Towards a Connected Commons:

Two case studies examining New Zealand collecting domains establishing Open GLAM practices for digital collections.

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Abstract

As pressure grows for cultural institutions to provide online access to images of collection objects, issues regarding copyright and reuse of materials arise. Yet little research has been conducted on the way heritage institutions within New Zealand have tackled these copyright issues and how they reach decisions to allow the reuse of digital content from their extensive online collections. Furthermore, there is a lack of academic investigation into what value any newly introduced reuse practices and policies can bring to cultural institutions and users of their digital content. My research explores how and why New Zealand's two collecting domains, the National Library of New Zealand and the Museum of New Zealand Te Papa Tongarewa, provide openly licensed digital images of artefacts through online collection databases.

While literature on the topic of reuse of digitised documentary heritage collections is limited, previous research shows that there are myriad barriers surrounding the reuse of digitised collection objects, some of these include finding best practice for orphan works, acknowledging indigenous sensitivities, dealing with issues of trust and balancing commercial imperatives with public expectations. The body of literature also shows the opportunities and benefits that international cultural institutions have gained from establishing reuse practices for their digital collections, yet none offer insight from a New Zealand context.

Guided by this gap within the literature this dissertation investigates the establishment of use and reuse policies and practices by the National Library of New Zealand and the Museum of New Zealand Te Papa Tongarewa, and what value they feel this practice may bring to the sector. It explores each respective institution's journey towards a connected commons through two in-depth qualitative case studies and concludes with a cross-case analysis. Within the cross-case analysis an Open GLAM Licensing Framework is proposed for Aotearoa that draws on the work that these institutions, along with other leading cultural institutions, have done in establishing reuse practices and policies for digital collections. This research contributes to Museum and Heritage Studies discourse by providing a snapshot of reuse in a New Zealand context and provides a valuable framework to evaluate the current motivations and processes of institutions establishing Open GLAM philosophies.

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Introduction

It is not enough to collect anymore. We must also share. (Miller 2015, 1)

It all started as an experiment. In 2011 the Rijksmuseum in Amsterdam was one of the first cultural institutions to release high-resolution, freely downloadable images of collection objects online. The public were actively encouraged to download and creatively reuse over 150,000 copyright-free images (OpenGLAM 2013a). The Rijksstudio, a dedicated website to showcase the images, was launched in 2012 to promote the collection to a wider audience and allowed users to download or save their favourite images online. Behind this generosity was the rationale that people were already using low quality images provided online without permission, so by releasing free high-resolution images the Museum could guarantee the quality of works being reproduced (Heyman 2015). The Rijksstudio Awards were held in 2013 to further encourage and showcase the imaginative masterpieces created by users and has proved to be a popular annual event ever since. A year on, the Museum analysed the benefits of providing images freely online and found that they greatly outweighed any of the forecasted risks. The benefits included an increase in exposure to the project and the Museum, little change overall to image sales and a reputational increase that led to securing sponsorship for other projects within the Museum (Pekel 2014). The Rijksmuseum has helped pave the way for providing openly licensed images to the public and the debate surrounding the reuse of digital collections from cultural heritage institutions has steadily gained momentum.

Numerous GLAMs (the acronym for galleries, libraries, archives and museums) worldwide are now starting to adopt open practices, a movement and organisation termed Open GLAM, which is founded on the salient principle "knowledge and culture belong to everyone" (Edson 2014, 4). The official Open GLAM principles state that the internet presents an unprecedented opportunity to engage audiences, make their collections more discoverable than ever and "allow users to contribute, participate and share" (Open GLAM 2013b). Furthermore they argue that free cultural resources are crucial to creativity and innovation and without them "creativity is crippled" (Lessig 2001, 14). While these guiding principles exist to emphasise the importance of open content, the reality for some cultural heritage institutions adopting Open GLAM is that there are many legal, ethical and cultural barriers to overcome and consider before fully embracing Open GLAM practices.

This dissertation explores the establishment of policies and practices for the reuse of digital collections by the National Library of New Zealand and the Museum of New Zealand Te

Papa Tongarewa. It presents two in-depth case studies investigating how and why these two national collecting institutions have implemented and created Open GLAM policies and practices within their institutions and what value they feel such policies and practices might bring to the cultural sector.

Background

My motivation to pursue research in this area comes from my personal experience working in smaller cultural institutions managing image reproduction orders and the rights and permissions of collection objects. I am always interested in the ways New Zealand cultural institutions navigate the challenges that copyright and reuse of digital collections can present. I am also interested in the potential opportunities and impact that providing access to, and the reuse of freely available images via online collection databases can have on the general public and the institution itself. In a professional capacity, my current role as Rights Specialist at the Auckland War Memorial Museum has helped shape this research and has allowed a deeper understanding of the process and practice of implementing open access policies for digitised collections. The following section of this introductory chapter outlines the three main themes within the current literature and examines the current Open GLAM situation both internationally and in Aotearoa New Zealand. Following the literature review I detail the methodology and design used to undertake the research for this dissertation.

Literature Review

As noted in the introduction, little is currently known about the practicalities of how cultural institutions within New Zealand apply reuse strategies to digital surrogates of collection objects and the motivations behind the establishment of these practices in the first instance. The intention of this review is to examine the key themes in the body of the available literature and define the gaps within Museum and Heritage Studies discourse that this research attempts to address. The following review of the limited literature available highlights the need for more in-depth qualitative research into the topic of cultural institutions and the reuse of digital surrogates. Firstly definitions of copyright, the Open GLAM movement, Creative Commons licences and the public domain are given. Following this the main barriers and opportunities that face cultural institutions in relation to reuse are outlined. Within this discussion details of specific examples of international and national collecting domains with established Open GLAM practices are also provided.

What is copyright?

Copyright automatically arises when an original artistic, literary or dramatic work is created. In the New Zealand Copyright Act 1994 the maker is referred to as the "author." Depending

on the type of work created most copyright lasts for the duration of the author's life and 50 years after the death of the author. When the author dies, copyright is usually passed down to an appointed beneficiary or is automatically assigned to the beneficiary/s of the estate. In order to reproduce a work that is in copyright, permission must be sought from the author or the copyright owner (Copyright Act 1994 New Zealand).

What is Open GLAM?

Open GLAM is an initiative born out of the "free culture" movement. It is a social movement that promotes the freedom to distribute and modify creative works through free content. Open GLAM was created by the Open Knowledge Foundation in response to the need for clearer rights statements and licences for cultural heritage material found within galleries, libraries, archives and museum collections. A self-described "network of open culture evangelists" (OpenGLAM 2013c) the organisation provides support to cultural institutions in opening up their content and data through workshops, guidance and documentation.

What are Creative Commons licences?

In 2002 intellectual property lawyers Lawrence Lessig, James Boyle and Hal Aberson launched the Creative Commons licensing framework in response to barriers that users of creative material were encountering in the United States of America due to recent changes to copyright legislation. At its release in 2002, Creative Commons was seen as being at the forefront of the free culture movement. Lessig argues that this movement transformed the overarching analogue culture to a digital one and in doing so changed the architecture of how creative works were accessed (Lessig 2001). Macguire (2015) states that Creative Commons licences were not created to advocate for the removal or radical alteration of existing copyright law but were formed as a tool for authors to enable them to retain some rights over their creative works, and in order to further an open and flexible system of use and reuse. Since the release of the six Creative Commons licences over 50 countries have adopted the Creative Commons framework, including New Zealand, and over 880 million works have been assigned a Creative Commons licence (Creative Commons State of the Commons Report 2014).

What constitutes a public domain work?

Public domain works are primarily works whose intellectual property rights have expired and are free for reuse for any purpose. Creative Commons part-founder, James Boyle, has written extensively on the public domain challenges and offers one definition of the public domain as consisting only of;

> …complete works that are completely free: free for appropriation, transfer, redistribution, copying, performance and even rebundling into a new creation, itself covered by intellectual property (Boyle 2003, 68).

Perhaps in response to the growing challenges facing heritage institutions, Europeana, a cultural heritage aggregator website, has created a charter on the purpose that public domain works serve to society and advocates for the social and economic benefits of having a healthy and thriving public domain. They also argue that digitising a public domain work should not create new intellectual property rights, it is merely a digital surrogate of the original work (The Europeana Public Domain Charter 2010). Furthermore, Creative Commons have created a licence especially for public domain works, called a public domain mark and suggest that it is used on works where copyright has expired in every country or jurisdiction (creativecommons.org).

Barriers and opportunities for international cultural institutions
Internationally, a number of cultural institutions are currently opening up their digital collections as part of the Open GLAM movement, some of these include: The British Library, The Walters Art Museum, The Rijksmuseum, The National Library of Australia, The Getty Institute, the Statens Museum for Kunst, The Dallas Museum of Art and The Smithsonian, among others. Supporting these institutions are aggregator websites that actively harvest and link metadata from participating Open GLAM online collections and allow access to material through one online search portal. These sites are fast becoming popular ways of discovering digital material for reuse from cultural institutions. Acting as a federated search interface for cultural heritage content these websites include: Europeana, Australia's Trove, the Digital Public Library of America (DPLA) and New Zealand's own, DigitalNZ. Creative Commons also has a dedicated search engine for openly licensed material including videos, images and music. Each website allows the user to filter searches for material by rights statement. Each of the cultural institutions mentioned has a unique story about their journey of adopting the Open GLAM philosophy and the following literature review draws on these stories.

This next section provides an overview of the main themes surrounding reuse policies and procedures within international cultural institutions and examines the conflicting areas within the literature. The current literature reveals three distinct themes. The first suggests how cultural institutions have resisted changes to access, control and revenue, the second emphasises the legal risks and complexities that cultural institutions may face by opening up their digital collections and the third theme offers a strong argument for Open GLAM

practices and a consistent overarching framework for the cultural sector despite these perceived barriers.

The first theme within the literature arises from research undertaken by Tanner (2004) and Kelly (2013) into how cultural institutions within the United States and the United Kingdom approach open access. Their research found that many staff believe cultural institutions have a mandate to preserve collections while also facilitating access to the public. They also found that some institution's felt that critical revenue is generated through selling image reproductions of collection objects and providing freely reusable images diminishes any potential profit. Eschenfelder and Caswell's (2010) survey into American cultural institutions and their attitude towards access, control and reuse of digital cultural collections found that while many cultural institutions are comfortable with the idea of providing open access to collections where possible, there are still many issues with control over access, the loss of fiscal and social revenue and potential risk to donor relationships. Kelly's (2013) research on eleven US art museums, commissioned by the Andrew W. Mellon foundation, found various concerns and issues that museums faced when dealing with adopting open access practices for their digitised collections. Her findings show that the main concerns include that open access can be interpreted in different ways by each institution, retaining a sense of control was important, as was balancing commercial imperatives with public expectations. Technology was another concern, as having the correct platform to deliver the metadata and information was essential but not every museum had the financial capability to provide this.

Similar findings were raised in the Australian GLAM Innovation study (Mansfield et al. 2014) that looked at the state of Australian galleries, museums, libraries and archives. This study found reluctance from participating institutions in shifting their traditional attitude of authority held by curators, librarians and archivists. This was also paired with a degree of hesitation to work with external organisations and contributors for collaboration purposes. The Australian GLAM Innovation study noted that altogether Australian cultural institutions have over 100 million objects, of which 5% are on display and only 25% of these have been digitised. Overall the report found that on top of the cautiousness towards Open GLAM, the Australian cultural sector is caught between the lack of resources to digitise the material and the issues that arise when digitising collection objects, such as complex copyright issues, protection of indigenous rights and orphan works (Mansfield et al. 2014, 6). Interestingly, despite these findings, the Australian GLAM Innovation study calls for a new conversation focused away from the difficulties of digitisation and towards the possibilities of creative reuse. More importantly it outlines the need for an overarching rights framework and collaboration between memory institutions and external contributors. Both Tanner's (2004)

and Kelly's (2013) research calls for a review of imaging rights and priorities within cultural institutions, to address the highlighted issues and align the overall institutional mission, and also aim for a transformation of attitudes and beliefs around openness regardless of the challenges faced.

