



National Library Requirement (Electronic Documents) Notice 2006

Pursuant to section 31 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, the Minister Responsible for the National Library gives the following notice.

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Notice

- 1 Title**
This notice is the National Library Requirement (Electronic Documents) Notice 2006.
- 2 Commencement**
This notice comes into force on the day that is 3 months after the date of its notification in the *Gazette*.
- 3 Interpretation**
In this notice, unless the context otherwise requires,—
Act means the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003

off-line document means an electronic document that is not an internet document, and includes an electronic document that is stored or used by means such as—

- (a) magnetic media (for example, a floppy disk, hard drive, an audiotape, or a videotape):
- (b) optical media:
- (c) an electronic storage device (for example, a universal serial bus device (**USB**) or memory card)

optical media includes—

- (a) a compact disc (**CD**) and variants of a CD; and
- (b) a digital versatile disc (**DVD**) and variants of a DVD

publish means,—

- (a) in the case of an off-line document, making the document publicly available by issuing copies of the public document to, or making copies of the public document available on request by, a member of the public, whether or not there is any restriction on the acquisition of the document by members of the public (as by payment of a price or fee); and
- (b) in the case of an internet document, making the document publicly available on the Internet, whether or not there is any restriction on access to the document.

4 Application of this notice

This notice applies to all classes of electronic documents in existence on, or coming into existence after, the date on which this notice comes into force and all publishers of those electronic documents.

5 Requirement to provide copies of off-line documents

Every publisher of an off-line document must, at the publisher's own expense, give to the National Librarian, within 20 working days after the date when the document is first published, 1 or more copies of the document as follows:

- (a) 2 copies of the medium or device that contains the document; or
- (b) 1 copy of the medium or device that contains the document, if—
 - (i) the document is a single discrete item the price of which exceeds \$1,000; or

- (ii) the document is available for an annual subscription that exceeds \$3,000.

6 Condition applying to requirement

If an off-line document is published in more than 1 language, the number of copies required by clause 5 must be given to the National Librarian in each language version.

7 Delivery of copies

The copies of documents required by clause 5 must be delivered by the publisher, at the publisher's own expense, to the National Librarian at the Legal Deposit Office, National Library of New Zealand Te Puna Mātauranga o Aotearoa, PO Box 12 340, Wellington.

8 Authorisation to make copy of internet document

The National Librarian is authorised to copy any internet document.

9 Exemptions

- (1) The Minister may, by notice in the *Gazette*, exempt an electronic document or a class of electronic documents from the provisions of this notice.
- (2) An exemption may only be granted if at least 1 of the following criteria is satisfied:
 - (a) the document has been created by an agent of the Government as a source of information for the purpose of transacting the business of Government; or
 - (b) the document is deposited in an archive established for the purpose of the long-term preservation of, and access to, public documents or a class of public documents.

Dated at Wellington this 2nd day of May 2006.

Judith Tizard,
Minister Responsible for the National Library.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice comes into force on the day that is 3 months after the date of its notification in the *Gazette*, after a consultation period that took place with publishers between 16 August and 18 October 2004 and between 28 November and 24 December 2005.

The notice defines the key terms **off-line document** and **publish**.

Clause 4 provides that the notice applies to all classes of electronic documents published on or after the date when this notice comes into force, and to all publishers of those electronic documents.

Clause 5 requires publishers of all off-line documents to provide to the National Librarian, within 20 working days after the date when the document is first published, copies of the documents as follows:

- 2 copies of the medium or device containing the document:
- 1 copy of the medium or device containing the document, if the document is a single discrete item that costs more than \$1,000 or is available by annual subscription costing more than \$3,000.

If an off-line document is published in more than 1 language, the publisher must supply the required copies in each language version (*clause 6*).

Clause 7 sets out the requirements as to delivery of copies of off-line documents to the National Librarian.

Clause 8 authorises the National Librarian to copy internet documents.

Clause 9 empowers the Minister, by notice in the *Gazette*, to exempt an electronic document or a class of electronic documents from this notice on the basis of the criteria stated.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 11 May 2006.

This notice is administered by the National Library of New Zealand Te Puna Mātauranga o Aotearoa.