



Committee of the Whole Report For the Meeting of May 12, 2016

To: Committee of the Whole
From: Chris Coates, City Clerk
Date: April 21, 2016
Subject: Archives Use Bylaw and Digitization Project

RECOMMENDATION

That Council authorize the expenditure of up to \$50,000 from the Archives Equipment Reserve to support the digitization of archival material and direct staff to bring forward amendments to the Archives Use Bylaw for Council's consideration.

EXECUTIVE SUMMARY

The purpose of this report is to update Council on the current activities of the City's Archives and seek direction moving forward. In addition, this report outlines the proposed revisions to the Archives Use Bylaw, information on the process to digitize archival records, and information regarding the potential to authorize the use of up to \$50,000 from the Archives Equipment Reserve to support digitization of archival material.

Access to archival material is of fundamental importance to customers of the City Archives. The Archives Use Bylaw and Digitization Project will enhance customer service on two fronts:

- Removing barriers to access, by streamlining the Archives Use Bylaw and reducing fees, and
- Increasing accessibility, by establishing an online public database for searching and viewing digital copies of archival material.

The Digitization Project will be phased in over a three-year period beginning in September 2016, with the program incorporated into ongoing operations in 2019.

Both initiatives support the City's Open Government objectives and are key components of the City's records management program as it seeks to enhance public access to the City's records in general.

Since the time of the initiation of the Archives Digitization Project, a broader analysis has occurred on the City's existing records management practices. In view of the circumstances and that a significant project will be commencing to enhance the City's records management systems, it is considered appropriate to include the Archives Digitization Project in this overall body of work.

PURPOSE

The purpose of this report is to:

- Update Council on the current activities of the Archives Department
- Update Council on proposed revisions to the Archives Use Bylaw,
- Provide information on the process to digitize archival records and
- Advise on the potential to authorize the use of up to \$50,000 from the Archives Equipment Reserve to support digitization of archival material.

BACKGROUND

The objective of the Archives Use Bylaw and Digitization Project is to advance the City's commitment to openness and accessibility. Specifically, the project will:

- Increase transparency through clarity of policy and procedure
- Improve customer service through simplified processes for accessing materials
- Improve customer service through appropriate and affordable fees
- Increase openness by making archival material readily available online

Archives – Daily Activities

The purpose of the City of Victoria Archives is to identify, acquire, preserve, and provide access to archival material in the form of civic and private records documenting the history and governance of the City of Victoria and its community.

The City Archives has served as a source for personal, organizational, and community memory since 1967. It serves an international customer base, and is home to roughly 800 lineal metres of stored records, 300,000 photographs, 8000 maps and plans, and a variety of other materials.

Over the last several years, the Archives has had about 2,000 in-person interactions with customers per year and about 30,000 online interactions. Currently, photos can only be viewed in the Archives which means that the majority of customers wanting to view archives are unable to do so directly. All functions and activities of the City of Victoria Archives flow from the mandate which was last updated and passed by Council in 2004 (See Appendix A).

Prior to 2010 the City Archives office was open to from 9:30-12:00 and 1:00-4:00, Monday to Friday. These hours gave the public access to the public reference room. Those hours were changed to 10:00-3:00, Monday to Friday to accommodate customer requests to be able to facilitate lunch breaks. It is open for email inquiries, by phone and for City Staff 8:30-5:00, Monday to Friday.

The current public hours are intended to balance customer service with the number of staff available and the demands of the work. The nature of archives and records work requires staff to be out of the office regularly -- whether organizing and describing archives, assisting City staff with records systems, preparing displays, acquiring new material, or doing research on behalf of staff and the public. If the reference room hours were increased, there would be an impact on the records other management activities that Archives staff perform with the City's departments, exclusive of staffing the reference room and handling of public inquiries.

To understand the breadth of the work of the City's Archives staff, there is a comprehensive list of Archive activities included in Appendix B. A review of these duties highlights the detailed work that Archives does on a daily basis – the preservation of records, external outreach, education and communications, internal destroying and confidentiality of records, database integration and consistency, and the many activities and tasks needed for the Reference Room.