The second position within the literature examines the legal risks and complexities of copyright for cultural institutions. These risks include the issue of releasing orphan works, claiming copyright in reproduced public domain works and mishandling of indigenous material. Furthermore this argument looks at the ethical and moral issues surrounding reuse of indigenous material and the potential exploitation of these works for a social and financial profit. Examples of museums claiming copyright over digitised public domain works have been put forward to both American and British courts. One example includes the *Bridgeman Art Library vs Corel Corp* case. As discussed by Allan (2007), the Bridgeman Art Library sent a cease and desist letter to Corel Corp for using over 120 reproductions of public domain artworks from their collection on their CD-Rom paint software. The Bridgeman Art Library claimed the amount of effort in digitising the artworks created new copyright over the works and they were now copyright holders of those digitised reproductions. However, the court found in Corel Corp's favour and the outcome of this case set a precedent for other cultural institutions when creating digitisation policies. It also sent a clear message to the sector that works in the public domain should remain there indefinitely (Allan 2007, 963). Another example is the *National Portrait Gallery vs Derek Coetzee,* where in similar circumstances a large number of digitised public domain works from the National Portrait Gallery were uploaded by Mr Coetzee to the multimedia repository, Wikimedia Commons. Again, the National Portrait Gallery claimed copyright in the newly digitised artworks and contacted Mr Coetzee to remove the images. Interestingly, since the case was made public the National Portrait Gallery have licensed 53,000 low-resolution images from their collection under a Creative Commons Attribution licence for non-commercial use (Allan 2007).

Other complexities regarding copyright or other moral or ethical rights in works relate to the relationship of trust and respect between the donor and the cultural institution. Australian archivist Paul Dalgleish's (2011) research specifically looks at archives and how cultural institutions should be expected to respect individual and community sensitivities when reproducing archival material. He describes this complex issue as "the space between what can legally be displayed online and what individuals or the community will tolerate online" (Dalgleish 2011, 68). Using the Archives New Zealand notion of 'practical obscurity' as a way of preserving private information within a public record, such records containing private information are not published online but are accessible in person by a serious researcher

(Dalgleish 2011, 71). Exploiting reproductions of works important to indigenous communities is another concern raised in the literature within this theme. Caviness (2006) argues that there is a growing realisation that works created by indigenous communities are frequently being reproduced and plagiarised with no recognition to the original creators, specifically mentioning works created by Māori as an example (Caviness 2006, 48). Tanner's (2004) research also found that some museum professionals feel it is their duty to ensure respectful uses of reproductions while Eschenfelder and Caswell (2010, 6) discuss the creation of a Creative Commons respect licence as a potential solution to this problem but issues arise in the interpretation of respect. Orphan works are also another point of contention for cultural institutions where works have an untraceable maker or unknown creation period and have been the topic of multiple studies (Korn 2009; Corbett 2010).

These findings and the responses to the ongoing issues of access and resistance to change, plus the surrounding legal and cultural complexities, segue into the third theme surrounding reuse. This argument comes from museum professionals and academics who despite these barriers advocate for digital cultural collections being made openly accessible to the public for scholarly and creative reuse. Lawrence Lessig, part founder of Creative Commons, wholly embraces the idea of a connected commons and argues that;

> ..free resources have been crucial to innovation and creativity; that without them, creativity is crippled. Just because control is possible, it doesn't follow that it is justified (Lessig 2001, 14).

Other cultural professionals advocating for Open GLAM include Michael Edson, former Digital Strategist at the Smithsonian Institute. He believes that institutions are founded on the principle that knowledge and culture belong to everyone. Furthermore he argues that "culture isn't something frozen in amber: culture only has meaning when it is alive in our minds, reworked by our hands, and loved in our hearts" (Edson 2014, 4). Marete Sanderhoff, Curator at the Statens Museum for Kunst, Denmark, talks about releasing their collections for reuse and being driven by the need to fulfil their function as a publicly funded cultural institution by opening up and sharing their collections. She also points out that the ongoing trend of Open GLAM was the main catalyst for unlocking their collections (Sanderhoff 2014, 80).

Further support for adopting Open GLAM practices comes from Van Passel and Rigole's (2014) fictional case study, where they approach the idea of a cultural institution creating a memory archive based on orphan works, using found home video footage and actively encouraging creative engagement through reuse. They argue that cultural institutions can and

should be involved in the interactions beyond traditional institutional boundaries and furthermore they seek to inspire cultural institutions to create a framework for developing open strategies for GLAM's (Van Passell and Rigole 2014). All of these voices within the third theme of the literature are in favour of open material from cultural institutions, emphasising the influence the Internet has had on cultural institutions and the importance of aligning the institutional mission and strategy with the ever-growing digital sphere and public expectations.

Barriers and opportunities for New Zealand cultural institutions
This section examines where New Zealand is currently placed within the larger Open GLAM movement and the multiple issues unique to our cultural institutions. On one hand, cultural heritage institutions within New Zealand are placed firmly in the wider Open GLAM movement and have the potential to open more cultural heritage collections. But on the other hand, they struggle with issues surrounding ambiguous copyright legislation, unclear best practice related to orphan works and little research in regards to respectfully handling reproductions of indigenous material (Sleigh 2014). More importantly there is no overarching rights framework or suite of rights statements to encompass all of these issues. Furthermore, searching one image or creator across various New Zealand cultural institutions collections can bring up a variety of differing rights statements. Advocacy for more consistent and clearer rights statements within New Zealand is spearheaded by organisations such as DigitalNZ and Creative Commons Aotearoa New Zealand. These organisations provide information and strategies to aid cultural heritage institutions in assessing their digital material for reuse. As a result of this advocacy the present debate in New Zealand surrounding reuse of digitised content created by cultural institutions is well recognised and topical. This has been demonstrated at previous National Digital Forum (NDF) conferences, where papers presented addressed the current progress of reuse practices in New Zealand and provided examples for other institutions to build upon.

In their research into the history of Open GLAMs within New Zealand, Fieldsend and Sleigh (2015) found that the development of New Zealand's Digital Content Strategy (2007) developed by the National Library of New Zealand, formed in response to an earlier Digital Strategy (2006), acted as a main catalyst in raising awareness of reuse of digital material across the GLAM sector. These strategies, along with the introduction of Creative Commons licences in New Zealand led to cultural institutions being able to establish a position on the reuse of digitised material. One of the earliest adopters of Creative Commons was the New Zealand Electronic Text Centre in 2008, followed by other cultural institutions applying Creative Commons licences to specific material allocated for reuse.

Other key issues faced by New Zealand cultural institutions, in regards to reuse, relate directly to the way the Copyright Act 1994 has been written. Geoff McLay's (2006) report into New Zealand's intellectual property legislation calls for a review of the current copyright act and proposes less restrictive changes and clarification of current legislation that would benefit museums, archives and libraries. One particular problem that McLay notes is the uncertainty of the copyright duration of photographs. Current practice in dealing with photographs for the majority of New Zealand cultural institutions is that photographs taken before 1944 are deemed to be out of copyright. Many institutions, with guidance from DigitalNZ, have chosen to assign these images with a no known copyright restrictions statement, but it is yet to be proven as a legally robust option (Crookston 2014).

Despite these issues, there are several cultural institutions in New Zealand opening up their digital collections for reuse, including the Museum of New Zealand Te Papa Tongarewa, the National Library of New Zealand, Upper Hutt City Library, Auckland Libraries and Auckland War Memorial Museum. In 2012 Upper Hutt City Library launched RECOLLECT, an online repository of digitised materials from its community archive. It was one of the first cultural heritage institutions to release over 15,000 photos and other material for users to download and reuse under a Creative Commons licence (McGregor 2012). Te Papa has recently released 48,000 images that are available for high-resolution download from their online collection. 17,000 of these images are available under a "No Known Copyright Restrictions" statement that allows reuse for any purpose. A further 14,000 images consist of out of copyright three-dimensional collection objects and are also available for download with a Creative Commons Attribution Non-Commercial No Derivatives licence. This licence means they can be downloaded for free but may not be used for commercial use and Te Papa must be attributed as the main copyright owner (Mcguire 2014).

The National Library of New Zealand and the Alexander Turnbull Library released their new use and reuse policy in early 2015. This was created out of recognition of the need for a systematic approach and clearer framework for the use and reuse of digitised collection objects from their collection. This applies particularly to text, archives and photographic negatives that were deemed to be in the public domain (Crookston 2014). The first set of images to be released under the new reuse policy was the H series collection, comprising a selection of photographs that were taken by an official New Zealand war photographer during 1914-1917. The release of these images coincided with WW100 commemorations and allowed for museums and other heritage organisations to use images freely in their exhibitions and displays.

As part of their Future Museum (2013) strategy, Auckland War Memorial Museum has made a commitment to increase access to its collections online. As part of this commitment, an overarching copyright framework was created and implemented by the Museum, with the guiding principles underpinned by the NZGOAL directives. These principles include the central statement of being "open by default," that encompasses all data, metadata and documents produced by the Museum. Auckland Museum is in the process of releasing over 100,000 images for download and reuse under a Creative Commons Attribution licence (CC BY 4.0) on their website. In doing so, this will allow public to download images and reuse them for any purpose, even commercially.

More recently, Auckland Museum has created a policy titled Guidelines and Procedures for Use of Māori Images (2015) which was the outcome of a workshop that involved input from professionals across the cultural sector. The workshop identified key risks that were associated with current practice, these included: underrepresentation of Māori culture and images in an online environment as a result of default restrictions, delays in responding to image use requests, no clear process for gaining iwi permissions and a lack of alignment with other institutions. The resulting policy's main purpose is to define a clear process for managing requests for Māori images and to provide guidelines for Auckland Museum staff dealing with external and internal requests so as to make decisions based on best practice, in line with Māori cultural values. The guiding principles reflect the key Māori cultural values that underpin the policy, which are: manaakitanga, mana taonga, mana whenua and kaitiakitanga. The policy also recommends providing each image request with a copy of the Creative Commons Aotearoa New Zealand indigenous knowledge notice when work on this has been completed.

Summary: analytical framework
The literature review presents a strong case that globally the GLAM sector is under increasing pressure to adopt Open GLAM practices and is responding to this by opening up materials for reuse. Therefore it is crucial that more is understood about the impact Open GLAM practices can have on cultural institutions and how they can effectively establish successful use and reuse practices across a higher institutional level. From reviewing the literature, it is also clear that more in-depth study and research is needed in a New Zealand context to provide further understanding and clarity of New Zealand practices. A number of reports and case studies have been conducted on international institutions with established Open GLAM practices yet none offer an insight into what motivates New Zealand collecting

domains to adopt similar policies or practices and what perceived value they may bring specifically to Aotearoa's cultural heritage sector.

Guided by this gap within the literature the aim of my research is to present two in-depth case studies of New Zealand's national collecting institutions, the National Library of New Zealand and the Museum of New Zealand Te Papa Tongarewa, in order to understand the motivation behind their adoption of Open GLAM policies and practices, how the process was managed and what barriers they may have encountered and overcome or not. I have based my research design on the aims and objectives from Kelly's (2013) qualitative study. In doing so, I believe that this study provides a valuable framework to evaluate the current ways in which New Zealand cultural institutions are adopting use and reuse policies and what benefit this may bring to their users.

Methodology

My research explores how and why New Zealand's two collecting domains, the National Library of New Zealand and the Museum of New Zealand Te Papa Tongarewa, provide openly licensed digital images of artefacts through online collection databases. My research examines the motivations and processes involved with adopting reuse practices and policies, and what the perceived value might be for the cultural sector in New Zealand.

