EGAD chair Daniel Pitti, who expressed his view that "...RiC supports and endorses the EAD and DACS rights statement..." (See Appendix E)

On Github (see Appendix C), several commenters endorsed the proposal, with the suggestion that the new elements be made optional at first, and then made required at a later date in order to ease the burden of implementation and ensure that the records of an institution don't fall out of compliance with DACS during the implementation period. Supporters of this idea included Marcella Wiget (username @rovinghistorian), John Rees (username @John-Rees), Elizabeth Russey Roke (username @erussey), Christie Pederson (@save4use), and Nathan Gerth (username @ngerth). It was also endorsed by Gordon Daines and Cory Nimer in their comments submitted through the SAA-hosted webform (see Appendix D).

TS-DACS discussed this idea, and while we felt that it does have merit, it also has drawbacks, the most significant being the concern that many institutions might not feel strongly compelled to take action during the grace period when the new elements are optional, and would therefore not be prepared for implementation when the grace period ends and the elements are made required. Instead, the TS strongly feels that making the new elements required from the get-go, along with the version control schema for DACS will provide institutions with the impetus to take the necessary steps toward implementation, while lessening the burden of implementation as adequately as an optional-only grace period would. The TS understands that any new DACS element, whether required or optional, will always take time to implement, and that institutions cannot be expected to adopt them overnight. The new DACS version control schema will enable institutions to maintain DACS compliance during these times of transition by allowing them to state that their records conform to one version of DACS, while taking the time and actions necessary to make them compliant with the latest version.

As a final step toward addressing community suggestions and concerns, in September 2019 the TS reached out individually via email to nine of our colleagues who had offered specific suggestions or expressed particular concerns about the rights statement proposal. In the email, we outlined the steps that the TS had taken to address community concerns and implement suggestions, and asked those individuals if they would like to offer any additional feedback on the proposal. We received two responses to these messages, both of which expressed support for the proposal, and for the steps that the TS had taken to improve it. Both the template for the messages we sent and the two responses received are included in Appendix F.

Appendix A: Proposed DACS elements 8.2 and 13.10

8.2 Rights Statements for Archival Description (Single-Level Minimum Required)

Purpose and Scope

This element identifies the conditions under which the archival description itself is available for use and reuse. Repositories should establish a consistent policy about the rights granted.

If a formal license is used, this element should include both the source of the license and the institutional policies governing the type of license chosen. Repositories should establish a consistent policy regarding the type of license chosen and its format.

If an institution wishes to claim rights on archival description outside of a specific license, the repository should create explicit and consistent rights statements.

Exclusions

8.2.1 Rules about the use of the archival materials themselves (Conditions Governing Use and Conditions Governing Access elements) are found in DACS 4.4.

Sources of Information

8.2.2 Take the information from institutional policies and if applicable, the rules governing the licensing source or rights jurisdiction.

General Rules

Record the necessary information documented by the selected license.

For a specific finding aid:

Except where otherwise noted, Guide to the Dr. Hector P. Garcia papers by Special Collections and Archives, Mary and Jeff Bell Library, Texas A&M University-Corpus Christi is licensed under a [Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License](<https://creativecommons.org/licenses/by-nc-nd/4.0/>).

For a whole repository of finding aids:

Pursuant to its Open Metadata Policy, the Harvard Library makes this set of bibliographic records and the metadata contained therein (together, the "Metadata") available for public use under the [CC0 1.0 Public Domain Designation](<https://creativecommons.org/publicdomain/zero/1.0/>).

13.10 Rights Statement for Archival Authority Records

Purpose and Scope

This element identifies the conditions under which archival authority records are available for use and reuse. Repositories should establish a consistent policy about the rights granted.

If a formal license is used, this element should include both the source of the license and the institutional policies governing the type of license chosen. Repositories should establish a consistent policy regarding the type of license chosen and its format.

If an institution wishes to claim rights on archival authority records outside of a specific license, the repository should create explicit and consistent rights statements.

Sources of Information

13.10.1 Take the information from institutional policies and if applicable, the rules governing the licensing source.

General Rules

Record the necessary information documented by the selected license.