Archives Use Bylaw

The high quality of the photographs and other holdings means that researchers, authors, publishers and advertisers frequently seek to obtain copies for various commercial and non-commercial uses. The Archives Use Bylaw governs the licensing of archival material for third-party reuse, enabling the City to enter into licence agreements and charge fees for the reuse of archival material. Revenue from licensing of archival material to third parties for re-use has averaged \$1,500 per year over the last 5 years (not including the centennial year of 2012, which was considerably higher). Licensing revenue is paid into a City Archives Equipment Reserve established by Council in 2005 to fund capital improvements to the Archives.

The Archives Use Bylaw was established in 2004 to provide the City a means to formally agree with users on how archival material will be used and presented in public, while providing the greatest possible access to the material. While the bylaw continues to enable responsible stewardship of the archival material, the growing use of the internet in the last ten years has raised expectations that archival material should be available digitally, online, easily, and economically. The proposed amendments to the bylaw's schedules remove barriers to access by reducing fees and simplifying processes.

Digitization of Archival Records

During the course of 2015 budget discussions, Council requested that staff provide an update on the digitization of the City's archival records.

Currently, less than one hundred of the Archives' 300,000 photographs are available to the public through the City's website. The Archives does, however, have an in-house collection of about 10,000 digitized photographs and other material. These are regularly viewed by customers in the Archives on an in-house database, but are currently unavailable to customers around the world who cannot visit in person. Many archives in Canada are transitioning to the provision of publicly accessible, searchable digital holdings in recent years, including the BC Archives and the City of Vancouver Archives. Current best practices are to provide digital copies of archival material to all potential customers through a searchable online database, as well as in-house.

ISSUES & ANALYSIS

Archives Use Bylaw

Staff have identified several opportunities to make archival photographs and other materials available more widely, more easily and more economically. It is recommended that the Archives Use Bylaw (Appendix A) be updated to:

1. Eliminate fees for non-commercial use of archival materials and structure remaining fees to better encourage commercial use:
 - The current fee schedule (Appendix B) is complex, contains almost 200 categories and could be a deterrent to use. An amended schedule is presented for consideration in Appendix C to encourage use and make it more affordable for both commercial and non-commercial users of the Archives. Affordability could also encourage increased usage.
2. Simplify the fee schedule by:
 - Consolidating related types of uses, such as moving from a sliding scale for different print runs to a single fee for all images used in commercially published books.

- Reducing the categories of archival material users to a simple distinction between commercial and non-commercial.
 - Removing limits on the length of time for which material can be used.
 - Including various additional costs in a single price, such as when photograph is used on the cover of a book or for related advertising.
3. Simplify the process for acquiring a licence from the City to use archival materials:
- The current process and forms are complex and need to be simplified to enable users to more clearly and easily provide the City with the information needed to obtain a licence. Staff have simplified and streamlined the current *Application for Permission, Client Guidelines, and Licence Agreement* (Appendix D). A new integrated *Application for Permission and Licence Agreement* has been developed to replace the Client Guidelines (Appendix E).

Digitization of Archival Records

The development of a comprehensive, searchable online database of archival material would further enhance the ability of the public to easily and economically access archival materials. The Archives has a wide range of material of different types, and the ability to search all of it in one place online would provide considerable benefit to the public.

A phased approach is proposed, beginning with the 10,000 digital photographs already available. This would require securing external resources to build and host an archival database with web publishing capability. Preliminary discussions with a potential vendor indicate that an initial internet presence could be implemented in 2016, using resources from the Archives Equipment Reserve. The priority in 2017 and 2018 would be to incorporate additional digital material and develop a comprehensive search capability involving descriptions of all City Archives material currently available. Digitization will be fully operationalized by 2019 to enable continuous growth of online digital archives. Customers will find the search page on the City's existing web site. The database would be hosted elsewhere. The web page that customers interact with would serve as a portal to the vendor's site but will be designed and themed to look like a standard City of Victoria web page. This is built into the existing project in Phase 1 as "City of Victoria theming".