As outlined above, I have used the research aims and objectives from Kelly's (2013) study to form the basis of my own research questions. These aims include questions addressed by Kelly (2013, 3) through her research such as;

- How are museums handling access to their images in a digital environment?
- If policy change has occurred, what are the reasons?
- What are the organizational and financial implications for museums and their processes?
- What options have emerged with regard to open access?
- What have been the effects on operations that have taken a more open access approach?
- What were the initial obstacles, if any? How were they overcome?

In using Kelly's aims as a foundation for my own research, I believe this provides a valuable framework to evaluate and explore the ways the chosen case studies have established reuse policies and practices and the perceived value these may bring to their users.

The primary research question of this thesis is: *How and why are New Zealand's national collecting domains facilitating the use and reuse of digital surrogates of collection objects?* In order to answer this key question I will also answer a number of secondary questions. These questions include:

- What was the motivation for adopting reuse practices and policies?
- What was the process involved in establishing reuse practices or policies?
- What are the effects and outcomes of introducing reuse practices and policies?
- What is the perceived value that reuse practices and policies bring to cultural institutions?

Case study research

I have chosen a qualitative in-depth case study approach to conduct my research, using an in-depth investigation of two case subjects. I have chosen New Zealand's two national collecting domains, the National Library of New Zealand and the Museum of New Zealand Te Papa Tongarewa. The reasoning for choosing these institutions is that they are both active in adopting reuse policies or practices making them "information-rich" cases (Patton 2002, 46). More specifically, both institutions embody the GLAM sector through the collections they each care for. Te Papa's collection includes artworks, scientific artefacts, social history objects, decorative arts and photographic collections. Alexander Turnbull Library and the National Library (the research library within the National Library framework) actively collects published and unpublished manuscripts, paintings, drawings, archives and born digital material.

The main research methods included semi-structured interviews with one staff member from each institution and these interviews were accompanied by an analysis of documentary sources. Yin (2014) points out that multiple-case study design are considered to be more robust and compelling than a single-case study. Furthermore, he notes that using replication logic, choosing two cases that predict similar results *(literal replications)*, over sampling logic ensures the best research outcomes (Yin 2014, 62). From this advice, I chose two information-rich cases that are known to have similar outcomes in implementing reuse practices.

Ethics

Prior to approaching the research participants for interviews, an important aspect of the research was to gain ethics approval from the Victoria University of Wellington Ethics Committee. As my personal relationships with the chosen interview subjects presented a

potential bias, I declared these relationships within my ethics application and maintained objectiveness throughout the course of my research and subsequent interviews with the participants.

Staff interviews

Upon gaining institutional consent, I also gained consent from each of the chosen staff members. I scheduled one-hour interviews with each staff member. I chose Rights Adviser, Victoria Leachman, from the Museum of New Zealand Te Papa Tongarewa and Mark Crookston from the National Library. Both of these individuals were selected for in-depth interviews as they were instrumental in establishing use and reuse practices at their respective institutions and are widely published and cited in other research. Throughout these interviews I utilised the semi-structured interview method. Hesse-Biber and Leavy define semi-structured interviews as relying on a certain set of questions while guiding the conversation to remain more loosely on those questions. A semi-structured interview allows participants some latitude and freedom to talk about what is of importance to them (Hesse-Biber and Leavy 2011, 102). By using this method of interviewing, opportunities for the conversation to flow naturally opened up. I recorded all of the interviews with a digital voice recorder, with prior consent from the participant and at the conclusion of the interviews I provided a fully transcribed interview for each participant to edit. Each interview took place at the participant's respective institutions, where they were able to book a small meeting room with little interruption from external factors. This allowed them to be comfortable in a familiar environment during the interviews. After the interviews I then saved and organised the narrative data in an electronic format, separated into files such as .WAV or .MP3 interview audio files, along with the written transcriptions of each interview.

Document analysis

In conjunction with in-depth interviews I also carried out a document analysis. This consisted of examining text such as online collection webpages, strategic plans, policies, reports of insights of audience engagement and rights management frameworks of each institution. This method provided information on each institution and contributed to finding how and why they have adopted use and reuse practices. Yin (2014) defines the main benefits of document analysis as being stable, unobtrusive and specific to an event. Moreover analysing documents enables a researcher to corroborate and strengthen the evidence obtained from other sources, and a researcher may be able to make inferences from specific documents to lead to new research questions. Yin however cautions to keep in mind the disadvantages of document analysis that can consist of lack of access to files, false leads and reporting bias (Yin 2014, 106). Through the course of my research I examined a range of documents, administrative

and personal records, within each cultural institution, that were relevant to my research questions.

Data analysis approach

Once the data was collected and stored in the case study database I began analysing the raw data. I created an electronic case study database for each institution, where I collected any documentation and transcriptions for analysis in a secure location. Any electronic data coding files and evaluation reports were also kept in a separate folder. Yin suggests that a keeping clear and well-organised data in the form of a case study database adds to the overall reliability of the research (Yin 2014, 123).

Throughout the course of my research and in the subsequent analysing stages I used reflexivity to recognise my own background values and beliefs that could potentially shape my results. In conjunction with using reflexivity I also triangulated my data collection methods, these two important research strategies combined ensured that my findings were credible and valid. I also discussed my findings at each stage of the research plan with my supervisors and asked for objective, critical feedback. In analysing the data I used inductive data analysis steps from Marshall & Rossman (2011, 210-222) and drew a cross-case analysis approach as outlined by Yin (2014, 133-170). By analysing the raw data and generating themes, patterns and interpretations of the data I was able to answer my initial research questions.

Limitations

Within this research, there were a number of limitations that must be acknowledged and identified. The first limitation identified early on within the preliminary research stages is the fact that within each chosen institution only one or two staff members had dealt directly with establishing reuse policies or practices. I have chosen not to interview staff that were indirectly involved by the implementation of reuse practices, and in doing so open up avenues for further research to be explored from this perspective. A further limitation is that the concept of Open GLAM is relatively new and in some instances throughout the case studies my research is limited to the confines of the implementation process stage within the institution. Another limitation is that this would be hard to generalise to other institutions and focuses only on the two case study participants experiences.

This introduction has framed the rationale behind this research and the background information on the topic of Open GLAM practices and policies within both an international and New Zealand context. The literature review outlined the main themes identified within current literature and examined the current Open GLAM situation in New Zealand. The research questions are born out of the literature review and prompted the details for the methodology and design used to undertake this research.

Chapter outlines

There are three chapters in this dissertation. Chapter One and Chapter Two are case studies presented as separate and bounded entities on the National Library of New Zealand and Te Papa Tongarewa. Both of these chapters begin with an introduction to the respective organisations and provide a brief context of the participant's career path. Each of these case studies draw heavily the staff interviews who were involved with implementing Open GLAM policies and practices within their institution. Each chapter concludes with an analysis of each individual case study and conclusions are drawn.

Chapter three is a cross-case analysis that explores the links and differences between both the National Library of New Zealand and Te Papa while establishing Open GLAM within their institutions. Within this chapter I also propose an Open GLAM Licensing Framework for Aotearoa that draws on the work that Te Papa and the National Library, along with other leading cultural institutions, have already done in establishing reuse practices and policies for digital collections. Finally, conclusions are drawn as to why and how national collecting domains are implementing Open GLAM for their collections and where this may take them in the future. A final conclusion details further areas of research that this dissertation may contribute to and the future outlook of Open GLAM for Aotearoa New Zealand.

Chapter One

Establishing Open GLAM at the National Library of New Zealand

This chapter focuses on the Alexander Turnbull Library and the National Library of New Zealand's venture into creating a reuse policy for their collections. An introduction to the case study is followed by the findings of documentary research and a semi-structured interview with Mark Crookston, Digital Collection Strategy Leader. The findings outline the motivating influences behind adopting a reuse policy, the creation and implementation process and finally examines the perceived value and benefits gained from the adoption of the reuse policy for the Library, its users, and the wider community. Following the research findings, an in-depth analysis of how the research relates to the core research questions is offered.

Introducing the first case study:

The National Library of New Zealand & Alexander Turnbull Library

The Alexander Turnbull Library, founded by Alexander Horsburgh Turnbull in 1918, first opened to the public in 1920. The Library showcased specialised collections of published and unpublished material related to New Zealand and its people. In 1965, The National Library Act of New Zealand was passed which formed the National Library of New Zealand. The Alexander Turnbull Library service and its collections came under the governance of the National Library. In 2011, the National Library was subsumed within the Information and Knowledge branch under the Department of Internal Affairs. Both the Alexander Turnbull Library and the National Library of New Zealand have very different collecting strategies. While the National Library is a legal depository and deals mainly in published material, the Alexander Turnbull Library has a vast collection of unpublished and published material that covers ephemera, drawings paintings and prints, cartographic material, rare books and fine printing, photographs, oral histories, archives and manuscripts, newspapers and serials and New Zealand and Pacific books. The National Library (Te Puna Matauranga o Aotearoa) Act 2003, Section 7(a) states that the purpose of the National Library is to enrich the cultural and economic life of New Zealand and its interchanges with other nations by, as appropriate, —

> 7(a): Collecting, preserving and protecting documents, particularly those in relation to New Zealand, and making them accessible for all the people of New Zealand, in a manner consistent with their status as documentary heritage and taonga.

Sections 12(a) and 12(b) state the purposes of the Alexander Turnbull Library are —

> 12(a): To preserve, protect, develop, and make accessible for all the people of New Zealand the collections of that library in perpetuity and in a manner consistent with their status as documentary heritage and taonga; and

> 12(b): to develop research collections and the services of the Alexander Turnbull Library, particularly in the fields of New Zealand and Pacific studies and rare books.

Over 30 million collection items records and over 600,000 images have been made available for the public through the National Library's online collection portal www.natlib.govt.nz/collections. In 2015, a new Policy for Use and Reuse of Collection Items (2014) was implemented across the organisation and was created so New Zealanders are able to:

> …easily use and reuse the rich collections of the Alexander Turnbull Library and National Library of New Zealand to create new knowledge, within a clear and transparent framework (Crookston 2014).

The Library's reuse policy was created out of recognition for a clear and consistent framework for the use and reuse of digitised collection objects from their collection. The policy applies particularly to text, archives and photographic negatives that were deemed to be in the public domain (Crookston 2014).

Research Participant

Mark Crookston: *Digital Collection Strategy Leader*. Mark has a background in archives and identifies as an archivist. He manages two teams within the Alexander Turnbull Library; the Web Archiving team, that collect websites and the Digital Archiving team that deals with born digital collections. His role also requires him to provide strategic policy advice from the perspective of the Alexander Turnbull Library across the Library. Mark developed the use and reuse policy over the course of 18 months and it is for this very reason that he was chosen to be a research participant to represent the National Library and Alexander Turnbull Library case study.

Case Study Findings

Motivations

As touched upon in the literature review, many challenges face the cultural heritage sector in New Zealand in regards to reuse of digital collections. When asked what the main motivation for adopting a reuse policy was, Mark Crookston mentioned several unresolved tensions within the institution and the wider sector that drove the creation of a new reuse policy for the Library. When Crookston first started his role in 2011 the reuse of Library collection

material was identified by internal and external stakeholders as a potential issue. Crookston stated "…one of the key things that kept emerging as a priority was the extent to which the Library is set up for enabling use and reuse of its collection."[1] This feedback led Crookston to prioritise the creation of a use and reuse policy for the Library in the first instance, along with addressing other key tensions. These tensions included: resolving previous reuse policy work, incorporating government and sector initiatives effectively, and remedying confusing rights statements. These influences are explored further in the following analysis of *why* the Library embarked on this project in the first instance.

