

# Library and inter-library document supply and copyright in the NHS: guidance for library staff

Updated July 2020



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Please note that this document is intended for guidance only and is not a substitute for either the CLA Licence Plus for the NHS in England or UK copyright legislation. If you have any queries or suggestions for improving the guidance, please contact the NHS Copyright First Responders via [nhscopyrightqueries@libraryservices.nhs.uk](mailto:nhscopyrightqueries@libraryservices.nhs.uk)

## Summary

This summary is intended for library staff working in NHS-funded library services in England (including in university libraries with contracts to provide library services to NHS organisations).

### Legislation and licences

Copyright legislation allows small amounts of copying of copyright work for specific purposes. Copyright Licences permit additional copying, over and above what is allowed under legislation. The Department of Health has purchased a Copyright Licence Plus for the NHS in England. This Licence covers the majority of the copying you will need to do from journals and books, both for your service users and other NHS-funded libraries: this is covered first in the first section of this guidance. However, it is useful to be able to fall back on copying permitted under legislation: this is covered in the second section of the guidance.

### The CLA Licence Plus for the NHS in England

#### WHO does the Licence cover?

The CLA Licence adopts a broad and inclusive definition of the 'NHS in England', treating it as a single large organisation. It covers everyone working for or and contracted by NHS and other organisations created under the Health & Social Care Act 2012. This includes public health staff employed by local authorities, hospice staff, the staff of all Department of Health arms' length bodies and special health authorities, as well as students on placement, university staff contracted to work for the NHS, and non-NHS librarians who provide services to NHS staff.

The 'Plus' part of the Licence means that staff working for NHS 'collaboration partners' (non-NHS organisations with their own CLA Licence who need to share copies with NHS staff as part of collaboration projects) are also covered. There is more information about this in the FAQs on p.8.

The Licence also extends to patients, and the carers or guardians of patients, who may receive paper or digital copies for their personal use. See the FAQ on p.9.

#### WHAT can be copied under the Licence?

The Licence covers almost all books, journals and magazines owned by (i.e. purchased by, or subscribed to by) any organisation within the NHS in England. A small number of books and journals are excluded from the Licence, and some works published outside the UK may not be copied digitally. Items without ISBNs or ISSNs are not covered by the Licence. The best way to check whether a publication is covered is via the CLA's 'Check Permissions' tool at <https://www.cla.co.uk/> (select the Public Sector Licence option from the drop-down list).

If a journal or book has been donated to your library, it may be regarded as being owned by the NHS.

#### HOW MUCH can be copied under the Licence and how can copies be stored?

- You may copy two articles from a single issue of a journal (or several articles from an issue if on the same theme), or up to one chapter or 5% of a book (whichever is greater).
- Within these 'extent limits' there is no restriction on the number of copies that may be made i.e. multiple copies and 'copies of copies' are allowed.
- Single digital and paper copies may be made for patients and carers.
- Scanned and digital copies may be stored on an intranet or secure network, but not within an indexed and searchable centralised database.

#### Declarations and statements

- Copyright declarations are not needed but use statement 1 on p.7 when supplying copies.

## The Copyright Act and Library Privilege

Where copies cannot be supplied under the CLA Licence (e.g. because your user and/or the requested item is not covered by the CLA Licence) and are required *for non-commercial research or private study*, you may make copies under the 'Library Privilege' terms of the Copyright Act. From 2014, you may make Library Privilege copies for other not-for-profit libraries from *any* copyright work, including e-journals and works not covered by the CLA Licence.

- You may only copy *one article* from an issue of a journal, or a 'reasonable' proportion of any other published work. 'Reasonable' isn't defined but up to 5% or one chapter of a book (whichever is greater) is typically regarded as reasonable.
- The requester must provide a *declaration* in writing to say that they have not previously been supplied with a copy, that the copy is required for non-commercial research or private study, that they won't supply the copy to anyone else, and that as far as they know, no one else is going to be asking for the same copy for the same purpose at the same time. This declaration does not have to be signed and can be sent electronically, so for instance the requester could type their name or tick a check box to confirm agreement. See p.7 for declaration wording.
- You may supply the copy digitally, but the individual receiving it may only store it digitally for their own personal use.
- Library Privilege copies may not be further copied or shared.
- Use statement 2 on p.7 when supplying Library Privilege copies.