The following summarizes the key project milestones over the three year development and implementation period. A high-level Work Plan is outlined in Appendix H and includes the following information:

Work Plan – Digitization of Archival Records Project

Phase/Year	Key Milestones	Deliverables	Budget
Phase 1: Sept 2016 - April 2017	Upload copies of already-digitized photographs to web database, along with linked descriptions and search terms for individual items.	Data migration, hosting, City of Victoria theming, and training	\$23,000
Phase 2: May 2017 – April 2018	Upload descriptions and search terms for City of Victoria records and reports, as well as materials such as maps, plans, and community records and begin digitization and uploading copies of these, beginning with core Council material.	Data migration, hosting and scanning	\$17,000

Phase/Year	Key Milestones	Deliverables	Budget
Phase 3: May 2018 – April 2019	Upload descriptions and search terms for City of Victoria records and reports, as well as materials such as maps, plans, and community records and begin digitization and uploading copies of these, beginning with core Council material	Data migration, hosting and scanning	\$ 7,000
			\$47,000

Five thousand dollars (\$5,000) has been added in each of the second and third years to resource the costs of scanning material for digitization. The current staffing compliment in the City Archives is 2.5 FTEs which include 1.0 Archivist, 1.0 Archives Assistant and 0.5 Records Assistant. The current overall budget is \$237,000.

The figure of \$5,000 per year is based on the current staffing level, recognizing that during the 3 years of the project, staff will spend significant time developing the database and thus have only limited time to do digitization themselves. The first year's digitization costs are minimal because photos used will have already been scanned.

The Archives Equipment Reserve is only available for capital expenditures. As the Archives Equipment Reserve is funded through archival licensing fees, which will be reduced as a result of the project costs, as well as the new lower fee structure, it is estimated that approximately \$10,000 per year will be required to support ongoing requirements (after the third year of this project). The extent to which ongoing digitization is managed and prioritized could impact costs over the longer term. This remains to be quantified.

OPTIONS & IMPACTS

Option 1 – Status Quo

Under this option, the existing Archives Use Bylaw remains in place.

Impacts:

- Some costs will continue to provide barriers to access.
- Complexity of some processes will continue to provide barriers to access.

Option 2 – Authorize the use of up to \$50,000 from the Archives Equipment Reserve to support the digitization of archival material and bring forward amendments to the Archives Use Bylaw for Council's consideration. **(Recommended).**

Impacts:

- The City will meet current trends and needs of Archives users, as well as provide greater transparency and openness by making archival material readily available online.
- The Archives Equipment Reserve will decrease from its current level by 70-90%

Option 3 - Approve the project and commence in 2017

2015 – 2018 Strategic Plan

Implementation of the Archives Use Bylaw and Digitization Project is consistent with the following objectives of the 2015-18 Strategic Plan: Objective #2: Engage and Empower the Community, and Objective #10: Nurture our Arts, Culture and Learning Capital.

Impacts to Financial Plan

There are financial implications associated with the Digitization of Archival Records project. Since the Archives Reserve has about \$50,000 in it now, which will be used up for project implementation. And, since there will be a reduction of fees (fees go into the Reserve), the Archives Equipment Fund will be depleted. The current financial plan may require an amendment to incorporate the use of Archive Equipment Fund should the work be approved for 2016, although it may be possible to structure the work such that it would not impact 2016.

Official Community Plan Consistency Statement


This initiative is consistent with the policy direction of "Arts and Culture" in the OCP and will enable lifelong learning opportunities that are culturally appropriate and available for diverse learners of all ages and income levels.

CONCLUSIONS

Access to archival material is of fundamental importance to customers of the City Archives. To enhance customer service in this area action is required on two fronts: removing barriers to access, and creating tools to increase accessibility. Staff are proposing an initiative that involves both aspects of access enhancement.