Previous attempts in defining access vs use

A central motivation in creating the Use and Reuse Policy was to resolve the Library's previous attempt to reconcile key tensions of reuse through the Digital Collections and Metadata and Access Project (DCMAP). Crookston investigated why DCMAP had never eventuated and found that key tensions around private information, closed collections, donor trust, the Open GLAM movement and the practicalities of managing the related metadata were all factors which, at the time, couldn't be resolved successfully through the existing project. One reason that clearly emerged from his investigation was how DCMAP handled access and use. As Crookston points out, access and use are two very separate activities. *Access* relates to customers or clients being able to view material either online or physically in person, whereas *use* relates to how the customer or client uses or reuses the material. One of the first things the Library did at the start of the Use and Reuse Policy project was to hive off access from use, and focused on use and reuse separately. The explanation for naming the policy the "Use and Reuse Policy", was that "it's about the use because that's any utility, but reuse is kind of on common parlance so it's called the use and reuse policy."

Open access scene in New Zealand

From the outset of the Use and Reuse Policy project, the Open GLAM movement in New Zealand had been consistently raised as a key issue by both the internal and external stakeholders that Crookston worked with. At the time it seemed imperative that the Library establish a position within the Open GLAM movement, align itself with other initiatives in the sector born out of the Open Access movement, such as Creative Commons and DigitalNZ, and also acknowledge the New Zealand Government Open Access Licensing framework (NZGOAL). Crookston mentions that while NZGOAL, in particular, was not entirely compatible with the Library's collection, he endeavoured to incorporate it within the Use and Reuse Policy where possible. NZGOAL encourages government departments to

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[1] Quote taken from interview with Mark Crookston in September 2015. Hereafter all quotes within this chapter refer to this reference.

release works, where the Crown is the copyright owner, to the public under a Creative Commons licence for reuse. However, although the collections held by Alexander Turnbull Library may be owned or cared for by the institution, they are not the copyright owners for that material. The Library has incorporated NZGOAL and Creative Commons licences into the policy and this has in turn informed how these two initiatives co-exist and are utilised within the institution.

Inconsistent rights statements

The lack of a consistent and clear rights framework within the institution and across New Zealand's cultural sector presented another significant challenge for the Library and influenced the creation of the policy. As previously mentioned in the literature review, McGregor (2015) notes that New Zealand has no overarching rights framework or suite of rights statements to apply to works that are in the public domain and searching one image can bring up multiple rights statements across various institutions. Crookston found that this was also the case with some of the previously released collection material from the Library and mentions it as being another motivation for the creation of the reuse policy. In the Library's situation, searching a particular collection item across multiple internal platforms brought up a variety of different rights statements. By addressing this issue within the policy Crookston saw that the Library "…wanted to instigate change ourselves and the best way to make the change at the source system and [then] the metadata flows through to every other online channel that the collections are available on."

Key Challenges

The main barriers that the Library faced during the creation of the Use and Reuse policy Included: dealing with issues around balancing the trust of donors and users, ensuring respectful reuse of cultural works and letting go of the traditional model of image reuse that included the accompanying commercial imperatives.

Trust

Trust was a significant issue for the Library in the creation of the Use and Reuse Policy and is an interweaving theme throughout this case study. As Crookston remarked during our interview "we have chosen to look at this work through the sort of lens of trust and balancing the different rights and entitlements at play." The challenge of balancing donor trust with user expectations was paramount when forming the policy. As Crookston notes donations to the Alexander Turnbull Library usually consist of "very personal memories, things about themselves, things about their families, [and] things about their communities." It is often an emotional experience for donors to gift material to the Library and respecting donor's

intellectual and ethical rights, regardless of legal copyright standing, was critical to having a successful reuse policy. The final published use and reuse policy acknowledges this tension by providing an;

> appropriate balance between the intellectual protection of the collections, the accessibility of the collections, and to enable appropriate services for collection items in the digital age (Collection Use and Reuse Policy 2014, 3)

Crookston acknowledges that current copyright legislation does not necessarily fit well with digital cultural heritage because, as he put it, "with archival material they are often things that were never intended to be in the public domain," this includes personal photographs, manuscripts or other personal ephemera. After a time, these items contain inherent research value and institutions put them online, often under an all rights reserved statement, either out of respect for donor rights and or for lack of understanding around copyright legislation. It is clear that the Library placed great importance on respecting the need to be a trusted place for donors and the Use and Reuse Policy is a step forward in having the appropriate tools to allow for material to be made accessible and reusable.

Reuse of cultural works

Another tension recognised by Crookston includes navigating the concerns surrounding reuse of material depicting Māori or taonga. As the Alexander Turnbull Library purpose states in section 7(a) of the National Library Act 2003 the Library collects, preserves and protects documents, making them accessible: "in a manner consistent with their status as documentary heritage and taonga." Crookston states that this mandate has not clearly defined what taonga is, and interestingly the Library is one of the only Government groups that have taonga status outlined as a mandate. From a legal perspective the Library is bound by this mandate but Crookston was unclear on what it entails from a reuse viewpoint.

To date, the Library's approach to making digitised surrogates of indigenous works accessible has been on the conservative side. For the Library, a cultural work encompasses photographs depicting tangata whenua (Māori people), artworks, manuscripts or other works created by Māori. The Library currently allows access to specified cultural works, either online or physically, which is enabled through negotiations with iwi (Māori tribes) and is supported by having cultural permission to reproduce these works granted. The Library has also consulted with experts in this field, as per the Government's recommendation in response to the WAI 262[2] claim, which has proven to be helpful in figuring out their position.

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[2] More information about WAI 262 claim is available here http://www.justice.govt.nz/tribunals/waitangi-tribunal/news/wai-262-ko-aotearoa-tenei-report-on-the-wai-262-claim-released

This tension highlights that there is no formalised process in gaining permission to allow reuse of these cultural works across the broader cultural heritage sector.

Letting go of the commercial imperative
Another challenge recognised as a potential issue for both the Library and the wider sector to re-evaluate is the traditional model of gaining revenue from image reproductions of public domain material. As touched on in the literature review, this commercial imperative where gaining revenue from images is common practice amongst international and national cultural heritage institutions. When asked about institutions claiming copyright over public domain works in relation to New Zealand cultural institutions, Crookston considered this has "been the model for quite a number of years." He suggested that this attitude stems from the tensions surrounding institutions protecting their donor intellectual rights by introducing restrictive models of reuse. However, digital access has disrupted this traditional model by placing pressure on GLAM's to open up material for reuse at no charge.

A commercial imperative is also behind institutions charging for works that would legally be deemed as public domain works and while charging for copies of public domain works is perfectly legal, many believe that the public has a right to those works as government institutions are publically funded. Crookston noted that from a public perspective works within a publically funded institution should be available, whereas from an institutional perspective the costs involved with digitisation, managing the digital copies and the metadata is funded by charging for reproductions.

Forming a "path forward"
The tensions and challenges identified in the previous section were directly addressed within the Use and Reuse Policy, and as Crookston states the new policy is "a path forward" for users and staff alike to understand the approach to reuse that the Library has in place. This part of the research focuses on *how* the Library established and implemented the reuse policy and examines how the policy has been adopted at an institutional level. Mark Crookston was the main catalyst and creator of the policy, from start to finish, over an 18-month period. The tensions and challenges examined in the previous section were identified as potential factors to overcome and hence needed to be directly addressed within the Use and Reuse Policy. Once these issues had been recognised, Crookston looked internationally to see what other examples he could use but found very little. He found this disconcerting yet also exciting;

It was exciting because I thought "that's great!" I'll develop one and it will be

seen as being potentially used as a template and it was disconcerting because a lot of people that I talked to said it was really hard and they failed to sort of negotiate those sort of tensions…from a whole institutional perspective.

Key people across all areas of the Library were directly involved by helping to add their voices and perspectives to the policy as it took shape. Workshops took place and the collection of different perspectives and objectives from each facet of the organization occurred, along with the compilation of issues and values in relation to reuse. These were then incorporated into the policy.

Colin MacDonald, Chief Executive of the National Library, Secretary for The Department of Internal Affairs, Secretary for Local Government and Government Chief Information Officer, was approached to not only partake in the workshops but also be involved in a job-swap type initiative. This proved to be beneficial for addressing one of the main issues, which was the fear of litigation from releasing orphan works for reuse into the public domain. Crookston states;

> He came and spent half a day with me and I spent half a day with him and in that half day we spent an hour in one of these workshops across the Library talking about some of our issues and looking at some of those [reuse policy] principles that I'd set up. One of the main concerns that often came up was a kind of fear of litigation, what if we get this wrong?

Crookston found that the Chief Executive was supportive in the Library releasing works whose copyright status was unclear or was an orphan work.

> He sort of enabled us to not worry about that and to take risks… he gave us assurances that we had the department's backing essentially to do the work to take the risk and to deal with any potential legal issues that came along.

This promoted a significant attitudinal shift from the Library's leaders. It also gave the Library staff the encouragement to keep polishing and refining the policy and forging the path forward. In order to truly mitigate all the risks involved with releasing material with an unclear copyright status, principle 137 of NZGOAL was adapted to create the "No Known Copyright Restrictions" (NKCR) statement. This statement was decided upon for two reasons; the first being that it's the truest statement the Library can make and as Crookston states it is a line of defense where they can use "to the best of our knowledge." Secondly because the statement allowed the Library to take more risks and enable a bigger corpus of material to be put under the NKCR umbrella rather than a blanket "out of copyright" statement, which didn't fit every scenario.

One of the most interesting parts of this research was discovering that the Library and Te

Papa had collaborated throughout this entire process, particularly through the work behind creating the NKCR statement. Crookston notes that:

> …one of the key things I did throughout this process was work quite closely with Te Papa. They were essentially my external peer review for the project, we wanted to have a pretty consistent approach to the public domain and the no known copyright restriction works, putting the customer at the centre.

By putting the customer at the centre the Library and Te Papa are able to have consistent rights statements across the institutions for their users.

Once the guiding principles had been signed off by the Library leaders, an implementation plan was created with four main purposes; to outline the actions required to ensure a successful implementation of the Use and Reuse policy, to assign responsibilities to various departments across the Library, to enable discussion around the Use and Reuse policy and ultimately to help the Library embed the principles of the policy as natural and organic. A flowchart was also created to help staff navigate their way and decide which principle and copyright statement a particular material fell into. One of the main challenges Crookston found, however, was letting go;

> ..there's kind of an emotional letting go. So that was one of the key challenges, we've got a policy in place…but now we've got to properly implement it and a couple of those principles related to letting go of collections and putting them into the no known copyright restriction pool.

The next step for the Library was to release a test set of images to see how the policy worked. As discussed in the literature review, the first set of images to be released under the new reuse policy was the H series collection, comprising a selection of photographs that were taken by an official New Zealand war photographer during 1914-1917. The release of these images coincided with WW100 commemorations for museums and the demand from other heritage organisations to reuse freely in their exhibitions and displays.

One other concern raised with this particular set of images was the ethical and cultural considerations around releasing images depicting death and tangi (a Māori funeral). The images were released, but not until after the guiding principles from the Use and Reuse Policy were taken into account. Ultimately the Library decided to release these images as the deceased were not identifiable. More importantly, Crookston points out that the intent behind these images taken from the frontline of the First World War was that they were intended to be disseminated amongst the country as a record of what happened. This enabled the Library to confidently release the images for reuse to a wider audience.

An interesting point to note is that the Library chose to release these test images as they were already digitized and had a known demand. The second group of images to be released under the no known copyright statement was a collection of images of ships and harbours, which is identified as a very popular subject with researchers. By releasing these images in line with the new Use and Reuse Policy, the Library was also creating efficiencies by not having to handle reproduction requests and the permissions process, which takes time.

The next steps that Crookston sees as crucial to making the policy a success include changing donor agreement forms to incorporate Creative Commons licensing options and working on embedding the policy within the Library until it becomes a natural and organic practice. Work has already been undertaken to amend the donor acquisition forms and the central tension of trust has been carefully considered. Creative Commons pamphlets and further information about the Use and Reuse Policy will be provided to each donor and Crookston hopes that this practice will enable an open conversation about reuse between the curators and donors.