## Copyright Fee Paid (CFP) copies

Where copies cannot be supplied under the CLA Licence and a Library Privilege copy is inappropriate (e.g. because it is required not just for private study and needs to be shared) or unavailable (e.g. because the British Library cannot supply a Library Privilege copy for copyright reasons), then you may obtain a Copyright Fee Paid (CFP) copy. *CFP copies may be copied under the terms of the CLA Licence Plus*. A limited allocation of CFP copies is included with the CLA Licence Plus, from any of three suppliers: see the FAQs on p.8.

## A note about publishers' licences

Electronic databases and journals are typically licensed for access by those who work for specific organisations. Library staff may make copies for everyone covered by these licences, although typically you would provide users with their own direct links. Beyond this, publisher licences are restrictive in terms of the copying that is allowed. However, as above, you can probably make copies from e-journals under the CLA Licence (use the CLA Check Permissions tool at <https://www.cla.co.uk/>) and failing this, you may make Library Privilege copies for another not-for-profit library or for an individual from *any* copyright work. Library Privilege cannot be overridden by a publisher's contract.

## Professional judgement and common sense

Copyright is about respecting the rights of those who have created or own the material we wish to share. Our job is to source and supply copies, quickly and with minimum bureaucracy, to staff in the NHS working directly and indirectly to improve the quality of patient care. The key points to remember are:

- always ensure that the source of the copies you supply is clearly identified so that it can be properly acknowledged;
- do your best to ensure that service users know what they can/cannot do with the copies you supply;
- the extent of copying must not directly or indirectly substitute for the purchase of original material.

## 'At a glance' summary table for NHS libraries<sup>1</sup> supplying copies to own service users

	Which licence/legislation is relevant?	Is a written/ticked declaration required?	Are there any restrictions on WHAT or HOW MUCH can be copied?	Are there any restrictions on WHO you can send the copy to?	Are there restrictions on WHAT YOUR SERVICE USER CAN DO with the copy?
<b>A. An article from a journal/extract from a book which your library or another NHS library in England<sup>1</sup> holds or subscribes to</b>	CLA Licence for the NHS in England	No	<p>Almost every journal and book owned by/subscribed to by the NHS is covered by the CLA Licence, but to be sure, use the Check Permissions tool at <a href="https://www.cla.co.uk/">https://www.cla.co.uk/</a> (select Public Sector Licence).</p> <p>You may copy up to two articles from a single journal issue (or any number from a themed issue) and up to one chapter or 5% of a book (whichever is greater) but there is no restriction on the number of copies that may be made.</p> <p><i>If the journal or book is not covered by the CLA Licence, obtain a declaration, supply a single copy only, and use statement 2.</i></p>	<p>Most NHS-funded library services may assume that all registered library service users are covered by the CLA Licence, as the 'authorised persons' list is very inclusive.</p> <p><i>If your service user is not covered by the CLA Licence, obtain a declaration, supply a single copy only, and use statement 2.</i></p>	Personal use and storage, and sharing with others covered by the NHS in England is permitted. <b>Use statement 1.</b>
<b>B. An article from a journal/extract from a book not covered by the CLA Licence for the NHS in England<sup>2</sup></b>	Library Privilege permissions in the Copyright Act	Yes	You will only be able to supply a single copy from a journal issue, or up to one chapter or 5% of a book, and no further copies are allowed.	You can only send this to the user who has supplied/ticked a declaration.	Private study and non-commercial research only. Strictly no further sharing or copying. <b>Use statement 2.</b>

<sup>1</sup> This includes university libraries with a contract to deliver library services to NHS organisations in England.

<sup>2</sup> For instance where the original is held by the British Library, a Royal College/Professional Association Library, a public library, or NHS library outside England.