This initiative will remove barriers to access by streamlining the Archives Use Bylaw and reducing fees, while increasing accessibility by creating an online public database for searching and viewing digital copies of archival material. It aligns with current trends, responds to changing times and to the City's needs and objectives for the Archives, open government and enhanced customer service. Staff recommend that Council authorize the use of up to \$50,000 from the Archives Equipment Reserve to support the digitization of archival material and incorporate the entire Digitization Project into the comprehensive records management project for the City.

Respectfully submitted,



Trevor Liverton
Archivist



Mary Chudley
Policy Analyst
Legislative and Regulatory Services



Chris Coates
City Clerk



Jocelyn Jenkyns
Deputy City Manager



Report accepted and recommended by the City Manager: _____

Date: May 6, 2016

List of Attachments

Appendix A – Mandate, Archives, 2004

Appendix B – Archives Functions and Activities

Appendix C – Archives Bylaw 05-087

Appendix D – Current Fee Schedule, Archives

Appendix E – REVISED Fee Schedule, Archives

Appendix F – Current Application for Permissions, Client Guidelines and License Agreement

Appendix G – REVISED Application for Permission and License Agreement

Appendix H – Work Plan

APPENDIX A

CITY OF VICTORIA ARCHIVES MANDATE

The purpose of the City of Victoria Archives is to identify, acquire, preserve, and provide access to archival material in the form of civic and private records documenting the history and governance of the City of Victoria and its community.

1. The Archives provides services to ensure proper management and control of all civic records, in all formats and media, from their creation to final disposition as required by federal and provincial legislation and City bylaws, policies, and procedures.
2. The Archives ensures the preservation and accessibility of the City's archival records: those civic records identified for long-term retention through the archival and records management process. The Archives is the official repository for all inactive civic records of enduring administrative, legal, fiscal, or historical value to the City.
3. The Archives also acquires private or non-governmental archival materials documenting the history and governance of Victoria. Private records include those of elected civic officials, boards and commissions related to the administration of the City, and other organizations and individuals.
4. The Archives provides proper facilities, environment, and resources to preserve the archival material in its care for as long as its continuing value to the City endures.
5. The Archives is a public institution and therefore open and equally accessible to all classes of researchers. Archival material will be available for research under conditions in accordance with sound archival practices, the available resources, any legal or ethical obligations, and the physical integrity of the materials.
6. The Archives promotes awareness and appreciation of the heritage of the City of Victoria and its community through the acquisition and presentation of archival records and cooperation with other heritage organizations and archival institutions.
7. The Archives provides services to ensure that the commercial and non-commercial re-use of its holdings is carried out in an appropriate manner for the benefit of the City. Re-use of archival materials includes publication, resale, internet use, broadcasting, advertising, display, and other public uses of original or copied material in any format or medium.

Passed in Committee of the Whole on 11 March 2004
Passed in Council on 25 March 2004

APPENDIX B

City of Victoria Archives Functions and Activities

Archives

- Acquire City records from departments through the records management process (outlined below under "Records")
- Acquire complementary community records from local organizations, businesses, and families
- Appraise material to determine if all, or part, should be acquired or kept and bring appraised material into the City's legal custody
- Describe, arrange, and organize all archives in all media (papers, photos, maps, etc) and create and maintain catalogues, inventories, indexes, guides and other tools for understanding and using archives
- Create and maintain a clean, safe, and organized space to store archives
- Create and maintain systems for locating and retrieving archives
- Protect archives for long term preservation by providing secure storage and appropriate housing, monitoring environmental conditions, and migrating to other media (microfilming, scanning, etc)
- Inventory, describe, and protect the City's artwork, protocol gifts, and other artifacts
- Develop, maintain, and regularly update the Archives' website
- Do research for Council and departments relating to a wide array of legal, engineering, financial, property and other issues and questions
- Provide outreach to the community through displays, tours, teaching, advice to other institutions, and participation in community events

