

Internal Regulations for the Consultation and Reproduction of Contemporary Municipal Archives Documents

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1. Subject matter and scope of application

These regulations regulate the Archive document consulting and copying services, in accordance with the Municipal Archive System Regulations and the Regulations on Accessing Municipal Documents. They set out the procedures for public consultation of archive material, copying documents and other complementary procedures. They apply to the Archive equipment, facilities, resources, fonds and collections, and must be observed by staff and members of the general public who wish to use these services.

2. Archives Management

The Archives Management will take any decisions it considers appropriate for the smooth running of the services offered to users. Likewise, it will provide instructions to help compliance with these regulations, as well as regulations of a more general character that apply to Archive activities. It will also respond to users' suggestions, proposals and complaints.

3. Centre fonds

- 1 The list of Archive fonds can be found in the Fonds Organisational Table.
- 2 In responding to requests to consult the fonds, the general criteria and procedures set out in the following articles will be applied, regardless of the nature or source of these fonds.
- 3 Specific regulations may be applied to consulting or copying those regarded as special fonds because of their type and contents. Specific criteria may also exist in the case of fonds that are in the process of being organised and described. Such circumstances will be noted in the Fonds Table, the description instruments and in the centre's general information.

4. Users

- 1 Any persons over the age of 16 may use the Archive services.
- 2 The Management may authorise access to original documents to persons under the age of 16 depending on the type of study project they are doing and always complying with the following conditions:
 - (a) The student's teacher or tutor must explain in writing the scope and purpose of the study project and the information needed for it.
 - (b) The Archives Management will authorise access in writing, agreeing the day and time for the consultation with the teacher or tutor. If the Management considers the request must be denied, it will give the reason in writing.
 - (c) In order to gain access to the Archive reference room, persons under the age of 16 must present the written authorisation issued by the Archives Management to the study project teacher or tutor, which must state the day and time for the consultation.
 - (d) These persons must conform at all times to the general consultation and copying conditions contained in these regulations.
- 3 Users' data will be treated in accordance with personal data protection legislation. When users have to provide personal data, they will be informed of how the data will be treated and the procedure for exercising their rights.

5. Resources and equipment available for users

- 1 The Archives have a help service that will guide users in using the centre's resources and consulting the fonds. It also offers them the necessary resources for identifying the available records, so they can put in a request to consult them. Likewise, the service will answer user queries and offer them forms for requesting consultations and copies.
- 2 Archive staff deal with requests to consult records and help in searching for them but they are not authorised to carry out research on behalf of users.
- 3 When using computer equipment, materials, files and other resources put at their disposal, users must avoid misusing them to the detriment of other users. They must follow the technical instructions they are given and not do anything that might damage the equipment and stop it working correctly.

4 Users may use the following resources: the auxiliary library, the available inventories and catalogues, the work points for online consultations, the WiFi service and the microfilm readers.

6. Consultation service

1 The general regulations covering access rights will apply to accessing the Archive fonds, along with sectoral and specific regulations, depending on the record contents. The procedures and guidelines established in the Regulations on Accessing Municipal Documents will also apply.

2 The Archives will inform users of the procedures that must be followed when formalising the request. Users may request an appointment by completing the form on the www.bcn.cat/arxiu/arxiucontemporani website. The procedure for using the prior appointment service is as follows: a. Choose a day and time for the consultation using the E-diary on the Archive website (Prior appointment), and fill in the information the form asks for about the person making the request and the records they wish to consult. You may also send in a written request. This must include your personal details and contact phone number or email, so you can receive Archive communications immediately. You must also clearly state the query you wish to make and give precise details of the records that could be of help in answering it (for example: type of licence, address of the property, year it was built, first owner if known, etc.); b. If you use the E-diary, you will receive automatic confirmation of the day and time of the consultation, but if you send a written request or use another official channel, the Archives will arrange a day and time with you.

3 The consultation service hours are Monday to Friday, from 9 am to 2 pm

7. Access to the centre and the reference room

1 Users may access the Archive facilities and use their resources once they have identified themselves by means of their ID or similar document. The Archives' various spaces and areas are freely accessible unless expressly stated otherwise.

2 Access to repositories and internal work spaces is restricted to the centre's own staff or at their service. The Management may authorise other people to access these spaces as part of educational or cultural programmes.

3 Users may access the reference room and freely use its services with prior identification and confirmation of their appointment. Access to the room is not allowed with bags, briefcases, folders or other containers. Nor is it allowed with liquids, food or cutting objects. Users may use the locker service that the Archives put at their disposal.