Except where otherwise noted, 100 Adams, Lillian, 1914-1934 \$a Person. ARC-ID 46786454 is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

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Adherence to ODC Attribution instructions for the correct assertion of attribution is encouraged. The preferred form of attribution for VIAF is: "This [title of report or article or dataset] contains information from VIAF (Virtual International Authority File) which is made available under the ODC Attribution License." Special cases: In circumstances where providing the full attribution statement above is not

technically feasible, the use of canonical VIAF URIs is adequate to satisfy Section 4.3 of the ODC Attribution License.

Appendix B: Minutes of 5/16/18 TS-DACS Meeting

Rights Statements for Archival Description conference call re: change request
May 16, 2018

Present: Adrien, Dan, Maristella, Kate, Sue, Elena, Cassie

Really good support overall

No one outright rejected the proposal

Address critical feedback

- Required element vs. optional vs. timeline for transition (talk about the version solution¹)
 - Versioning DACS by year - ex: version 2018.2, etc - institutions can claim compliance with a version
 - Required with an understanding that this takes time - having it required can drive justification of why it's important - consensus
 - Optional for now until version control implemented
- System level statements, consortial agreements and aggregators
 - Whether the statement has to be embedded in description, or if it can be system level
 - Idea is that examples could show a system level example
 - To do: change request needs to have an additional example to address this
- Adding language that addresses portions of the description by which the license or rights statement doesn't cover
 - To existing example add "Except for otherwise noted" - add to memo
- Not being compliant with ICA/RiC
 - Is council okay with us adding elements that are not in ISAD(G)
 - ICA liaison to bring this back to EGAD and RiC, we should not wait for RiC to catch up, we understand this might take awhile, we hope we can influence, it's an opportunity for SAA to lead
 - Particularities of US copyright law necessitate this
 - Oversight that it's not in our standards already, we let the encoding standard follow the content standard

¹ Ask Matthew: Get a graduate student to add a version number to all DACS versions in Github, ask him to get involved with SAA budget folks, use this as a way to communicate with Publications

- Suggestion from comment was to wait - but we should be able to lead on this issue - DACS is the American implementation - consensus
- Systems compatibility: MARC
 - Question of field within MARC - Wetherly willing to take the lead on this
 - Ask Wetherly about BIBFRAME
- Changing this to 8.2 to ease with implementation
 - Update pull request to 8.2
- Adding a companion to Part II
 - Should this pull request be updated to reflect Part II, or should it be a separate request?
 - include in current pull request, then justifications don't need to be repeated.

Possible next steps:

1. Put request forward as is with a memo addressing why we decided in favor of the change request. Encourage Patrick to do a patch to the pull request to address technical stuff.
2. Put request forward with minor adjustments (e.g. add a few examples, and/or change from 8.1 to 8.2). Write memo addressing why we decided in favor of the pull request. Encourage Patrick to do a patch to the pull request to address technical stuff.
 - a. Memo is addressed to standards to justify why we move forward, can be shared beyond that once approved
3. Choose not to put it forward.

Appendix C: Comments from GitHub

<https://github.com/saa-ts-dacs/dacs/pull/14>

rockivist commented [on Nov 27, 2017](#)

I heartily second this change request.

The only objection from the community that I would anticipate is whether or not it should be required. I'm in favor of this being a required element, but I think the statement underestimates the impact of the proposed change. Adding a CC (or other) license to existing description wouldn't be onerous. For some institutions, negotiating a clear policy with their legal counsel could be. It's important, even essential, to do, but as this is discussed in the community we shouldn't underestimate or downplay the potential political hurdles to full implementation.

That concern aside, let's do it.

anarchivist commented [on Nov 27, 2017](#)

I'd like to offer a suggestion that we potentially expand this proposal to consider not just licenses, but also rights statements for the description itself. It is a subtle but important distinction. A few cases come to mind:

- Institutions still want claim copyright explicitly without issuing description under a specific license.

- Outside the US, data publishers may have both copyright and database rights on datasets they publish, and may need to assign more than one license or rights statement as part of that. (See [here](#) for potentially useful info.)