Records

- Go out to City departments to discuss and advise on current recordkeeping needs, systems, standards, and practices in areas such as storage, classification, security, and disposal
- Develop retention schedules to determine how long different types of records should be kept and whether they should ultimately be destroyed or transferred to the Archives
- Provide services and systems for controlled offsite storage of records, timely retrievals, and delivery to departments

- Provide services and systems for adding records to offsite storage, destroying records confidentially, and transferring to the Archives as required
- Transfer selected City records to the Archives for long-term preservation and access (which are then subject to the various activities outlined above under "Archives")

Archives and Records

- Create and maintain information systems for all functions and activities, providing integration and consistency (currently managing about 40 databases)
- Develop and maintain policies and procedures for managing archives and records and provide leadership in developing new corporate systems
- Ensure that we meet legal obligations regarding copyright, freedom of information, and protection of privacy
- Provide leadership in the professional archival and records communities through participation in local, national, and international activities and research projects, cooperation with other institutions, and acting as officers in professional associations

Reference Room

- Provide and maintain an attractive, orderly, welcoming and inclusive environment
- Orient customers to archival research, including the use of different kinds of records and tools
- Interview customers to determine what their questions are and how we can support their learning
- Retrieve relevant records, help with interpreting them, and offer guidance on additional sources of information
- Provide copying, sales, and licensing services for the re-use of archives

APPENDIX C

NO. 05-87

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Archives Use Bylaw to reduce the licensing fees.

Under its statutory powers, including section 194 of the *Community Charter*, the Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ARCHIVES USE BYLAW, AMENDMENT BYLAW (NO. 1)".
- 2 Bylaw No. 04-57, the Archives Use Bylaw, is amended
 - (a) in the Contents by striking out "City of Victoria Licensing Fee Schedule" and substituting "City of Victoria Archives Licensing Fee Schedule", and
 - (b) by repealing Schedule B and substituting the Schedule B attached to this Bylaw.

READ A FIRST TIME the **11th** day of **August,** 2005.

READ A SECOND TIME the **11th** day of **August,** 2005.

READ A THIRD TIME the **11th** day of **August,** 2005.

ADOPTED on the **25th** day of **August,** 2005.

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

NO. 04-57

ARCHIVES USE BYLAW**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to authorize the Corporate Administrator to enter into agreements, on behalf of the City, for licensing the use of materials in the City's Archives.

Contents

- 1 Title
- 2 Authority to enter agreements for use of archives
- 3 Form of agreements
 - Schedule A – City of Victoria Archives Use Licence Agreement
- 4 Licencing Fees
 - Schedule B – City of Victoria Licencing Fee Schedule

Under its statutory powers, including sections 8(1), 154 and 194 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "ARCHIVES USE BYLAW".

Authority to enter agreements for use of archives

- 2 The City's Corporate Administrator may enter into and execute agreements, on behalf of the City, for licensing the use of materials in the City's Archives.

Form of agreements

- 3 The agreements referred to in section 2 must be substantially in the form set out in Schedule A.

Licensing Fees

- 4 The licensing fees applied to agreements referred to in section 2 are set out in Schedule B.

READ A FIRST TIME the	27 TH	day of	MAY	2004.
READ A SECOND TIME the	27 TH	day of	MAY	2004.
READ A THIRD TIME the	27 TH	day of	MAY	2004.
ADOPTED by the Municipal Council on the	10 TH	day of	JUNE	2004.

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

Schedule A

City of Victoria
Archives Use Bylaw
Licence Agreement

The general terms and conditions of your license for the use of CITY OF VICTORIA ARCHIVES material are set forth below. The Applicant will be referred to as "the Licensee" and "you". The City of Victoria Archives will be referred to as "CVA". The Corporation of the City of Victoria will be referred to as "City of Victoria". This License Agreement together with the Application for Permission, Client Guidelines and any additional Letter Agreement, will be referred to collectively as the "Agreement". Please read this Agreement carefully. Specifics of each Applicant's permitted use are outlined on the Client Guidelines sheet or in a Letter Agreement, if necessary, which documents are attached to and form part of this Agreement.