4 Users have the right to work in the room without being disturbed. Maximum silence must therefore be maintained and all users should refrain from any behaviour that may disturb others.

5 Users may take portable electronic devices into the reference room. Mobile phones and portable devices must be on silence mode with sound alerts disabled. They may not be used to receive or make voice calls.

8. Consultation request

1 The Archives provide information on the contents of its fonds and consulting some of them may be subject to the state of conservation of the records or legal regulations that restrict access to them.

2 Requests to consult them must be made in writing with the requester's ID and a postal or electronic address for notification purposes, if applicable. The documents requested must be specified with sufficient detail, in accordance with the information in the description instruments.

3 The consultation request does not have to be justified unless access to the documents is restricted. In that case, the requester may outline the reasons and circumstances that could justify lifting the restriction.

4 The Archives will provide standard consultation and reproduction request forms. They will also accept consultation requests formulated in documents drawn up by the requester, provided they include the ID data and information that enable the requests to be met. Requesters must use an order document or slip for each unit they wish to consult.

5 Consultation requests may also be sent to the centre's corporate email address, arxiucontemporani@bcn.cat, or they may be made using the channels set up on the website/e-office. Receipt of the requests made by these channels will be notified within a maximum of 20 working days, stating the procedure which must be followed and the maximum response time.

9. Help desk

1 As a general criterion, consultation requests made in the reference room will be attended to in a maximum of 20 minutes. Users will be informed when a different time applies, if necessary. New requests to consult records will not be dealt with after 1.30 pm.

2 In some cases, the response to consultation requests may not be authorised by the Archives, especially when there are legal restrictions or where the interests of third parties may be affected. In such cases, and in accordance with the regulations on accessing public records, the Archives will notify the user concerned in writing of the procedure that needs to be followed¹¹ and the possibility they have of appealing to the Municipal Evaluation and Access to Documentation Commission, if their request is denied.

10. Access to the records

1 Users may not change the order of the documents, nor carry out any action that might harm their integrity. They will be held responsible for any damage caused to Archive records, whether this is caused intentionally or is the result of improper handling or care. An enquiry will be opened to establish the seriousness of such incidents and the sanctions that need to be applied. Users must therefore follow the Technical Directive on Using Documentation in the Reference Room (Appendix 1).

2 Once they have finished consulting the records, users must return them to the place indicated by Archive technical staff.

3 When making their request, users may state which support of those available they would prefer to consult the documents in. When there are reproductions available, the original is preserved and will not show as being available, thus facilitating access to the copy.

11. Number of documents

1 The Archives set a consultation limit of **6** document units per user in the same day/session.

2 Users may have a maximum of three document units at their work unit when these are bound or in book format. If they are not bound, only a single unit is allowed at any one time. The Centre Management may authorise an increase in the number of units available at the work point, depending on the nature of the consultation and/or the type of units the user concerned wishes to consult.

3 The Centre Management may authorise an increase in the maximum number of units in the case of research work that requires access to a large number of units to carry out a simple check or verification of the data or information.

¹ *Procedure in the event of a restriction on the consultation (competent body on matters of transparency).*

12. Booking the room

1 Users may reserve documents consulted in the reference room for up to 5 working days. And each user may reserve a maximum of 4 documents. This does not apply to valuable documents, any with unique characteristics, special types or special formats.

2 Documents reserved in the reference room may be consulted by other users.

13. Partial access

In order to facilitate access, and whenever possible, information with restricted access among the documents requested will be removed or bypassed. The other documents will be made available and users will be informed of the nature of the documents or data removed and the legal restriction that affects them.

14. Consultation for research purposes

When restricted access documents are being consulted by researchers, the criteria established by the Regulation on Accessing Municipal Documents will apply. The consultation request must indicate the researcher's status and the research project they are carrying out.

15. Consulting special documents

The consultation of documents with special formats or supports, that are at risk of being damaged or belong to fonds with no description will be governed by specific instructions approved by the Archives. These instructions will be made available to users¹.

16. Disseminating information

1 The Archives will tell users how to cite the documents they disseminate or refer to. The citation must, at the very least, include the following information: the Archives' name or acronym (AMCB), the name of the fonds (Barcelona City Council) or the name of the corresponding institutional fonds, and the document's signature or reference code (classification code, name of the series, file number and year, and the document's registration number, if applicable). Citations from graphic, cartographic, audiovisual and photographic documents must also include the name of the author, or of the photographer for photographs or director for audiovisuals. If this authorship is not known, *author unknown*, *photographer unknown* or *director unknown* must be indicated as appropriate.