KateBowersHarvard commented [on Apr 20, 2018](#)

edited

I agree with the requirement, but I would like to see a small amendment to the language.

DACS is applied not just to archival inventories and EAD, but to single-level descriptions that may be encoded in MARC in library systems or descriptions in other systems where system-level sharing licenses or institutional-level terms of use are in place. The change I suggest is to amend the language to make it clear that the requirement is met merely by having the data in a system that provides license or terms of use for its content, and clearly noting that it is not necessary to add text to individual descriptions if it is system-supplied. It is desirable to avoid putting license text in individual descriptions when it is system-supplied. If individual descriptions contain license or terms-of-use text in a system where it is also supplied, there is potential for conflicts when system-level terms or licenses change.

For an example of a system-level term of use a statement see:

<https://library.harvard.edu/open-metadata#Bibliographic-Dataset-Use-Terms>

seth-shaw-unlv commented [on Apr 20, 2018](#)

[Appendix C Crosswalks](#) should also be updated to reflect the numbering change for Description Control (8.1->8.2).

helrond commented [on Apr 25, 2018](#)

Strongly in support of this change - it's high time we started taking reuse of our intellectual labor seriously!

Regarding [@KateBowersHarvard](#)'s comment - I'm not sure the rule as written precludes that interpretation, and more generally, I'm not sure DACS cares whether a human or a machine supplies the content of a particular descriptive element.

Two very small administrative changes:

1. Examples should be wrapped in a `<p class="dacs-example">` tag (see other examples throughout the text).
2. [Single-level minimum requirements](#) need to be updated as well.

[KateBowersHarvard](#) commented [on Apr 25, 2018](#)

[@helrond](#) -- agree, and I had thought of that. However, strongly hope that at either a note or at least one example includes the our-entire-MARC-data-has-this-license scenario.

[rovinghistorian](#) commented [on Apr 30, 2018](#)

I second [@rockivist](#)'s mention of making this a required element. At least in the beginning, I think this would be better as an optional element in order to help institutions transition and grapple with some of the issues at their institutional level; making it required could be revisited a couple/few years down the line in a review.

[John-Rees](#) commented [on May 1, 2018](#)

This will be a great benefit not only to data reuse but also to authorship attribution as expressed by [@helrond](#).

This topic has come up during many of the aggregator brownbags at SAA, It will help disambiguate rights to the archival description content vs that of any discovery software or institutional branding wrappers. My concern about [@KateBowersHarvard](#) use case, if I understand it correctly, is rights statements should be explicitly recorded within each individual description itself and not inferred from external sources such as a FAQ or Help page. Machine processing of our descriptions such as that performed by aggregators or linked data use cases would continue to be a challenge with inferred data.

I also second [@rovinghistorian](#) comment about making the element optional, but mandatory if available.



1

[KateBowersHarvard](#) commented [on May 1, 2018](#)

My concern stands that it will be impossible to manage rights statements at scale or at an institutional level if they are also added as text to some individual descriptions (i.e. keyed into 500 notes in MARC).

RE:

`My concern about [@KateBowersHarvard](#) use case, if I understand it correctly, is rights statements should be explicitly recorded within each individual description itself and not inferred from external sources such as a FAQ or Help page. `

An individual archivist working in a parent institution is creating work for hire (disclaimer: I'm not a lawyer). The license or terms of use for the records they create while being paid by that institution cannot differ from the those that parent institution grants (disclaimer: I'm still not a lawyer), unless the institution facilitates this. At scale, attempting to manage two statements will probably result in conflicts in which the keyed-in statement makes rights legally indefensible (disclaimer: I continue to not be a lawyer), misleading, or at least confusing.

The best answer, I suspect, would be to include the applicable rights statement (or better, a URI to the rights statement) upon export of the discovery metadata from such a system. Should the terms and conditions change, there will inevitably be conflicting statements.

At scale, this is a display, public UI, and metadata sharing exercise.

