

# LIBRARY OF CONGRESS COLLECTIONS POLICY STATEMENTS

## SUPPLEMENTARY GUIDELINES

### Electronic Resources

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#### Preface

The Library's traditional functions of acquiring, cataloging, preserving, and serving collection materials of historical importance to Congress and the American people extends to its collection of electronic resources. The increased reliance on electronic resources by Congress and public researchers demands a sustained effort to identify, acquire, and preserve these resources. Given the nature of electronic resources and the rapidly changing technology associated with their use, the Library will review these guidelines on a regular basis to ensure that the Library's current and future research needs are met.

#### I. Scope

This document includes guidance for the recommendation and selection of electronic resources in all digital formats that the Library acquires, preserves, and makes permanently accessible. For the purposes of this document, electronic resources (e-resources) are defined as:

- licensed, copyrighted commercial electronic resources managed by the Library and made accessible through vendor-hosted platforms, including online databases; electronic publications, including e-journals and e-books; and other vendor-hosted content regardless of format;
- digital materials acquired through mandatory Copyright deposit for which access is managed by the Library through publisher-hosted platforms or Library systems; and
- purchased copyrighted content individual files for which a vendor platform is not available and access is managed by the Library through Library systems.

The scope of the policy includes acquired electronic resources to which the Library purchases perpetual access as well as electronic resources for which the Library subscribes to access.

These guidelines are to be used in conjunction with the relevant subject [Collections Policy Statements](#). In addition, guidelines for the acquisition of other digital materials, particularly open content hosted by the Library and accessible through Library systems, may be found in [Supplementary Guidelines for Datasets](#), [Supplementary Guidelines for Web Archiving](#), and in [Supplementary Guidelines for Open Digital Content](#).

## **II. Diverse and Inclusive Collecting Statement**

As the nation's de facto national library, the Library of Congress strives to build an expansive, yet selective, collection that records the creativity of the United States and is reflective of the nation's diversity and complexity. The Library's mandate is to have collections that are inclusive and representative of a diversity of creators and ideas. A priority includes acquiring material of underrepresented perspectives and voices in the Library's collections to ensure diverse authorship, points of view, cultural identities, and other historical or cultural factors. The Library also seeks to build a research collection that comprises a globally representative sample of international materials that are diverse in voice and perspective, relative to their places of origin, further supporting the Library's mission to sustain and preserve a universal collection of knowledge and creativity for Congress and future generations.

Diverse collecting is mentioned within many of the Library's Collections Policy Statements. In addition, the Library has adopted several specific collection policies in an effort to ensure it is building an inclusive and representative collection. For more information, see the Library's Collections Policy Statements on [Ethnic Materials](#), [LGBTQIA+ Studies](#), [Women's and Gender Studies](#), [Independently Published and Self-Published Textual Materials](#), and [Countries and Regions with Acquisitions Challenges](#).

## **III. Research Strengths**

The Library's collection of electronic resources is extensive and is representative of subject areas the Library collects in other formats. The collection comprises sources from academic, government, trade, news, and popular publishers, as well as collections of archival, manuscript, and rare book materials. The Library has specific collection strengths in historical newspapers, U.S. and foreign legal materials, language and literature, and scholarly publications.

The criteria used to evaluate the research value of electronic resources do not differ greatly from those used for other formats. However, particular emphasis is placed on unique content of contemporary interest that is useful in serving the current or future informational needs of Congress and researchers. Of particular interest are materials that supplement the Library's existing collections. For example, the Library may purchase digital backfiles for a publication currently acquired in print, or the Library may purchase digital content to supplement an existing digital collection. Additionally, there is an emphasis on collecting content available only in a digital format.

## **IV. Collecting Policies**

It is the Library's policy with electronic resources, as with all other resources, to acquire them through copyright deposit unless they are not subject to deposit under sections [407](#) or [408](#) of United States Copyright Law. Under certain Copyright Special Relief agreements, publishers submit mandatory deposit serials and/or books in electronic format in lieu of Best Edition print. Before recommending electronic resources, Recommending Officers first must determine whether the content is being received and made available through the Copyright Acquisitions and Deposits Division (A&D). Recommending Officers also must determine whether to continue print subscriptions for serials received by A&D that are accessible online and for which files are deposited for archiving.

The determination of whether an electronic resource is in scope for the Library's collections is guided by the policies outlined in the Library's [Collections Policy Statements](#). With the exception of gifts and

resources added through copyright agreements, all purchases of and subscriptions to electronic resources are made at the request of Recommending Officers with responsibility for the relevant subject, language, and/or geographic area.

The Library is committed to preserving its electronic resources just as it is to ensuring permanent access to its collections in other formats, and the Library's ownership rights to content should be considered before making collection decisions. Long-term access to electronic resources is only reasonably assured for purchased content or materials deposited with the Copyright Office, as the Library has perpetual access to these digital files. Only purchased electronic resources with perpetual access rights are considered part of the Library's permanent collections.

Best practices for the assessment of e-resources prior to recommendation include trial access to the content and platform, analysis of content overlap with existing Library collections, and review of usage statistics for similar existing Library resources. When possible, Recommending Officers should consider the recommendation of subscription access to an e-resource and evaluation of its usage prior to recommending the one-time purchase of perpetual access to the resource.

#### **A. Subscription Access**

All subscription resources i.e., resources to which the Library subscribes annually without any post-cancellation rights to the content, are considered temporary resources. Subscription electronic resources are acquired solely to provide online access to materials, and the Library's long-term access to these resources is not guaranteed; content available through third-party aggregator databases is subject to change at any time, often with little or no warning. When recommending a title or a database for acquisition via subscription, an appreciation of the ongoing costs for access is considered.