	Which licence/ legislation is relevant?	Is a written/ ticked declaration required?	Are there any restrictions on WHAT or HOW MUCH can be copied?	Are there any restrictions on WHO you can send the copy to?	Are there restrictions on WHAT YOUR SERVICE USER can do with the copy?
<b>C. A 'Copyright Fee Paid' (CFP) copy obtained from BL or other document supply service</b>	CLA Licence for the NHS in England.	No	Once a CFP copy has been obtained, from any source, it may be treated as if owned by the NHS. If the publication it is from is covered by the CLA Licence, further copies made under the terms of the CLA Licence for the NHS in England.	You may send this to anyone covered by the CLA Licence.	Personal use and storage and sharing with others covered by the NHS in England is permitted. Use <b>statement 1</b> .
<b>D. A copy obtained from a 'collaboration partner'<sup>3</sup> on behalf of staff involved in 'collaboration projects'<sup>4</sup></b>	CLA Licence for the NHS in England.	No	No, provided the title is covered by the CLA Licence. To check what types of further copying are allowed, use the CLA Check Permissions tool at <a href="https://www.cla.co.uk/">https://www.cla.co.uk/</a>	Those involved in the collaboration project(s).	Personal use and storage and sharing with others covered by the NHS in England is permitted. Use <b>statement 1</b> .
<b>E. A copy purchased from a publisher's website ('pay per view' copy)</b>	Publisher licence	No	No, provided the title is covered by the CLA Licence. To check what types of further copying are allowed, use the CLA Check Permissions tool at <a href="https://www.cla.co.uk/">https://www.cla.co.uk/</a>	You may send this to anyone covered by the CLA Licence.	Personal use and storage and sharing with others covered by the NHS in England is permitted. Use <b>statement 1</b> .
<b>F. An 'open access' article or book that you find free on a website</b>	The website will usually clarify the copyright status of the item and the extent to which copies may be made. You must ensure that it is clear to your service user where the copy has come from: it is good practice to send your end-user the link to the item, rather than a downloaded copy.				

<sup>3</sup> A collaboration partner is an organisation which CLA confirms has its own CLA Licence, whose staff are working with NHS staff on collaboration projects

<sup>4</sup> A collaboration project is a specific project which involves partnership working between organisations

## 'At a glance' summary table for NHS libraries<sup>5</sup> supplying copies to other libraries

	Which licence/ legislation is relevant?	Does the other library need to have obtained a written/ticked declaration?	Are there any restrictions on WHAT or HOW MUCH can be copied?
<b>A. To a library covered by the CLA Licence for the NHS in England<sup>5</sup></b>	CLA Licence for the NHS in England	No	<p>Almost every journal and book owned by/subscribed to by the NHS is covered by the CLA Licence, but to be sure, use the CLA Check Permissions tool at <a href="https://www.cla.co.uk/">https://www.cla.co.uk/</a> (select Public Sector Licence).</p> <p>You may copy up to two articles from a single journal issue (or any number from a themed issue) and up to one chapter or 5% of a book (whichever is greater) but there is no restriction on the number of copies that may be made. <b>Use statement 1.</b></p> <p><i>If the journal is not covered by the CLA Licence, you may supply a Library Privilege copy, as below.</i></p>
<b>B. To a not-for-profit library not covered by the CLA Licence for the NHS in England</b>	Library Privilege permissions in the Copyright Act	Yes	<p>You may only copy one article per journal issue, or up to one chapter or 5% of a book. <b>Use statement 2.</b></p>

<sup>5</sup>A This includes HEI and other non-NHS libraries contracted to provide library services to the NHS. For project related sharing, it also includes libraries in "collaboration partner" organisations.

## Declarations and statements

**Service-user declaration** for copies that will be supplied under the Library Privilege terms of the Copyright Act

*I declare that:*

- a) *I have not previously been supplied with a copy of this by you or any other librarian;*
- b) *I will not use the copy except for research for a non-commercial purpose or private study and will not supply the copy to any other person; and*
- c) *to the best of my knowledge, no other person with whom I work or study has made or intends to make, at or about the same time as this request, a request for substantially the same material for substantially the same purpose.*

*I understand that if the declaration is false in a material particular, the copy supplied to me by you will be an infringing copy, and that I shall be liable for infringement of copyright as if I had made the copy myself.*