Benefits

When asked what the key benefits that the Library has gained from adopting the Use and Reuse Policy, Crookston identified several direct benefits including; the Library challenging themselves, establishing a position on reuse, dealing with key tensions and issues, gaining efficiencies internally and also the reputational benefit for the Library as being seen as a leader in this area. Reflecting on the internal benefits of adopting the policy Crookston notes that;

> All the different concerns and tensions that are reflected in the Library and society in regards to reusing cultural heritage material are visible in the principles. This was to ensure that everybody's voice and reuse related activity will have a principle to guide them, a path forward.

Externally, the perceived value for users were identified by Crookston as being the use and reuse of the collections of the National Library by users, and engaging them with clear and consistent rights statements. This will save researchers time and money by having a larger pool of open resources and hopefully encourage the engagement of new users with datasets being openly available to be aggregated and used in new ways. Measuring the impact of this perceived value is something that Crookston hopes to carry out in the near future.

Another clear benefit that the wider sector has gained from the creation and implementation of the new Use and Reuse Policy is the visibility of the use of the tools that the Library brings to this area of confusion amongst other institutions in the heritage sector. Crookston was asked to participate in the Creative Commons Roadshow in early 2015 to promote a template of the policy that other institutions can adapt to their own needs and also talk about his involvement with creating the policy. This demonstrates a level of collegiality and an environment of sharing and inclusiveness amongst professionals within the sector, which is what the Open GLAM movement philosophy is based on.

An Analysis of Open GLAM at the National Library of New Zealand
One of the key underlying questions that emerged from the research is why the Library chose to give away images completely free of charge to the public, in contrast to the traditional model within the sector of generating much needed income from the sale of these images. By exploring the motivating influences behind *why* the Library embarked on creating a Use and Reuse Policy the research findings show clearly that Mark Crookston's individual beliefs and advocacy for Open GLAM practices were a significant influence for this project. Crookston's initial insight into prioritising the creation of a reuse policy for the Library and completing the unfinished work from the DCMAP project enabled key tensions surrounding reuse of digital material to be resolved. Furthermore, Crookston's championing of incorporating open access practices for the Library, while also having the knowledge and capability to create an overarching policy for the entire Library, was crucial to the Use and Reuse Policy's creation. Other key influences that played a role in encouraging the National Library to adopt Open GLAM practice were the trending of international institutions opening up their digital collections for reuse, the Open Access movement within New Zealand and the encouragement to use NZGOAL. All of these influences and motivations offered a persuasive argument in offering an alternative to the traditional practice of selling images for revenue. While an image reproduction service still exists as part of the Library's service, the images available for purchase are high-resolution digital files. At present, over 3,000 images are available for the public to download and reuse under a "No Known Copyright Restrictions" statement. With the policy now in place it is only a matter of time before this number increases steadily.

I am especially interested in *how* the Library created the Use and Reuse policy and what tools were used in the initial discussions. Crookston mentioned that workshopping with internal stakeholders, discussing potential tensions and communicating the outcomes with the staff resulted in being able to capture every corner of the Library and speak to their reuse activities. This way of working has been successful in ensuring every voice and potential

reuse activity is catered for through the Use and Reuse Policy. This echoes Kelly's (2013) findings from her study on Yale University Art Museums. The University described the process of creating an open access policy as highly collaborative and brought "all the stakeholder voices of the university together" (Kelly 2013, 11). Crookston also talked about getting leaders on board and once this happened the policy was able to progress towards an attitudinal shift within the organisation and a "letting go" of sorts.

Throughout the development of the policy, Crookston also ensured that each tension was carefully thought through and addressed. Trust was the biggest tension I found raised within my research findings and being able to balance the trust of donors and the public was essential in creating a successful policy. In the literature, Dalgleish (2011, 68) touches on the issues surrounding trust and personal archives within cultural institutions and how institutions should be balancing the sensitivities of communities and individuals while also meeting the demand from users. The Library has effectively managed to meet the needs of their key stakeholders by ensuring every avenue of potential risk was addressed through the policy.

The effects and outcomes the National Library achieved in introducing the Use and Reuse Policy outlined in the research findings, offer an incentive for further cultural institutions to adopt Open GLAM practices for their own digital collections. By implementing the Use and Reuse Policy, the National Library has seen an increased level of engagement with their collections, greater staff efficiencies, enhanced reputation and has emerged as a clear leader for the sector in creating an overarching reuse policy. These benefits far outweigh the perceived risks and correlate to international institutions who have also adopted Open GLAM practices as found by Kelly (2013, 24).

Conclusion
The research shows that creating and implementing a new policy relating to the reuse of digital collections across the National Library and the Alexander Turnbull Library was an ambitious project that navigated key tensions within the sector and the institution. The motivations for initiating a reuse policy are clear and the final principles within the policy address the key tensions and issues that Crookston had identified within the wider sector and at an institutional level. Throughout the journey and process of creating the policy, Crookston has employed a holistic approach in involving all aspects of the Library and meeting their reuse activities. Attitudinal changes within the institution included a shift from being a risk averse organisation, to showing leadership in the sector by releasing material with unclear copyright for reuse. The final published policy also

incorporates the mandate of the National Library and Alexander Turnbull Library, as outlined in The National Library (Te Puna Matauranga o Aotearoa) Act 2003. Overall, the final Use and Reuse policy relates to reuse of cultural heritage collections in New Zealand in an institutional and societal context.

The findings also highlight two key topics that are still a work in progress for the Library. The first is ensuring the respectful treatment indigenous material while providing access. The second topic is encouraging donors and depositors to assign a Creative Commons licence to their donated material. While it has been interesting to see the motivations and the processes behind the creation of the reuse policy, further avenues for research into how the policy is being facilitated and to what level of success would be of additional interest.

Chapter Two
Te Papa's Journey Towards Open GLAM

This chapter focuses on the Museum of New Zealand Te Papa Tongarewa's journey into adopting Open GLAM practices for their digital collections. An introduction to the case study is followed by a report and analysis of the findings from a semi- structured interview with Victoria Leachman, Rights Advisor and documentary research. The following analysis evaluates the influencing factors behind implementing reuse practices, outlines the process of embedding the practices at an institutional level and finally examines the key benefits and perceived value gained from the reuse project for Te Papa, the wider community and its users.

Introducing Case Study Two:
Museum of New Zealand Te Papa Tongarewa

Te Papa is New Zealand's national museum and is situated on the waterfront in the capital city of Wellington. The Museum was established in 1992 under the Museum of New Zealand Te Papa Tongarewa Act to bring together the National Museum and the National Art Gallery collections and officially opened in 1998. Since its doors opened they have had over 20 million visits. Te Papa's collection holds objects of national significance for New Zealanders and ranges from fine art, scientific artefacts, social history objects, decorative arts and photographic collections. Recently in 2013 the Museum's vision statement was updated to "Changing Hearts, Changing Minds, Changing Lives." The Act defines Te Papa's purpose as being:

> ... to provide a forum in which the nation may present, explore, and preserve both the heritage of its cultures and knowledge of the natural environment in order better—
>> (a) to understand and treasure the past; and
>> (b) to enrich the present; and
>> (c) to meet the challenges of the future" (The Museum of New Zealand Te Papa Tongarewa Act 1992, section 4)

The functions required to carry out the Museum's vision statement are also defined in the Act, some of which relate directly to the Museum's policy on the reuse of collection images, in particular:

h) co-operate with and assist other New Zealand museums in establishing a national

service, and provide appropriate support to other institutions and organisations holding objects or collections of national importance.

i) co-operate with other institutions and organisations having objectives similar to those of Te Papa.

j) make best use of the collections in the national interest.

(The Museum of New Zealand Te Papa Tongarewa Act 1992, section 7)

Te Papa's Statement of Intent 2013/2014, 2014/2015, 2015/2016 outlines their intentions to meet audience expectations by responding to the rapid rise of the internet as an "an information, entertainment and socialising medium" through "increased use of mobile technologies and audience involvement in creation of content." The Museum's strategy intends to "take Te Papa's collections to where people are, reconnect them with other collections, and encourage deep engagement" (Statement of Intent 2013/14, 2014/15, 2015/16, 23). The Museum's Collection Online has more than 100,000 digital images of collection objects that people can view online. In 2014 over 45,000 high-resolution images were released for the public to download and reuse. Outlined in the strategy are objectives specifically related to copyright and reuse. Te Papa aims to improve Collections Online by:

• Obtaining clearance from copyright owners or iwi to allow images to be published on Collections Online.

• Upgrading current records to include more high-resolution images, creating linkages and context with stories.

• Implementing an Open Access Licensing framework that will enable online visitors to download high quality, high resolution digital images free of charge to use in ways meaningful to them (e.g. to support research, as part of a blog etc). Te Papa will make 10,000 high resolution images available under "no known copyright" or Creative Commons licences, and develop ways to track and measure their use.

Research Participant

Victoria Leachman: Rights Advisor. Victoria Leachman has a background in collection management and has worked at various cultural institutions in New Zealand and in the United Kingdom. She has been at Te Papa for the past 13 years, with 10 of those being in the Rights Advisor role. A significant portion of her role is dealing with the collections and gaining rights and permissions for collection objects, including establishing the copyright framework used by Te Papa. She also acts as a centralised copyright advice point for all projects happening within the Museum. Victoria also provides copyright advice and training for cultural institutions within New Zealand, as part of the National Services Te Paerangi.

Case Study Findings

Motivations

Many factors influenced Te Papa's decision to release images for reuse and their journey took place over a number of years. The research findings illustrate the main motivations behind adopting Open GLAM practices and included: the inherent underlying influences and personal values from Victoria Leachman, engaging with the New Zealand Government Open Access and Licensing framework (NZGOAL) and partaking in small pilot projects by supplying images for reuse at no charge. These motivations are explored further in the following section and set the context of how reuse was implemented within the institution.

Personal values and beliefs

Through her role as Rights Advisor, Victoria Leachman first introduced the idea of adopting Open GLAM practices to Te Papa. Throughout my research process, I found her underlying influences and personal values became an important part of how the project originated. When asked about her first exposure to the Open GLAM movement, Leachman stated that she initially heard about the open access movement in general around 2006. Around the same time she also discovered Creative Commons and their licensing framework and watched Creative Commons founder Lawrence Lessig's videos online.

Leachman also talked of her personal influences, particularly one television show from her childhood called Connections. The show was an old 1978 BBC programme and each show would talk about inventions and the connections made between other inventors to create new technologies. This show inspired Leachman to pursue a career within a museum. She spoke freely about her personal philosophy on museums;

> Museums are idea banks, everyone's ideas in the physical form banked for the future. And it's not just ideas, its research waiting to happen…[3]

When asked about her personal values and beliefs on Open GLAM, Leachman stated;

> GLAM organisations are there for the public good that they are paid, for the most part, from public money and consequently anything they produce should be available for reuse...I think if public money is involved it should be freely accessible and reusable.

> I love the idea of people standing on the shoulders of art giants and creating new art.

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[3] Quote taken from interview with Victoria Leachman in September 2015. Hereafter all quotes within this chapter refer to this reference.

It's crazy to shut all this stuff away, who do we think we are guarding it from? It's mad. People just want to be creative, they just want to be clever!

These personal values and beliefs segued into Leachman's role as Rights Advisor. Her role initially started as a short-term contract with the main focus being on gaining copyright licences for images to publish on collections online and was purely for access to the collections in a digital environment. Over time, her role was made permanent and grew to encompass more responsibilities across the organisation and through this her attitudes and beliefs towards open access and Open GLAM were introduced.

New Zealand Open Access scene
During 2007 and 2008 several digital strategies and initiatives were introduced to New Zealand. These included the government's Digital Content Strategy (2007) and subsequent NZGOAL draft, the launch of DigitalNZ, the release of Flickr Commons and the establishment of Creative Commons licences tailored specifically for a New Zealand context. In October 2008 Leachman was approached to present a report to Te Papa's Atarau project team on the future impact of copyright on Te Papa's collections and here the subject of Open GLAM was first formally introduced. The report advocated for the open release of images that were deemed to be in the public domain, and images where Te Papa owned the copyright, to be released for reuse with a Creative Commons licence. During this meeting it was agreed that a trial number of images would be assigned Creative Commons licences for use in the Coming Home project, a collaborative online exhibition with Auckland Museum and DigitalNZ.