You agree to be bound by the terms and conditions of this Agreement with respect to each item of CVA material you have listed on the "Application for Permission Form" for which permission has been granted and for which a license fee is payable. The specific items that you have received permission to use are referred to in this Agreement as the "Licensed Material".

1. **License**

- 1.1 The CITY OF VICTORIA grants you the NON-EXCLUSIVE right to use the Licensed Material for the purpose that has been approved by CVA under this Agreement. You are not permitted to use the material or any portion of the material in any other way or in any other project, without the permission of CVA.
- 1.2 Furthermore, you may not use the Licensed Material in any manner that is defamatory, pornographic or otherwise violates any applicable laws. All rights are reserved except those specifically granted in this Agreement.
- 1.3 **PROOF of production, product item or tear sheets**, must be delivered within 30 (thirty) days of completion or publication, to be kept for the CVA records.
EXEMPTION: _____
- 1.4 **PAYMENT:** Pre-payment of a portion or all of the license fees may be required. **In all cases, the license granted becomes effective only upon receipt of payment in full of all charges.** Licensees who fail to meet payment obligations will have their rights of use rescinded.
- 1.5 **CREDIT CITATION:** The Licensee must ensure that a clearly visible citation bearing, at a minimum, the CITY OF VICTORIA ARCHIVES and the item call number(s) will be displayed on their product, publication or program. Television and or video/film producers: you will be assigned a project number to include in

your tail credits, which will encompass the licensed images/documents. **You must contact CVA for the credit tag before locking picture credits.**

- 1.6 CVA reserves the right to:
- (i) **Impose a penalty** not to exceed 100% of the license fee if the credit citation is omitted or incomplete; AND OR
 - (ii) **Withdraw permission** for the use of the Licensed Material.

2. Reproduction Rights

2.1 (i) THE CITY OF VICTORIA hereby grants you reproduction rights for Licensed Material as outlined below.

- (ii) Reproduction is limited to the formats and or mediums described on the "Application for Permission Form" or as negotiated, such use to be detailed on the Client Guidelines page or in a separate Letter of Agreement.
- (iii) The Licensee has the limited right to modify the Licensed Material but must maintain the essence of the original material. Some sizing of the material to accommodate production demands is permitted but content manipulation is not.

2.2 The list of material on the "Application for Permission Form" is subject to this Agreement and may not be increased in number without notification and permission of CVA. The additional material may not be reproduced, marketed or sold prior to the approval and permission of the City of Victoria Archives.

2.3 The Licensed Material may be reproduced and distributed within Canada, according to terms agreed upon by the Licensee and the City of Victoria. Reproduction and distribution rights for territories beyond Canada may be arranged with CVA. License fees will be adjusted accordingly.

3. Warranty/Liability

3.1 All material accessed from CVA is governed by the conditions outlined on the "Application for Permission Form", this Agreement, the Client Guidelines and any Letter Agreement. The City and CVA are not liable whatsoever for any claims against the Licensee in connection with copyright or trademark issues. The Licensee's sole and exclusive remedy for any dispute arising from copyright or trademark issues is a refund of license fees paid to CVA by the Licensee.

3.2 THE CITY OF VICTORIA makes no warranty, expressed or implied, with respect to the Licensed Material including, without limitation, any implied warranties of merchantability or fitness for a particular purpose. In no event shall the City of Victoria, or any of its affiliates be liable for any damages whatsoever (including

without limitation, damages for loss of profits, business interruption, loss of information or any other pecuniary loss) arising out of the Licensee's use of or inability to use any of the Licensed Material.