**Statements** to use with copies supplied to library service users

### 1. Copies supplied under the NHS CLA Licence

*This copy has been supplied to you under the terms of the CLA Licence for the NHS in England. You may store your own copy (e.g. on your personal drive or own PC), and make further copies for other NHS colleagues in England. You may store it on a secure NHS network, but not place it on the internet. Thank you for your co-operation.*

### 2. Copies supplied under Library Privilege, a Publisher Licence, or obtained from the BL, BMA, RSM or another non-NHS library

*This copy has been supplied to you under the terms of the Copyright Act. It is for your personal, non-commercial use only. You may not make further copies. Thank you for your co-operation.*

**Statement** to use with copies supplied to patients and carers

*Here is a copy from a journal/book which you may find helpful. You may print a copy and share this with your family or carers, but for copyright reasons, you may not put it on a website or share on social media.*

## FAQs

### What are the 'plus' features of the CLA Licence Plus for the NHS in England?

The CLA Licence Plus has two additional features:

1. It includes an annual allocation of copyright-fee paid (CFP) articles, obtainable from Reprints Desk, British Library (BL) or the Royal Society of Medicine (RSM) Library.
2. It allows NHS staff working on projects with staff of non-NHS organisations to share copies under the terms of the CLA Licence, where the non-NHS organisation ("collaboration partner") has its own CLA Licence.

### When and why would we need CFP articles?

These are useful when you cannot source an article from within the NHS and it is required for more than just private use, meaning a Library Privilege copy isn't appropriate, or when the British Library or other non-NHS supplier cannot supply a Library Privilege copy. Please see the decision tree or use the NHS Copy Aid [here](#). CFP articles come unencrypted and become the property of the NHS in England, and thus can be stored and shared under the CLA Licence terms.

### How do we request CFP articles?

You may obtain these from any of three sources:

1. From **Reprints Desk** via <https://cla-nhscontent.com/>. Advantages of using Reprints Desk are that there is an automatic check that articles are covered by the CLA Licence, and articles which have previously been requested by an NHS customer are resupplied without charge. Reprints Desk can often supply e-pubs ahead of print. All articles are delivered in unencrypted (DRM-free) format by default.
2. From the **British Library** using the second account you have set up with BL for this purpose. If haven't yet set up your second account, contact Jo Cox ([Joanne.Cox@bl.uk](mailto:Joanne.Cox@bl.uk)) for an application form. When requesting CFP articles via this second account, be sure to specify delivery in unencrypted (DRM-free) format.
3. From the **Royal Society of Medicine Library**: email citation details to [docdeliv@rsm.ac.uk](mailto:docdeliv@rsm.ac.uk) and state 'article requested under the terms and conditions of the NHS in England CLA Licence Plus'. Be aware that the RSM can only supply CFP articles from journals they hold in print and not their online journals.

### What is meant by a 'collaboration partner' and a 'collaboration project'?

A collaboration partner is an organisation outside the NHS in England which the CLA has confirmed has its own CLA Licence, which is engaged with an organisation and/or staff in the NHS in England on a collaborative project. Examples include universities, charities, professional associations, research organisations and local authorities. NHS staff involved in the project can share copies from NHS-owned/subscribed to originals with them, and they can reciprocate with copies from originals they own/subscribe to. Before sharing copies with potential collaboration partners, check with the CLA that they have a Licence.

### Do copies made and supplied under the CLA Licence have to be sent to NHS email addresses?

No. The person to whom you are supplying the copy must be covered by the CLA Licence. To verify their identity and eligibility, you will have expected them to provide an individual

work/professional email address when registering to use your service and for an OpenAthens account. If for expedience they ask you to send a copy to an alternative individual email account, this is acceptable. Always accompany the copy with the statement that explains the copy has been supplied under the terms of the Licence and clarifies what further copying/storage is/is not allowed.

**Is it possible to make copies for patients under the CLA Licence?**

Yes. From April 2019, staff covered by the Licence may supply single digital or print copies patients, and the carers or guardians of patients, for their personal use. Recipients should be reminded that the copies should not be shared electronically: see page p.7 for the wording which healthcare staff should use when supplying copies. Digital copies may be particularly helpful for those who use software to read content aloud or magnify the content.