[phirtle1](#) commented [on May 1, 2018](#)

This is a much needed change. May I suggest, however, that the example of use be slightly changed to include the qualification that "Except where otherwise noted, this work is available under [license version]." This would be a subtle reminder to authors of finding aids that if they are

including material from outside sources (photographs, biographical descriptions, etc.), they need to separately mark that content.

erussey commented [on May 2, 2018](#)

I write in strong support of this proposal. I agree with [@helrond](#) that we should avoid being prescriptive in the rule as to how repositories should implement the requirement. I also agree that the rule should not be required at first, but the proposal should include a timeline for adding that requirement in. I'd suggest that in addition to Creative Commons, RightsStatement.org be added as a possible vocabulary for these types of statements. While it is ideal that archives provide a license to their metadata, it is important for researchers to know what the rights status for the description is, even if it is unknown or indicates no use is allowed. The point is having the statement, not what's in it.

To the point made by [@KateBowersHarvard](#), I think the MARC example would be problematic. If the system were RDF-based, it might be possible to supply a single rights statement that all records link to, but MARC harvesting probably wouldn't enable that kind of linked source of information. If someone harvested a group of records from a consortial system (where each repository might have different rights requirements), it would be really time-consuming for the end user to track those down if they're not in the individual records.

gwiedeman commented [on May 7, 2018](#)

I strongly support this proposal. Adding permissive rights statements will facilitate access not just to archival description, but also enable further access to archival materials through new uses of archival description.

By requiring statements within DACS, archivists are also ensuring that this information will be maintained along with the description itself, and persist long into the future.

While I think some repositories may not be able to implement this change immediately, requiring it should not be difficult in our case. If the element is not required initially, I would support an explicit review timeline where that decision would be revisited.

save4use commented [on May 7, 2018](#)

I agree with the proposal, including [@anarchivist](#)'s and [@KateBowersHarvard](#)'s suggestions.

However, I am not in favor of making it a required field, for the reasons [@rockivist](#) noted. There are many reasons a repository may not be able to provide a statement, including having a significant barrier to getting internal institutional buy-in (some places I've worked would have required this to go through central legal counsel or licensing, a process which could take months or years, would have required significant resources that could have been used elsewhere, and may not have resulted in the outcome we wanted). Since this is not something that many places can just choose to immediately implement, I don't think it should be required.

ngerth commented [on May 7, 2018](#)

I also write in support of the proposal. As many others point out, this move will help foster innovative use of descriptive metadata and, as a result, more access to materials.

In terms of making the field required, I think that laying out an explicit timeline for adoption or revisiting the decision, as suggested by [@gwiedeman](#), makes a great deal of sense. For some institutions, the legal considerations will take some time, especially if counsel is bogged down with other matters, see the post by [@save4use](#) above. A timeline will help keep this important change from falling off the radar, while also giving institutions time to foster buy-in.

jallibunn commented [on May 8, 2018](#)

As one of the individuals who worked with Merrilee on this project (and with CC licenses for finding aids on Archives West <http://archiveswest.orbiscascade.org/> live as of tomorrow!), I heartily support this change. In most cases, the application of a CC0 or CC-BY is a simple decision; the fact that there are barriers of institutional buy-in or bureaucracy should not be a barrier to moving forward with this change and encouraging adoption. I appreciate the work of all of those involved and look forward to having this fully reconciled in DACS, ASpace, and EAD3.

hannahfrost commented [on May 14, 2018](#)

As a member of the Collections as Data project team, I strongly support this proposal. Last week the project team hosted the National Forum 2 at UNLV with a diverse set of practitioners, including archivists, metadata librarians, and humanities faculty. A clear outcome of one of the exercises we conducted is that explicit license statements (along with right statements) are deemed critically necessary to advance the possibilities and opportunities afforded by computational access to collections and the metadata about them. The consensus of those present was that this is low hanging fruit and has high value as a means of increasing exposure to archival collections by discovery systems broadly speaking.

Appendix D: Comment from SAA-hosted webform

1.

May 4, 2018 10:37 AM [SAA Website Form](#) Submitted on Friday, May 4, 2018 - 11:36am

Name: Elizabeth Nielsen

Email: elizabeth.nielsen@oregonstate.edu

Affiliation: Oregon STate University

Phone: 5417370543

Does this represent an official comment from your affiliated group? No

Comments:

I strongly endorse the proposed revision on rights statements for archival description. The inclusion of this requirement in our profession's guiding document for the description of archival materials will insure that it is implemented across platforms and structure standards (not just EAD). As a profession that promotes openness and transparency, this is one way in which we can be clear about how the data we create about our collections can be re-used.