From this successful meeting and initial pilot project, Leachman started drafting an Open Access Licensing framework in 2010 to incorporate the reuse of images from Te Papa's collections. The proposed framework had four different rights categories from the most restrictive "All Rights Reserved", for images with third party copyright or indigenous works, to the least restrictive "No Known Copyright Restrictions" statement. Under this framework users would clearly see what works they could use without asking further permission from Te Papa. Importantly, Te Papa would be able to reserve the right to any benefits from the commercial use of specified images and also be identified as the source of the material when reused. This framework was accepted and approved in November 2010 by the senior leadership team.

Further influences

During our interview, Leachman mentioned three main influences that made an impact for the institution to begin changing their attitude towards making images available online for reuse. The first was the already mentioned pilot project where Te Papa provided images assigned with Creative Commons licences to Auckland Museum and DigitalNZ. Secondly, in 2010 NZGOAL was accepted by cabinet and this became a key enabler in encouraging adopting open access principles. Thirdly, Leachman approached the Picture Library team seeking support as a key stakeholder as she could see they were;

> …drowning in little jobs, they wanted the big commercial jobs but they were drowning and absolutely working way too hard on the tiny ones.

These main influences gradually persuaded the leadership team to start towards changing the framework from all rights reserved to being more open.

Key challenges

My research suggests that changing from a closed model to an open one was not an easy process for Te Papa. When asked what the core challenges were for the institution to adopt the new rights framework, Leachman named three main issues that included: getting buy in from leadership, resourcing the creation of new metadata for the project, and having the content in the first instance. Other issues mentioned included the risk of releasing works with unclear copyright and managing the tension between the commercial imperative and the public service responsibilities of the institution.

Looking after stakeholders

As mentioned above, getting the leadership team's approval took place over an extended period. However, when Leachman had the opportunity to present to the leadership in 2010, they agreed to the idea of open access for collection images and the wheels were set in motion. Leachman mentioned that as part of her presentation she ensured that all stakeholders, external and internal would be looked after;

> We were protecting the stuff that remained in copyright so that whole lot of third party stakeholders were looked after. The internal stakeholders were looked after in terms of iwi material and the picture library commercialisation and the retail commercialisation.

Additionally, as part of the donor process for the institution, it was made very clear to donors that all gifts are unrestricted, meaning Te Papa can use them how they wish. The leadership

team officially signed off on the project and Leachman and a team of Te Papa staff were able to start the reuse project.

Metadata and resourcing

With the green light from the leadership team, the next challenge was ensuring the online platform to host the metadata and images was suitable. New metadata needed to be created and rights information added to records, while an online interface to facilitate the reuse of the images also needed to be established. Along with having the right architecture for the website, the images of the collection objects themselves had to be created. All of these tasks required substantial staff time, financial resourcing and subsequent archiving of the metadata and image files. To address these barriers, considerable work to redesign Collections Online to prepare it for the next stage of digital access was undertaken, along with photography of objects. Extensive testing was also carried out to make sure that only images flagged for public access were available online (Kingston and Edgar 2015, 6).

Risks

One issue that surfaced through the creation of the Open Access Licensing framework was the "sweat of the brow" dispute. As touched in on the literature review by Allan (2007) this applies to whether a reproduction of a public domain 2D work creates a new copyrightable work, which can be claimed by the institution. Internationally, this is a common practice for many institutions when reproducing public domain works. New Zealand has a further unique situation as McLay (2006) found in his Digital Strategy report, which is the uncertainty of copyright duration in photographs taken prior to 1944 due to vague copyright legislation. There has been no legal precedent to determine the result of this issue and because of this New Zealand heritage institutions have inconsistent rights statements applied to these images. In Te Papa's case, it was decided that the benefits of the public being able to reuse these images far outweighed the small risk of infringing any copyright in photographs and drawings deemed to be the public domain. The "No Known Copyright Restrictions" statement was applied to these works, after much consideration and discussion with members from the Ministry of Culture and Heritage copyright group, which included Mark Crookston, who represented the Alexander Turnbull Library. Other institutions represented within this group included Te Ara, DigitalNZ, Heritage New Zealand, and Nga Taonga Sound and Vision.

A balancing act

Balancing the tension between the commercial aspect of the institution and the public service responsibilities that Te Papa is mandated to fulfil proved to be a delicate operation.

Leachman commented that from a long-term perspective she decided that it was easier to incrementally introduce the idea of reuse to the institution, starting by providing low resolution images with more restrictive Creative Commons licenses and then forming a pathway for becoming increasingly open. Creative Commons licences are designed to become less restrictive and as with other institutions, such as the Brooklyn Museum, Te Papa could easily change from non-commercial use to commercial use quite easily. This allowed the institution to have room to adapt and change within the digital environment while still incorporating the Open GLAM practice.

Process

With the challenges and tensions highlighted above addressed and catered for within the copyright framework, Leachman was able to begin the process of assessing and updating copyright metadata for the 100,000 collection items they had images for online.

At the same time, Collections Online was revamped and ready for the images to be released. The process of implementing reuse practices was straight forward and focused on having the right platforms and procedures in place before releasing material for reuse (Kingston and Edgar 2015).

Interestingly, support of the new copyright framework from the leadership team drove institutional changes at Te Papa. In 2013, Te Papa's Statement of Intent was released and it incorporated a commitment to improving online access to Te Papa's collections and also sharing the collections with a wider audience. This commitment meant that Te Papa had a written objective to adopt the Open Access Licensing framework and allow for reuse of online material assigned with a "No Known Copyright Restrictions" statement, or a BY-NC-ND Creative Commons license. At the same time Te Papa also realigned the Picture Library in the organisational structure from the Commercial directorate to sit under the Museum Operations and Services – Digital Collections and Access, which reduced the commercial imperatives that the Picture Library had previously been tasked with. Te Papa also aligned itself with user's expectations and the international and New Zealand scene by releasing high resolution, high quality images for download.

The reuse project team nominated a target of providing 30,000 downloadable, high quality and reusable images over a three year period. In June 2014, Te Papa and the Minister for Culture and Heritage launched a press release that announced the release of 30,000 downloadable and reusable images of collection objects (Kingston 2014). 14,000 images were released under the Creative Commons BY-NC-ND licence, and a further 17,000 images were made available under a No Known Copyright Restrictions statement. The news was

well received and widely distributed and in the first two days of releasing the images, online traffic increased by 500% at peak. Te Papa set themselves a further target of 5,000 downloads in the first year and exceeded their expectations with 17,405 images downloaded in the first year, with 10% of these downloads from staff using them for work-related purposes. Currently, Te Papa has over 50,000 downloadable and reusable images available, with over 100,000 images online overall.

Benefits

When asked about the benefits and perceived value of adopting reuse practices and implementing the Open Access Licensing framework, Leachman mentioned three main outcomes including: people were using it steadily and engaging with the collections, there was a reputational benefit for Te Papa as being seen as a leader and there was a clear increase in staff efficiency.

The first clear benefit for Te Papa implementing reuse practices is that people are engaging deeply with their collections. On the download page on Collections Online, users are prompted to complete a short survey of their intentions to use the image, which provides an immediate snapshot of how people are reusing the images. Ten months on from releasing the images Adrian Kingston (2015), who was involved in the reuse project, wrote a short blog detailing the reuse of the images, and as mentioned the numbers exceeded the forecasted targets. A few examples of what the public are using the images for include school projects, to make new creative works, for research, to use in exhibitions, for blogs and purely for the object's aesthetical values. Some responses from the surveys on how people are reusing the images include:

> "A relative sailed on this ship from Sydney to San Francisco in 1909"
>
> "A thesis on the History of the Rural Kitchen"
>
> "ANZAC Day Display in Qatar"
>
> "Collecting images that I like to design a tattoo for myself" (Kingston 2015)

When downloading images, users are also engaging with clear and consistent rights statements, mitigating any confusion around what they can or can't do with the image. Leachman reflects on this by noting;

> We are paid for people to engage with our collections, that's what we exist for as a resource for New Zealanders, for education and really for being there.

Another clear benefit for Te Papa is the increase to their reputational benefit, internationally and in New Zealand. They are also being seen as a cutting edge institution by embracing the Open GLAM movement. Leachman also notes that the reputational benefit could extend to Te Papa's fundraising endeavours and the open access project has added to their overall public goodwill factor. In turn, these reputational benefits filter out into the wider heritage sector and like Crookston, Leachman was asked to participate in the Creative Commons Roadshow in early 2015 to talk about the establishment of the Open Access Licensing framework at Te Papa. Leachman has also been involved with creating the National Services Te Paerangi Copyright and Museums booklet as a resource for museums managing copyright licences.

When asked about her thoughts on the value that the new reuse practices bring to Te Papa Leachman mentioned that the impact of openness on the productivity and efficiency of staff could not be emphasised enough. In terms of how what value it brings to the organisation she remarks;

> If it's good for them outside, it's awesome for us. Because we are the main users of our content. We need to be more efficient as an organisation in reusing our own stuff and going open means we reuse better and more efficiently which means we can do more for less money.

Leachman further mentioned that the Open Access Licensing framework has been embedded within the institution as a practice and that integral parts of their website and intranet use aspects of the framework. In particular an internal caption and rights generator was created as a tool for staff to use collection images within their own work and to bypass asking her copyright advice on each individual image. Leachman indicates that the practice has greatly improved the workflow of staff and states;

> If we were to change our practice tomorrow and decide to not allow reuse anymore that would kill a lot of productivity gains for staff.

A further and important value indicated by Leachman is the impact incorporating NZGOAL into the Open Access Licensing framework has in building relationships with other government departments, contributing to the economy and allowing opportunities for new business ventures to use the "No Known Copyright Restrictions" material for commercial use. Leachman was enthusiastic about the possibility of helping create jobs and the economy to thrive in a sustainable way, and as she put it, "if they employed a couple of people to create that business, well for me that would just be an outstanding outcome."

An Analysis of Open GLAM at Te Papa

In analysing the influencing factors behind *why* Te Papa chose to adopt reuse practice to their online digital collections it is clear that this project was propelled by the strong beliefs of staff within the institution. Victoria Leachman is one of main staff members to introduce the idea and transform it into a feasible programme for the Museum to implement. At the heart of Te Papa's Open Access Licensing framework sits NZGOAL and much of the weight behind getting Te Papa's leadership on board was due to the acceptance of this initiative in parliament in 2010.

Other key influences I found during the course of my case study research included the impact of the large amount of international institutions that were already practicing Open GLAM and using the suite of Creative Commons licences, plus that they were already showing clear benefits. Another possible motivator, that is a little less visible in the case study findings, was that as Te Papa is the national museum, there perhaps was an obligation to advance Open GLAM in New Zealand and to set a precedent for other cultural institutions within the country. All of these factors together made a strong case for Te Papa to implement reuse practices for their online digital collections.

However, as the research shows, the road to fully realise this project was a little bumpy and the team behind implementing the Open GLAM practice met various challenges along the way. Both Leachman, Kingston and Edgar (2015) talk openly of one of the main barriers facing the Museum once they had decided to allow reuse of images, which was convincing the Museum to let go of the commercial imperative over images of works that were out of copyright by assigning a No Known Copyright Restrictions statement and also assigning Creative Commons Attribution-Non-Commerical-No Derivatives licences to images of 3D objects that were out of copyright or had no copyright – such as natural sciences material. By starting in small steps and being able to show the benefits of increased staff efficiencies within the Picture Library this led to a complete attitudinal shift from leadership and Leachman and the Digital team were encouraged to implement the Open Access Licensing Framework across the online collections where possible.