#### **B. One-time Purchases**

The license terms for the one-time purchase of electronic resources should ensure that the Library is granted a perpetual license with respect to the content and that authorized users will have a continuing nonexclusive, royalty-free, perpetual right to use, preserve, and access the licensed materials. In order to ensure the preservation of and long-term access to purchased electronic resources, the Library prioritizes purchases that include either:

- the deposit of preservation copies of the digital files by the vendor with a trusted third-party repository, with the content to be made accessible through the third-party platform in the case of a "trigger event" (e.g., the publication ceases publication or the vendor's platform is no longer available); or
- the delivery of preservation copies of the files to the Library for storage in a dark archive, to be made available through Library systems in the case of a trigger event.

In rare instances, with the approval of the Deputy Librarian for Library Collections and Services, purchases may be made without file preservation by the Library or by a third party, if the immediate need and research value of access to the content outweighs the potential long-term risks. For cases in which a vendor does not make preservation copies available, the license must include a commitment on the part of the vendor to continued access for Library users should a "trigger event" occur. If the vendor does not agree to deliver digital files unless and until the content is no longer available through the vendor's platform, the vendor must agree that files sent after a trigger event will adhere to the Library's technical specifications and must provide details related to file format and delivery method. License

agreements will outline the legal consequences for the vendor should they fail to deliver the digital files in the case of a trigger event.

If the files are to be delivered to the Library, the file format and delivery method must adhere to the Library's technical specifications in accordance with the Library's *Technical and Packaging Guidelines for Purchased E-Resource Content Deliveries*. Continued access is achieved by the development and continued maintenance of the Library's digital storage, management, and display capabilities and through contractual arrangements with trusted third-party digital repositories.

The Library will archive electronic resources following standard practices, guidelines and legal requirements. The commitment to provide permanent access to the content of electronic resources of long-term research value is made at the time resources are acquired or created by the Library. This commitment extends to the retention of associated bibliographic, administrative and preservation metadata.

## **V. Collecting Guidelines**

The Library of Congress will acquire electronic resources and their multi-format content for use by the U.S. Congress, researchers, and the general public. Consideration should be given to the following factors when recommending electronic resources for acquisition:

### **A. License Terms**

The [Library's model license](#) articulates the Library's preferred and required terms for licensing electronic resources. In particular, Recommending Officers should note the following preferences:

- Authentication via IP range is preferred over individual login via username and password
- Preference is for resources that do not require end-user registration
- Preference is for unlimited number of simultaneous users
- For purchased content, the Library's requirement is for perpetual rights to purchased content, with digital preservation files delivered to the Library or preserved with a trusted third-party repository, unless an exception is made following the policies outlined in Section IV(b).
- The Library does not purchase digital files that do not adhere to the Library's technical specifications.
- For subscription content, preference is for perpetual access to licensed materials paid for during the subscription period
- Preference is for fair use by authorized users; use in interlibrary loan; and unlimited viewing, printing, and downloading
- The Library does not acquire resources for which a specific person is designated as the authorized user

The Library may fail to come to an agreement with a vendor regarding license terms for an electronic resource. In these cases, the Library will not acquire the resource. While some terms of the license are negotiable, certain terms and conditions, schedules, and purchase orders are non-negotiable and subject to [36 CFR 701.7](#). This rule was created to "prevent the Library from potentially violating the [Anti-Deficiency Act](#) and other restrictions under Federal law, preserve the Library's rights under copyright law

in regard to electronic resources and software, and streamline the Library's contracting and collections acquisitions processes for these electronic resources and software.”<sup>1</sup>

### **C. Content**

High priority for acquisition should be given to the following:

- Electronic resources for which content is available only in digital form
- Electronic versions of continuing print/microform resources previously collected by the Library that are no longer available in print/microform or are preferred in electronic format
- Unique electronic resources (e.g., manuscript collections)
- Electronic resources that include material that is at risk of removal/deletion

In addition, consideration should be given to the following factors when recommending electronic resources for acquisition:

- Useful in serving the current and future informational needs of Congress and researchers
- Complements or adds depth or breadth to the existing collections
- Content as current and complete as any print version of the same material
- Overlap with existing e-resources should be minimal or nonexistent

### **D. Access, Functionality, and Reliability**

- Preference is for resources that perform well in all browsers and conform to current technical standards
- The platform should have an intuitive interface and comply whenever possible with the [Americans with Disabilities Act \(ADA\)](#)
- The platform should include advanced search functions and allow users to save or export their results
- Use of the platform should not require installation of additional (third-party) components
- Preference is for vendor-supplied, high quality bibliographic data with periodic updates including new titles, revisions, and deletions
- Preference is for resources that are included in third-party knowledge bases used by the Library for the management, discovery, access, and OpenURL linking of electronic resources

### **E. Service**

- The vendor should provide reliable and responsive technical/customer support
- The vendor should provide usage statistics. Preference is for statistics compliant with the most recent version of COUNTER
- Preference is for an online administrative interface through which the Library may view entitlements, download usage statistics, and manage online access

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<sup>1</sup> Library of Congress License Agreements; 82 Fed. Reg. 29003 (June 27, 2017) (codified as 36 CFR 701.7) <https://www.govinfo.gov/content/pkg/FR-2017-06-27/pdf/2017-13342.pdf>.