In fall 2016, the Oregon State University Special Collections and Archives Research Center made the policy decision to apply a CC-BY creative commons license to all our finding aids. That information is currently provided in the footer in on-line display. We look forward to incorporating this information directly into each finding aid in the future.

This year, the Orbis Cascade Alliance (of which OSU is a member) is adding the assignment of a rights statement to the best practices for encoding of finding aids that are part of the Archives West consortial database. These best practice guidelines allow for exceptions (such as images or the text of biographical notes) to be called out as needed.

Thank you to TS-DACS for preparing this proposal.

2.

May 4, 2018 6:12 PM [SAA Website Form](#) Submitted on Friday, May 4, 2018 - 7:12pm

Name: Cory Nimer and Gordon Daines

Email: cory_nimer@byu.edu

Affiliation: Brigham Young University

Phone: 801-422-6091

Does this represent an official comment from your affiliated group? Yes

Comments:

We agree that there is value in providing our users with clear rights statements regarding finding aid and catalog record content, since they are copyrightable works (repository.jmls.edu/cgi/... and without a clear statement should be assumed to be copyrighted. In order to provide clear guidance for reproduction and reuse, we agree with @John-Rees that the rights statement should be recorded in each record individually. This seems to be the use case supported by the forthcoming EAD3 1.1 element.

However, we do have some concerns about the proposal for adding a Description Control subelement for rights statements to DACS at this point. The first of these is simply that DACS was developed as the American implementation of ISAD(G) (DACS Preface; www2.archivists.org/standards/DACS/preface).

which currently does not include a data element for rights statements. Description control elements are also not included in the current draft of Resources in Contexts (RiC) model (www.ica.org/sites/default/files/RiC-CM-0.1.pdf), though it could be included in the finalized version of the model. In order to maintain compatibility with international standards, adding the element to DACS now may be premature pending the completion and approval of RiC.

There are also practical considerations that might need to be looked at, particularly in terms of cooperative cataloging programs. As suggested by @KateBowersHarvard, the inclusion of rights statements may introduce conflicts in both displays and in adherence to consortial agreements. For institutions that participate in consortial cataloging systems where the system administrators or other contributors are permitted to correct or enrich records belonging to other participants, the inclusion of an incompatible rights statement may complicate their continued involvement.

There is the added difficulty that there is not currently a MARC field specifically meant to hold rights information about the record content itself. While this could be recorded in a 5XX field, such notes are usually related to the materials being described in the record, not about the record itself. The addition of a field for rights statements would need to be proposed by the SAA representative to the MARC Advisory Committee (Weatherly Stephan; saa.archivists.org/4DCGI/committees/... and approved by that group.

Should these not be seen as insuperable challenges, we would still recommend a couple of changes to the proposal. First would be to make the element initially optional, as suggested by @rovinghistorian . This would allow flexibility for some of the other changes above to be addressed before institutions became out of compliance with the standard.

Secondly, we would recommend that instead of making rights statements Section 8.1 and moving the current 8.1 to 8.2, that the rights statement be made Section 8.2 instead. This would again help institutions with implementation, requiring fewer documentation revisions for institutions that decide not to use the element initially.

Finally, we would recommend that a matching change be made in Part II of DACS to allow recording of rights statements for archival authority records. This would also necessitate changes in EAC-CPF to parallel the EAD3 structure, though we believe this work is already underway (github.com/SAA-SDT/eac-cpf-schema/issues/46).

Appendix E: Email from EGAD Chair Daniel Pitti

Subject:

Re: EGAD and the Proposed Rights Statement Element for DACS

From:

"Pitti, Daniel V. (dvp4c)" <dpitti@virginia.edu>

Date:

6/12/2018, 12:03 PM

To:

"Michelson, Daniel" <michelsd@union.edu>

Dear Dan,

I have conferred with but one member of EGAD, and he reminds me that, from the EGAD point of view, archival description, a finding aid, for example, is a “record.” And thus one of its properties (or attributes, as we have now decided to call them), is

RiC-P19 Conditions of Use

Conditions affecting the availability of the Record for use after access has been provided.