The main outcome that holds most interest for me is the ongoing commitment to investing in an open access programme, clearly laid out in Te Papa's Statement of Intent 2013/2014. Kingston and Edgar (2015) point out impact of the changes Te Papa made in order to adopt Open GLAM practices, with the first change being the review of Te Papa's strategic priorities, vision and principles that were renewed under a new CEO between 2011 and 2013. The new mission statement "Changing Hearts, Changing Minds, Changing Lives" was born

out of this review. Another key strategic priority was also formed out of the review – "Mana Taonga | Sharing Authority." This concept and principle of Mana Taonga is defined by Te Papa as;

> …share[ing] decision-making with iwi (tribes), communities, and individuals with respect to managing and understanding their taonga (treasures) (Museum of New Zealand Te Papa Tongarewa Statement of Intent 2011/2013, 2013/2014, 2014/2016).

Another change within Te Papa was aligning the Mana Taonga principle with future digital initiatives and as Kingston and Edgar found;

> the open access programme provides a way to share authority over the collections with individuals and communities, enabling them to reuse the collections in their own ways without having to ask permission. (Kingston and Edgar 2015, 4)

This shows an awareness of the significance and potential positive impact that Open GLAM practices have for the Museum's users. It also demonstrates the ongoing commitment and investment to an open access programme despite the possible risks such as publishing works with unclear copyright. The payoff for Te Papa has been three-fold. Not only have they achieved a deeper engagement with their online collections, something that most institutions strive for - outside of physical visitors, they have increased staff efficiencies and as Leachman suggested they have potential to enhance their reputational value. These benefits outweigh the perceived risks and balance the tension between the commercial objectives within other areas of the institution.

Conclusion

This chapter discussed the ways in which staff at Te Papa introduced and implemented an Open Access Licensing Framework for online collections. The research findings show that Leachman and other key staff members working on the project held strong personal agendas in favour of the open access movement and this has naturally been incorporated into their roles and instilled within the institution. The research also highlights pivotal moments in the project that led to over 50,000 images of collection objects being made freely available to download on Te Papa's collections online website. I found clear motivating factors stemming from the shifting open access scene within New Zealand and many of these initiatives drove the creation of Te Papa's Open Access Licensing framework. I also found that key tensions and challenges were overcome, partly through an attitudinal shift within the organisation and partly through balancing the commercial imperatives with the public good factor of the institution.

I am especially interested in the way the practice has become an embedded part of the daily workflow within the organisation and the creation of a caption generator shows an innovative

use of resources and knowledge. Likewise, having written objectives within the institutional Statement of Intent that explicitly relate to the ongoing support of open access practices within the Museum are encouraging to see. The research also clearly shows the method that Te Papa used in creating and implementing their reuse practice, which was putting forward a strong case of why they should be partaking in open access activities and also then building the foundations in their digital environment to facilitate the release of downloadable images. By getting the content out there and gauging the level of engagement and impact for users, it is clear that this has proven to be beneficial in many ways to the institution. Future avenues for research that would be of interest include formally measuring the impact of the value that reusable material can bring to users.

The two case studies examined in this research have focused on the development and implementation of Open GLAM practices and policies within New Zealand's two national collecting domains and highlight key motivations and challenges faced on their respective journeys. These cases also provide evidence of the benefits that openness of collections can bring to users and the institution. As stated in the research design, I have used a multiple case study approach as a framework for collecting data and each case has been treated as separate, bound entity. The next chapter looks across both case studies and draws upon the similarities and differences between the themes that emerge from the research and offers a higher examination of the key research question.

Chapter Three

Towards a Connected Commons: Are We There Yet?

This final chapter offers a cross-case synthesis that provides a deeper insight into *why* and *how* the chosen institutions have implemented the Open GLAM philosophy for their online collections. By comparing and contrasting the salient themes in each separate case and also revisiting the literature a deeper picture emerges. Following this and using the insights I have gained, I offer my own Open Access Licensing Framework, intended as a guide for New Zealand cultural institutions to adopt and adapt to their own needs as necessary. By examining the work behind the reuse policy from the National Library and comparing and contrasting this to the reuse practice from Te Papa, I propose an effective tool for cultural institutions interested in adopting Open GLAM methods themselves. Finally, I offer my thoughts on the potential for further areas of study that stem from this research.

Similarities

One of the most striking similarities between these two cases was how much the individual personal agency of Mark Crookston and Victoria Leachman influenced these reuse projects. As the research shows, each of their individual beliefs and personal values on Open GLAM and open access became a driving force behind each of their respective reuse ventures. They both acted of their own free will and were given the opportunity to incorporate their personal interests into their everyday work, as opposed to being driven by an organisational mission or strategy. Robert R. Janes echoes the importance of acting on personal agency within his thoughts on the future of museums;

> [Museums] are some of the most free work environments on the planet. There are very few other workplaces which offer more opportunities for thinking and acting in ways that can blend personal satisfaction and growth with organizational goals. Museum workers must now cultivate their personal agency – meaning their capacity to take action in the world. It is important to act on one's values and beliefs; to rock the boat; fly under the radar, and do what is required to address those values and beliefs (Janes 2014, 406).

Interestingly, Kelly (2013,10) found a similar occurrence during her research on the National Gallery of Art (NGA) which provides open access to more than 20,000 images of works in the public domain. When questioned, NGA staff described the process of implementing open access as a "mission-driven decision." One particular individual, Alan Newman, was cited as being the driving force behind the policy and was hired specifically to set up a digitisation program. After setting up the photographic workflow for the organisation, he began to examine and modify the NGA's approach to rights and reproductions towards a more open model (Kelly 2013, 10).

Comparing this to the findings from Te Papa and the National Library, I found that each of their respective processes was rather a "personnel-driven decision" that was later echoed within each organisation's institutional statement of intent and strategy plan. The research clearly shows that both Leachman and Crookston took the opportunity to incorporate their personal underlying open access values and principles into each of their reuse projects. Furthermore, Leachman and Crookston were both able to cultivate their own personal agendas into something meaningful and of value for not only the institutions, but for their users.

The challenge of getting buy-in from leadership from Te Papa and the National Library was another parallel theme pointed out in the research. Both Leachman and Crookston talk of the challenges of gaining approval from higher management for the reuse projects. Leachman's experience of getting endorsement from the leadership team was a lengthy process and required her to frame the reuse project in a way that ensured all internal and external stakeholders would be accounted for. The National Library was fortunate to have direct contact with a member of the leadership team and was able to show the implementation plan and what areas of risk needed approval. Once leadership was on board for Te Papa and the National Library an emotional letting go process followed from staff across the rest of the organisation. Crookston stated that this was a key challenge for the Library, particularly for key staff who were letting go of certain collections and making them available under the No Known Copyright Restrictions statement for anyone to download and reuse. This need for everyone to work together raised a further theme in the research of collaboration both within and across institutions.

The most comparable similarity between Te Papa and the National Library was the collaborative approach to creating the "No Known Copyright Restrictions" statement. This relationship between the organisations reflects that they are both on the same page and are working towards a consistent approach to rights for the cultural heritage sector. This collegiality across all of the organisations that were part of the Ministry of Culture and Heritage copyright group as mentioned by Leachman during our interview can only strengthen the working relationships and overall connections for the GLAM sector in New Zealand in the long-term.

Balancing the commercial imperatives with the non-commercial aspect of open access caused tension for both Te Papa and the National Library when investigating reuse projects. Both institutions navigated a path to let go of the commercial imperative of generating income from images sales. The National Library re-evaluated their traditional model of images sales and saw the need for both freely available images and an image service for dedicated researchers wanting high-resolution images of in-copyright material. Similarly, as Kingston and Edgar (2015) explain, Te Papa repositioned their Picture Library from the Commercial directorate to align with the Te Papa's Digital Collections program. Primarily intended to be a service for the public good, this

realignment acknowledged that images sales are no longer an important aspect of Te Papa's revenue generation model. Furthermore, this;

> [H]elped address the long-standing tension that existed in the Museum between the imperative to derive revenue from image sales, and the public good opportunities that an open access program would enable (Kingston and Edgar 2015, 36).

An example of an international institution effectively balancing the "fee and free" model is the Victoria and Albert Museum through their V&A Images department, as evidenced in Kelly's study. The V&A offer images free of charge for personal, academic and scholarly purposes, yet draw a "line in the sand" for images used for classroom teaching and scholarly and academic publications in specific circumstances (Kelly 2013, 26.) Te Papa and the National Library have made clear strides in making this balance a priority for their online collections.

Te Papa and the National Library's approach to indigenous works held similar qualities and is an ongoing process that requires more investigation. The importance of respecting the cultural values within images that may be of importance to Māori was paramount for each institution and getting it right in the first instance was important. Incorporating overarching mana taonga principles into their open access projects is a priority for both institutions, but considerable work must be done within the sector to form a consistent approach. This is true of other institutions and as touched on within the literature, work towards a policy that guides the use of Māori images has been undertaken at the Auckland War Memorial Museum.

Finally, and perhaps most interesting are the parallels drawn between each of the benefits that Te Papa and the National Library perceived they have gained through their open access projects. Both institutions stated that there was a reputational benefit and that being seen as a leader in the sector was of significant importance. Another advantage for each institution was the increase of staff efficiencies that occurred with the reuse projects. Te Papa showed a significant increase of staff downloading images for work related purposes, along with the use of the internal caption and rights generator. A further benefit for both institutions was that larger numbers of people are engaging with collections and are actively using them.

Differences

The biggest distinction between Te Papa and the National Library evidenced in the research were the methods used to implement their respective Open GLAM projects. The National Library took a more conservative route and created a suite of nine principles within a policy that address all activities within the National Library and Alexander Turnbull Library, before releasing a small number of test images to the public. The purpose of the Library's policy states that it establishes

an overarching suite of principles to support transparent and consistent messages, activities and decision making on the use and reuse of collection items from the National Library of New Zealand and Alexander Turnbull Library (Policy for Use and Reuse of Collection Items 2014,1). Perhaps being part of the Department of Internal Affairs was another motivation for the Library to create a detailed policy prior to implementation of any reuse practices. In contrast, Te Papa elected to firstly create an Open Access Licensing Framework, defining a set of rights statements to assign to their collection images. Te Papa then updated the rights information for thousands of collection items and upgraded the architecture of their digital platforms to prepare for the release of the first 10,000 images. In 2014 Te Papa used the media to gain public attention and launched a press release co-authored with the Ministry of Culture and Heritage to announce the release of 30 000 freely downloadable images.

Both of these institutions have also shown different approaches to the way they implemented their open access projects. Te Papa undertook an undeniably large task of implementing the practice of Open GLAM with no set policy in place. Contrary to this, the National Library created a policy that dealt with main issues and provided a foundation for the creation of a detailed implementation plan. The institution took a measured and holistic approach, with Crookston facilitating workshops with internal stakeholders, having discussions about potential tensions and capturing every aspect of reuse that the Library dealt with. Testing the waters by releasing a small pool of images to measure the impact was also another step that the Library decided to do, as opposed to releasing a bulk of material in one go.

In comparison, Te Papa had a committed approach throughout the process of facilitating the open access project. Once the green light was given from the leadership team, the upgrade of the website and digital platforms were prioritised, along with the realignment of the Picture Library into a non-commercial department. Over 30,000 images were released online on launch day and clear targets were set within the Museum's Statement of Intent, all of which exceeded expectations and showed clearly that these objectives were met. Although their methods and priorities differed, each method suited the needs of each institution at the given time. The research shows that neither the policy or practice approach is the right or correct way of establishing an open access program for an institution, but rather each institution's journey towards a connected commons is unique. NZGOAL was mentioned extensively in each case study, yet only Leachman from Te Papa mentioned that it was at the core of their practice. It was also clear in the research that the creation of NZGOAL was a main driver for Leachman to start re-evaluating Te Papa's approach to copyright for their digital collections and the potential for an open access program. Contrary to Leachman's experience at Te Papa, Crookston felt that NZGOAL was not entirely compatible with the Library's needs and collection material but

ensured that the principles from NZGOAL were incorporated into the policy where possible.