**Are primary care staff and public health staff working for local authorities included under the CLA Licence for the NHS in England? Yes.**

**Are hospice staff included under the CLA Licence? Yes.**

**Are social care staff included under the CLA Licence?**

Generally speaking, no - unless they are working for the NHS or as part of an integrated care team which is funded by the NHS. However, most local authorities have a CLA Licence, and if NHS staff are working on a collaboration project with social care staff, you can share copies between them under the CLA Licence (first check with the CLA that the authority in question does have a Licence). And again, you may make Library Privilege copies for social care staff.

**So, we always have the back-up option of supplying Library Privilege copies?**

Yes – but this is where the person you are supplying it to must still declare to you that the copy you are supplying is for their own private study or non-commercial research, and they may not make further copies. Obtain the declaration and use the second statement on p.7.

**Is it true that where declarations are needed, they don't need to be physically signed?**

Yes. This follows an amendment to the copyright legislation in 2014. You have to receive the declaration 'in writing' but users can do this electronically (e.g. 'tick' to agree to a written statement on an electronic request form or website, or send an email confirming agreement with the declaration terms in relation to one or more articles in a list). See p.7 for suggested wording for the declaration.

**Do declarations need to be kept?**

You are advised to keep declarations for six years beyond the end of the year in which you supply the copy, just in case a copyright owner ever made a legal challenge. They may be stored in either paper or electronic format, but for data protection reasons must be stored securely.

**Is it the case that Library Privilege copies may be made for other libraries from electronic journals, including those published outside the UK?**

Yes. The updated Copyright Act allows libraries to copy small amounts of copyright works, for private study and non-commercial research, regardless of the format of the original. Under the Act, this is a fundamental right which cannot be limited by a contract, such as a publisher's licence.

## Useful references

The NHS Copyright First Responders maintain information for healthcare library staff here: <https://kfh.libraryservices.nhs.uk/resourcediscovery/copyright/>

This includes:

- [NHS Copy Aid](#) (to decide whether you are copying under the CLA Licence or Library Privilege or require a Copyright-Fee-Paid article)
- [Decision tree](#) (for those who prefer a flow chart)
- [Guidance for staff working at the NHS-higher education interface](#)
- [Contact details for NHS Copyright First Responders](#)

### **About the CLA Licence Plus**

The details of the CLA Licence Plus for the NHS in England  
<https://www.cla.co.uk/nhs-england-licence>

The CLA Check Permissions tool (select Public Sector Licence)  
<https://www.cla.co.uk/nhs-england-licence>

### **About the changes to the Copyright Act made in 2014**

Guides produced by the Intellectual Property Office (IPO):  
[www.gov.uk/government/publications/changes-to-copyright-law](http://www.gov.uk/government/publications/changes-to-copyright-law)

The details of the amendments: [www.gov.uk/government/news/changes-to-copyright-law](http://www.gov.uk/government/news/changes-to-copyright-law)

### **Other**

[CopyrightUser.org](http://CopyrightUser.org):

'An independent online resource aimed at making UK Copyright Law accessible to creators, media professionals, entrepreneurs, students, and members of the public'  
<https://www.copyrightuser.org/>

CILIP Copyright Hub:

<https://www.cilip.org.uk/news/426274/A-useful-guide-to-copyright-tools-and-resources.htm>

A summary about [how long copyright lasts](#), including a flow chart:

[www.nationalarchives.gov.uk/documents/information-management/copyright-related-rights.pdf](http://www.nationalarchives.gov.uk/documents/information-management/copyright-related-rights.pdf)

British Library guidance on [fair use copyright](#):

[www.bl.uk/business-and-ip-centre/articles/fair-use-copyright-explained](http://www.bl.uk/business-and-ip-centre/articles/fair-use-copyright-explained)

Guidance on [Orphan Works](#), including how to get permission to copy a creative work for which the right holder(s) cannot be found:

<https://www.gov.uk/guidance/copyright-orphan-works>

Information about [Creative Commons](#) licences, increasingly used to encourage sharing whilst also acknowledging copyright owners:

<http://creativecommons.org/>

Information about the [Open Government Licence](#), encouraged for public sector information:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/>

[LACA](#), the UK Libraries and Archives Copyright Alliance: <http://uklaca.org/about/>