I suspect we may have some explaining to do. But the primary focus of RiC is modeling the archival world (or, really, the world from a record-centric perspective): entities, their attributes, and relations among them, and not description. Of course, the modeling of the entities, etc., is intended to provide the foundation for describing that world, but the description is another “layer.”

Thus I think RiC supports and endorses the EAD and DACS rights statement, but perhaps in not quite the way in which it is being addressed in each of the two standards.

If at some point you, or TS-DACS would like to discuss this, or simply discuss RiC, I would be happy to arrange such a discussion.

Again, thanks,

Daniel

> > On Jun 12, 2018, at 9:34 AM, Michelson, Daniel <michelsd@union.edu> wrote:

> >

> > Hi Daniel,

> >

> > As you may know, we're in the process of revising the proposed rights statement for archival description in DACS (<https://github.com/saa-ts-dacs/dacs/pull/14>). During the review period, we

received feedback expressing concern about adding an element that does not exist in either ISAD(G) or the current draft of RiC.

> >

> > Rather than seeing this as a problem, we feel this is an opportunity to take the lead on implementing a practical improvement in archival description and encourage EGAD to consider adding a similar element to RiC. Therefore, we've decided to move forward with the proposal, pending certain changes.

> >

> > We'll be providing more information in the coming weeks, including a formal memo to Standards with our recommendations, but we wanted to give EGAD a heads-up.

> >

> > Regards,

> >

> > Dan Michelson

> > Companion Standards Leader and Acting Co-Chair

> > Technical Subcommittee for Describing Archives: A Content Standard (TS-DACS)

Appendix F

TS-DACS email template to change request commenters:

Dear (blank),

I am writing on behalf of SAA's Technical Subcommittee on Describing Archives: A Content Standard (TS-DACS) to follow up on feedback that you provided last year regarding a [proposal to introduce a new required DACS element for a license for archival description](#), as submitted by Alston Coburn and Patrick Galligan. First off, the subcommittee thanks you for your candid and thoughtful comments. You were one of several commenters who offered suggestions and/or expressed concerns about the proposal, and your feedback compelled us to take steps to improve it, and to think more critically about its impact on and implementation by the DACS user community. Below is a summary of the suggestions and concerns expressed by you and other commenters on the proposal, and the steps that TS-DACS has taken to address them:

- **Suggestion:** To rename and expand the scope of the new element to be a rights statement for archival description, as opposed to a license for archival description, as the proposal had originally been written and submitted. Doing this would provide institutions with greater flexibility in applying the new element.
 - **TS-DACS Response:** The TS agreed with this suggestion, and this change was implemented by Alston and Patrick.
- **Suggestion:** To create a corresponding rights statement element for archival authority records to be added to DACS Part II.
 - **TS-DACS Response:** The TS agreed with this suggestion, and a corresponding required element for archival authority records was added to the pull request by Alston and Patrick. The two proposed elements are classified as elements [8.2](#) and [13.10](#), respectively.
- **Concern:** Making the new elements required would place a significant burden on institutions due to the potential legal, political, or administrative hurdles that might be required to implement a license for archival description (such as a Creative Commons License), and some institutions may not be able to open up their records for use or re-use at all. With this in mind, the new element should be made optional instead of required.
 - **TS-DACS Response:** While the TS sincerely hopes that the proposal will encourage institutions to open their archival descriptions for use and reuse, they are not required to do so. If an institution wishes to claim copyright on its archival descriptions, or otherwise prohibit their use and reuse, that is perfectly fine. What is most important is that the conditions governing their use and reuse are clearly, transparently, and consistently documented and communicated to users. TS-DACS plans to make this point clear to the DACS user community in any communications it sends out regarding the new elements, should they receive final approval for adoption by SAA Council.