The research also shows that the levels of trust differed between institutions when creating their reuse projects. The National Library were very conscious that their relationship with donors must be balanced and steps were taken to ensure that the trust held by donors towards the Library was acknowledged and maintained. Te Papa had less issues surrounding trust between their donors as their donation policy requires all gifts to be unrestricted, giving Te Papa the legal right to use them for any purpose.

The last distinction, and perhaps the most interesting, pertains to the rights statements each institution assign to their online material. The National Library and Te Papa have both chosen to apply a "No Known Copyright Restrictions" statement to material where no copyright restrictions apply. This statement applies mainly to two-dimensional works, such as photographs, prints, paintings and drawings, which is the vast majority of material held in the National Library of New Zealand and Alexander Turnbull Library's collections. Works with this statement are made available by each institution for download and can be reused for any purpose, including commercial use.

However, for out of copyright three-dimensional works, such as sculptures, ceramics, jewellery or other objects, the institution can claim copyright of the image produced of the object and Te Papa have followed this route. In this instance, copyright would exist in two layers, copyright applies to the image of the object and another layer of copyright also exists in the object itself. Moreover, Creative Commons licences can only be applied to works with the copyright holder's permission, making Te Papa the copyright holder of any images taken of out of copyright three-dimensional works. It is for this reason that Te Papa is able to restrict the commercial reuse of these images by assigning these works a CC-NC-BY Creative Commons licence. Users who download these works are clearly shown what they can and can't do with the images. As mentioned in the research, Creative Commons licences are able to be adapted and changed to suit the digital environment and it is hoped that in the near future Te Papa will be able to change their stance on allowing the commercial use of images they own copyright for.

Throughout my research I have been able to gain a deeper insight into the many influences behind institutions adopting open access practices, and how they managed to address the key challenges and issues that the sector faces in regards to copyright. Both Te Papa and the National Library of New Zealand approached their open access projects differently yet had similar outcomes.

Open GLAM Licensing Framework for Aotearoa

Drawing on both case studies as a guide and as inspiration in this next section I introduce a proposed Open GLAM model for New Zealand cultural institutions to adopt and adapt as necessary for their own digital surrogates of collection objects. By having consistent and clear rights statements across the sector users will be better informed on how they can use the images.

Statement	Definition	How it can be used
© All Rights Reserved	Applies to all works that are under current copyright restrictions. These works may only be published online with the written consent of the copyright owner.	Downloadable ✖ Reusable ✖ Commercial Use ✖
No Known Copyright Restrictions	Applies to images of two-dimensional works that are out of copyright. Works with this statement may be used on Flickr Commons and Wikipedia.	Downloadable ✔ Reusable ✔ Commercial Use ✔
CC BY	Applies to images of three-dimensional objects that are out of copyright. The institution usually owns copyright for the images.	Downloadable ✔ Reusable ✔ Commercial Use ✔
CC Indigenous Knowledge Notice	Creative Commons Aotearoa are in the process of creating an indigenous knowledge licence in consultation with iwi and it is hoped that this can be applied to cultural works within the cultural heritage sector in due course.	Downloadable ✖ Reusable ✖ Commercial Use ✖
Copyright undetermined – untraced rights owner	Applies to an image of a work where after a reasonable search has been conducted, no known maker can be identified, and the work is regarded as an orphan work.	Downloadable ✖ Reusable ✖ Commercial Use ✖

Fig. 1 Aotearoa Open GLAM Licensing Framework

Rights and Permissions Explained

- *All Rights Reserved*

  This statement means that the work is currently under copyright restrictions. It means that it may not be copied, reproduced or communicated without the Copyright holder's permission. The work may be used for certain activities if they fall under the purpose of Fair Dealing as in the New Zealand Copyright Act 1994. This statement implies that the Copyright holder of the work has agreed for the image to be reproduced under a copyright licence. Permission must be sought from [insert the institution's name] and the copyright holder to reproduce these images.

- *No Known Copyright Restrictions*

  This statement applies to two-dimensional works only and means that under the New Zealand Copyright Act 1994, [insert the institution's name] is unaware of any copyright restrictions on the work. This work is available for download and reuse to the public at no charge, we only ask that you attribute us where possible.

- *CC BY*

  This statement applies to out of copyright three-dimensional works and means that [insert the institution's name] holds copyright over the image but has chosen to assign a Creative Commons Attribution 4.0 licence to the work. This image may be downloaded and reuse for any purpose, even commercially, with correct attribution to the institution.

- *CC Indigenous Knowledge Notice*

  This statement applies to images of works that are considered taonga to Māori. Permission must be granted before these images are able to be reused.

- *Copyright undetermined – untraced rights owner*

  This statement applies to images of works that after a reasonable search has been conducted and no known creator of the work has been identified. Where the copyright in any material belongs to a third party reasonable effort has been taken to identify the copyright owner. If you are the owner of copyright material which you believe is available on this website in a way that constitutes infringement of that copyright, or a breach of an agreed licence or contract, please notify [add email here].

Fig.2 Examples of Rights and Permission Explanations for an online website

As shown in **Fig.1**, I propose the use of five clear, consistent and universal rights statements. Each statement applies to all known possible rights scenarios that could occur when digitising and reproducing collections from cultural institutions. Similar to the work prepared for the

Recommendation for Standardized International Rights Statements (2015), by Europeana and DPLA, the proposed Aotearoa Open GLAM Licensing Framework seeks to address the tensions and issues relating to copyright specific to heritage institutions within New Zealand. However, the International Rights Statements proposed by Europeana and DPLA do *not* allow for sensitivities concerning the use and reuse of indigenous material. New Zealand cultural heritage institutions have the opportunity to be the leaders in this area and the proposed model offers one option as shown through the use of the Indigenous Knowledge Notice from Creative Commons Aotearoa, when it becomes available in New Zealand. Leachman echoed this thought during her interview when asked about her thoughts on the future of Open GLAM in New Zealand:

> My ideal would be that the rights approaches and the rights statements are clear and consistent across the collecting institutions and the documentary heritage system in New Zealand, that would be the nirvana. [Addressing] some of those cultural issues will be some sort of advantage that we can give the international community (Leachman 2015).

Fig.2 is a simple explanation of the five different rights statements for users who may be unsure of what purposes they are able to use the images for. This information is intended to be available as a visible link near an institution's collections online portal, or to accompany each image. While this model is by no means the correct or only way of managing rights within an institution, it is offered as a starting point and a tool to be adapted for cultural heritage institutions and their own specific copyright needs or requirements. Likewise, when paired with the Open GLAM Policy Template[4] that Mark Crookston has created, based on the National Library's own use and reuse policy, these two models extend a helping hand for institutions aiming to implement Open GLAM practices within their organisations. Crookston spoke of the potential barriers for smaller institutions wanting to adopt Open GLAM practices either now or in the future:

> [You'll] see a cascade of work happening and I think it will be dependent on resourcing. All of this is dependent on people having time, energy and people to do it. This doesn't happen for free (Crookston 2015).

While Te Papa and the National Library have generous funding capabilities to enable the digitisation of collection objects, many other institutions do not. Therefore, it is hoped that in some small way this research and proposed Aotearoa Open GLAM Licensing Framework can add to the discourse surrounding Open GLAM and provide a solid foundation for institutions sourcing funding for digitisation projects.

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[4] http://resources.creativecommons.org.nz/open-glam-policy/

Conclusion

This dissertation has sought to answer the key question of *how and why are New Zealand's national collecting domains facilitating the use and reuse of digital surrogates of collection objects?* by looking at two in-depth case studies. The discourse surrounding the reuse of digital surrogates is growing internationally and it is essential that New Zealand cultural institutions are able to add to this dialogue. This research fills this gap in the literature by presenting the untold story of how and why New Zealand's national collecting domains came to adopt Open GLAM policies and practices. Furthermore, the proposed Aotearoa Open GLAM Licensing Framework adds value to the sector nationally, as it presents a foundation for interested institutions to adapt and utilise as required. It also adds value to the international GLAM sector as the proposed framework has the potential to show leadership in overcoming issues surrounding the use and reuse of indigenous works.

As mentioned in the earlier research design section, this research was bound by a number of limitations. By interviewing only staff directly involved with establishing reuse policies or practices within their institutions, the voices of those who can speak to the challenges of Open GLAM including donors, curators, iwi, copyright holders or other external parties have been excluded. This offers an area of future research to explore and acknowledge. Another limitation was the lack of documentary evidence or progression of implementation from the chosen case studies. One case study was able to provide more documentary evidence to analyse and one case study was not as far into the implementation process as the other. It would be interesting to revisit the participating institutions in the future and expand the research with further information. Further avenues of research that could use this dissertation as a foundation include; measuring the impact that Open GLAM has on users and the hosting institutions, in-depth research on how best to approach indigenous works for cultural institutions and the impact of Creative Commons on the GLAM sector.

The outlook for a thriving connected commons within New Zealand is positive. Fieldsend and Sleigh (2015) discuss how the general public are reusing these openly available images and found innovative and unexpected uses of heritage material, including colourisation of WWI photographs by Photoshop experts, GIF-making and popular regional Facebook pages sharing images online. My vision for the future is one where cultural heritage institutions are open by default and digital surrogates of collection material are put into an ever-growing online pool of images that have clear and consistent rights statements. Generous searches allow users to filter their queries by rights statement, colour, date, maker, method, keyword or by other means. New creative works are made, research papers are published, and profitable businesses are created – all from this pool

of freely available heritage that encourages this cyclical use of material which would otherwise be locked away behind a paywall. It is also my vision that New Zealand GLAM professionals will have access to training, support, resources and information surrounding copyright for cultural heritage material and issues in dealing with rights management. A forum where interesting and tricky copyright issues can be discussed in a safe space would be ideal, encouraging copyright nous to filter through institutions as the discussions and connectedness between professionals strengthens.

As shown through this dissertation New Zealand GLAM institutions are continuing to adapt to the shifting digital environment, meeting and overcoming many obstacles throughout their journey. As Te Papa and the National Library have shown, adopting Open GLAM philosophies for their collections is the outcome of many influencing factors including; allowing individuals the opportunity to present their own values and beliefs, embracing the concept of open access internationally and nationally, and the New Zealand government initiative of NZGOAL that whole-heartedly encourages creative reuse of material where possible. To conclude this dissertation it is only fitting that we are reminded that "culture isn't something frozen in amber: culture only has meaning when it is *alive* in our minds, *reworked* by our hands, and *loved* in our hearts" (Edson 2014, 4).

Appendix 1: Interview Questions

Intro

- Tell me a little bit about yourself and your background, and how you came to be working in this role?

- How long have you been working in this role?

- What are your values and beliefs in regards to Open Glam?

- When did the institution implement a rights management procedure?

- What other aspects of the organisation use rights management?

- What are your thoughts on "copyfraud" where institutions relicense 2D works (e.g a photograph) that have expired copyright?

Motivations

- When did you first become aware of other institutions openly licensing their digital collections for reuse?

- What has been your involvement with establishing reuse practices or policies within your institution?

- What was the institutions motivation for adopting reuse practices?

- What rights management organisations or sector movements have influenced your decision to adopt reuse policies? Ie. NZGOAL, Creative Commons, DigitalNZ etc.

- Have you used national or international licensing models as a guide?

Challenges and Opportunities, Effects and Benefits

- What challenges do you feel the institution faced in establishing and implementing use and reuse policies and practices?

- What do you feel are the main benefits that the institution has gained from adopting the new reuse policies and practices?

- How have the new policies and practices been incorporated at an institutional level?

- Where do you see the Open Glam movement heading in the future for New Zealand?

Value

- What value, if any, do you think the new reuse policies and practices bring to your institution?

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