2 When access is authorised to documents with protected data or information of any kind whatsoever, or information relating to the rights of third parties, the Archives will inform users of their responsibilities in using them. This information will be provided when the documents or their copies are handed over. Users must sign the information document to acknowledge they have received it

17. Copying service general conditions

1 Orders that would mean large-scale or systematic document reproduction will require specific approval to determine the procedures and timescale.

2 Archive users may obtain copies of documents by following the procedures and formalities adopted by the centre. Requests must clearly specify the documents it is wished to copy. When applicable, the Archives will inform users of any restrictions or constraints on copying and using copies.

3 Users can get a statement of authenticity for copies of documents produced by Archive staff and Archive equipment. Copies of documents to be used in administrative or judicial proceedings will always include the whole document and identify the documents as belonging to the Archive fonds.

4 At the user's request, and if it is technically possible, the copies will be delivered by telematic means.

18. Copying service restrictions and denials

1 Copying may be restricted or denied for the following reasons:

- (a) The existence of third-party intellectual property rights. Nevertheless, a copy may be obtained if the request is justified for research purposes.
- (b) The protection of other rights allowed for in the regulations.
- (c) The condition of the documents and the need to ensure their preservation.

2 Reasons will be given for any denials or restrictions.

19. Copying service restraints

Given the need to ensure the conservation of the records, copies will be authorised in accordance with the following criteria:

- (a) Users are advised to request only those copies that are considered strictly necessary, using the technical means that the Archives consider to be the most appropriate.
- (b) Documents that are bound or more than 45 years old will be digitally copied.
- (c) When there is a consultation copy, the reproductions will be made using this copy. Under exceptional circumstances, and at the user's request, copying from the original may be authorised.
- (d) Orders for copying large quantities of documents will be regulated by a specific agreement or contract.

20. Formalising copy requests

1 Users will have an official form at their disposal for requesting copies.

2 Once a request has been made, users will receive information on the cost and be able to confirm the order. The cost of the service must be paid before the copy can be produced. Users may not ask for a refund if they have inaccurately or erroneously indicated the documents they wanted copying.

21. Copies users make with their own devices

1 Users may be authorised to make copies directly using their own devices by reference room staff, provided that there are no legal or document conservation reasons that might impede that.

Users may make copies of documents with their own devices in accordance with the following conditions:

- (a) They must tell room staff which documents they wish to copy and complete the official form for copies using own devices, specifying, among other data, the documents they wish to copy.
- (b) If the Archives have a copy of a document in another support from which the reproduction can be made, users will not be allowed to do it using their own devices.
- (c) When making the copies, users must not use a flash or any other lighting systems, nor any apparatus that requires contact with the document, such as portable manual scanners.
- (d) They must handle the documents with care to avoid damaging them. That means they must lay them on the table without forcing the cover, formats or binding, giving more priority to preserving the document than the quality of the copy.
- (e) They must avoid making any noise whatsoever or disturbing any other users.

(f) Tripods and other accessories must not be used, unless the Archives have a place suitable for that outside the reference room.

2 The AMCB cannot issue any statements regarding the authenticity of copies users produce with their own devices.

3 When using copies produced with their own devices, users must respect the conditions set out in Article 24.

22. Copies of description instruments

The Archive description instruments are recognised as databases and the rights over these correspond to Barcelona City Council. They may be reproduced in a way that is consistent with research, teaching and personal study purposes. Reproduction of substantial parts of these description instruments, or in their entirety, will require a formal agreement between the user and the Archives.

23. Copy delivery times

1 As a general rule, paper copies are delivered in a maximum of 72 hours and digital copies in a maximum of 15 working days. The Archives may establish specific delivery terms depending on the type and category of the documents and the format of the copies. In the case of external reproduction services, users will be informed of the specific delivery terms.

2 The order will expire once three months have elapsed from the date of the request.

24. Using copies

1 Copies of Archive records must be used in accordance with the following terms and conditions:

(a) Document references must be shown in the following manner: Name of the Archives (full stop), name of the record fonds (colon), the code and description of the record series (comma), the number of the file and the year. Example: AMCB. Barcelona City Council Fonds: Q127 Major Public Works – Eixample, file 12345 from 1967.

(b) In the case of partial dissemination of the document, this fact must be indicated.

(c) In the case of records covered by intellectual property rights, those rights must be respected.

2 When the copies are intended for commercial use, users will be informed of the terms and conditions of use, as well as the regulations and guidelines for reusing information adopted by Barcelona City Council.