- **Concern:** Due to the potential hurdles to implementation, this change could take significant time to implement for many institutions, which would cause their records to fall out of DACS compliance in the meantime. With this in mind, the new elements should be made optional at first for a trial period, and then be made required at a later date in order to give institutions the time necessary to implement the change.
 - **TS-DACS Response:** Though TS-DACS understands that these requirements cannot be met immediately by many institutions, because of both technical and political constraints, the subcommittee strongly supports that they be added as required elements. Making the elements required would encourage institutions to take deliberate action toward implementation, and could be used to argue for the elements' importance and garner support from administrators, legal counsel, or other relevant stakeholders. In order to allow for institutions to maintain DACS compatibility while taking steps to adopt any newly-required elements, the TS developed a [version control system](#) for DACS in the summer of 2019 and plans to formally introduce it to the user community in the fall. With the version control system in place, a description would be considered compliant with a previous version of DACS while an institution updates its records to implement any newly-required elements, at which point the description would become compliant with the newly updated version of DACS, thus alleviating the concern for completely falling out of DACS compliance at any point.

- **Concern:** The original proposal did not clarify whether or not the new elements would need to be implemented on a record-by-record basis, or if they could be implemented globally in a system-level rights statement (such as a single rights statement that would cover all descriptive records in an OPAC or finding aids database).
 - **TS-DACS Response:** The TS concluded that since DACS can be used in a wide range of different systems and types of description, the method of conveying the information to the user should be left to the discretion of the repository. In order to make this option clear to users, Alston and Patrick revised the proposal to include examples of system-level statements for each of the newly-proposed elements.

- **Concern:** There is no equivalent element in either ISAD(G) or the initial draft of Records in Contexts (RiC).
 - **TS-DACS Response:** As the current version of ISAD(G) is 19 years old and there are no plans to update it, it was the potential conflict with RiC that concerned TS-DACS the most. To address this issue, the subcommittee contacted EGAD chair Daniel Pitti, who expressed his view that "...RiC supports and endorses the EAD and DACS rights statement..."

The subcommittee sincerely hopes that the steps we have taken to improve the rights statement proposal will help to alleviate any reservations you might have about adopting and implementing elements [8.2](#) and [13.10](#) as required DACS elements. Earlier this year, the revised proposal was approved by the SAA Standards Committee, and it will be submitted to SAA Council for final approval and adoption at their fall meeting in November. The TS welcomes any additional feedback you might be willing to

provide on the revisions made to the proposal. Comments received on or before **Monday, September 30** will be included in the proposal package that we submit to Council.

Thank you again for your previous feedback on this proposal, and for your active engagement in the DACS user community.

All the best,

(blank), on behalf of TS-DACS

Response from Hillel Arnold

From: Arnold, Hillel <harnold@rockarch.org>

Sent: Tuesday, September 24, 2019 4:07 PM

To: Hilton, Adrien <adrien_hilton@harvard.edu>

Subject: Re: TS-DACS change request comment

Hi Adrien!

My apologies for the long delay in responding. I appreciate the detailed update on where this change request stands. I find Council's reluctance to consider the possibility that DACS can provide leadership in the world of archival standards to be baffling. And actually, in this case, there's already an element in EAD, so obviously there needs to be content guidance!

What is the best way for me to provide a comment in support of this change, and are there any specific things you think it would be useful to have some community support on?

Hillel

Response from Christie Peterson

From: Christie Peterson <cpeterson@smith.edu>

Date: Fri, Oct 4, 2019 at 12:37 PM

Subject: Re: Following Up on Feedback regarding New DACS Element

To: Daniel Michelson <dmichelson@smith.edu>

Hello Dan,

Thank you for the thoughtful response to my feedback. TS-DACS' responses have addressed all of the concerns I raised to my satisfaction, and I support SAA Council implementing the proposed changes.

While I remain unconvinced that a versioning system will solve the issue I raised for institutions for whom the path to any license (CC or otherwise) on their archival metadata may be highly bureaucratic and labor intensive, I trust the subcommittee's collective professional judgement, and I am eager to see SAA adopt the changes overall, so I do not wish this to be a barrier to Council's approval.

With the highest regards always,

Christie Peterson