3 When using the copies, users must follow the instructions that appear in Appendices II and III of these regulations.

Barcelona, 16 December 2015

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Appendix I. Technical Directive on Using Documentation in the Reference Room

Non-compliance with certain basic rules and an increase in the number of consultations is leading to a steady deterioration in the Archive records and even putting their long-term survival at risk. Consequently, certain procedures and some basic guidelines need to be applied to using and consulting these records:

1. The Archive centres must equip themselves with all the necessary material and tools for ensuring documents can be easily consulted without putting them at risk, including tables for consulting large formats, lecterns, wedges, pencils, gloves, etc.
2. Documents must be handled with care, so users should be given assistance if this is felt necessary or when they ask for it.
3. Users must only use pencils for writing purposes.
4. Documents must be consulted with clean hands.
5. The table and consultation space must be free of any elements that make it difficult to handle the document and lay it properly.
6. Documents must be consulted without leaning on them or putting any object or tool on them.
7. Documents must be handled with hands free of any other objects.
8. Pages must be turned without users wetting their fingers.
9. Users must not write over documents and under no circumstances on them.
10. Documents must be returned in the state they came in, maintaining the same order.
11. Gloves must be used for consulting special documents.
12. If a document is accidentally damaged in any way, the user must notify the staff in charge of the reference room.

Appendix II. Summary of Relevant Aspects of the Legislation on Intellectual Property

1 There may be intellectual property rights in relation to technical projects, images, reports and other text documents, sheet music, maps and plans. The Intellectual Property Act (Royal Legislative Decree 1/1996, of 12 April, approving the consolidated text of the Intellectual Property Act, which regularises, clarifies and harmonises the current legal provision on this subject) offers this open list for guidance in its Article 10:

- (a) Books, pamphlets, printed matter, correspondence, writings, speeches and addresses, lectures, forensic reports, academic treatises and any other works of the same nature.
- (b) Musical compositions, with or without words.
- (c) Dramatic and dramatico-musical works, choreographic works, pantomimes and theatrical works in general.
- (d) Cinematographic works and any other audiovisual work whatsoever.
- (e) Sculptures and works of painting, drawing and lithography, picture stories, cartoons or comics, including their drafts and sketches, and other works of three-dimensional art, whether applied or not.
- (f) Projects, maps, models and designs of architectural works and works of engineering.
- (g) Illustrations, maps and sketches relating to topography; geography and science in general.
- (h) Photographic work and works expressed in a process analogous to photography.
- (i) Computer programs.

2 The Act excludes the administrative documents, regulations and rulings of judicial bodies from protection (Article 13).

3 - Exploitation rights, in other words, the ability to authorise the reproduction, distribution, public communication or transformation of a work is protected for 70 years from 1 January following the author's death (80 years after their death in the case of authors who died before 7 December 1987).

4 - It is necessary to differentiate between private documents that have been donated, acquired, freely loaned or transmitted in another way, or admitted as part of an administrative procedure (technical project), from documents generated by the City Council, for example, plans drawn up by municipal services. In the latter case, there may be rights that correspond to the City Council.

5 - The Act envisages some cases where, even though there are intellectual property rights of third parties in force, works may be used without their authorisation. For example, reproductions required for conducting administrative or judicial proceedings (Article 31(b)), reproduction for research or conservation purposes (Article 37.1) or uses in accordance with the right to cite in teaching or research material (Article 32.1)

Appendix III. General Conditions for Using Copies of Records

1. Whoever obtains the copies may not claim any intellectual property rights over them.
2. When copies are used, their source must be indicated according to the following criteria:
Name of the Archives (full stop), name of the record fonds (colon), the code and description of the record series (comma), the number of the file and the year.
Example: AMCB. Barcelona City Council Fonds: Q127 Major Public Works – Eixample, file 12345 from 1967.
3. Where there are intellectual property rights over the document(s), use of the copies must always comply with those rights.
4. Where there are images in which recognisable individuals appear, use of the copies must always comply with those image rights. Delivery of the copies does not imply any authorisation or assignment of image rights.
5. Use of copies containing personal data must comply with the principles, guarantees and requirements set out under Framework Act 15/1999, of 13 December, on Personal Data Protection and its secondary legislation.
6. The content of the copy may not be altered to change its meaning or manipulate in bad faith the information it contains.
7. Use of the copy may not state, indicate, imply or suggest that Barcelona City Council promotes or supports such use.
8. Any metadata included in the document(s) made available must be conserved and may not be altered or deleted.
9. Use of the copy shall be at the exclusive risk of the user who, where improper use causes harm and/or loss to third parties or general interests, shall be liable for any claims lodged by the injured parties and for any other legal liabilities that may arise from improper use.