3.3 The Licensee acknowledges and agrees to the following:

- (i) That you have read and understand this License Agreement concerning the terms and conditions under which CVA has agreed to license the use of the Licensed Material;
- (ii) That you understand that the City of Victoria shall not be responsible in any way for any damage, loss, injury, claim or economic loss or other damage or loss resulting from your use of, or inability to use, the Licensed Material, and the City of Victoria will not be liable for such injury or loss even if the City of Victoria or its employees or agents were negligent, provided that this section will not exempt the City from liability for any loss or damage that results from the willful misconduct of its employees or agents; and,
- (iii) That you are waiving potential legal claims against the City of Victoria and without such a waiver, a license to use the Licensed Material would not be granted by the City of Victoria.

3.4 The Licensee, therefore, waives any rights, claims, demands, actions, causes of action, damage, loss, liabilities, or expenses whatsoever, whether for personal injury, property damage or any other loss or damage whatsoever, in any way arising out of or connected with the License or the use of the Licensed Material, except as provided under section 3.3(ii).

3.5 This Agreement is legally binding upon and enforceable against the Licensee in accordance with its terms.

3.6 All information, statements, documents and reports furnished or submitted by the Licensee to CVA in connection with this Agreement are true and correct. The Licensee has no knowledge of any untrue or inaccurate representation or assurance, whether verbal or written, given by the Licensee to CVA in connection with this Agreement.

4. Assignment / Copies / Notice of Copyright

- 4.1 You may not transfer or assign this Agreement or the rights granted under it to a third party. You may not make copies (either digital, printed, or any other medium or format either separately or in combination with other material) of the Licensed Material, other than what is necessary in the creation of your product, program or publication. Upon completion of production or manufacturing, any intermediate copies or files in any media, electronic or otherwise, containing or displaying CVA material must be destroyed.

The Licensee may retain their photographic copies purchased from CVA but these copies must clearly be flagged as being the property of CITY OF VICTORIA ARCHIVES and are not to be used without permission of same. The Licensed Material may not be

transferred, loaned, traded, sold or given to any other individual, organization, company or repository.

- 4.2 Likewise, you may not copy the Licensed Material in whole or in part for the purpose of transferring it, whether by gift, sale, loan or trade, to anyone else unless such use of the material is expressly authorized under this Agreement.
- 4.3 In the event any notice of breach of copyright, trademark or other intellectual property claim is made, the Licensee shall immediately advise the CVA. The City of Victoria may revoke this Agreement, in whole or limited to specific material, in the event of such allegation or any threatened legal action arising from the Licensee's use of the CVA material. This provision survives termination of this Agreement indefinitely.
- 4.4 The Licensee retains the copyright in their work or product(s) that contains or displays the Licensed Material.
- 4.5 The Licensee may not reproduce or market new or other projects that contain or are derived from the Licensed Material. Any subsequent or other use of the Licensed Material, which is not described on the original "Application for Permission Form" or on the Client Guidelines page or in a Letter of Agreement must be approved by CVA in advance of the intended use. This provision survives termination of this Agreement indefinitely.

5. **General**

- 5.1 This license constitutes the general agreement between the Licensee and CVA concerning the use of the Licensed Material. Specifics of each Licensee's use will be outlined on the Client Guidelines page and or in a separate Letter of Agreement, copies of which are attached to and form part of this Agreement. This Agreement is governed by the laws of the Province of British Columbia and Canada.
- 5.2 All rights to CVA material are owned by the City of Victoria and are subject to and protected by Canadian copyright laws, international treaty provisions and other applicable laws. The City of Victoria retains all rights not expressly granted by this Agreement. The City of Victoria is the owner and or custodian of all material listed on the "Application for Permission Form", unless otherwise stated by CVA.
- 5.3 Except for this Agreement, the City of Victoria will not accept nor sign any other form, including publisher consent forms. This Agreement may not be amended without the approval of the CVA and the City of Victoria.
- 5.4 By signing, you agree to be bound by the terms and conditions of this Agreement with respect your use and reproduction of the Licensed Material.

Project Title (please print):

Licensee: _____

Licensor: THE CITY OF VICTORIA

Company: _____

For CVA: _____

Signature: _____

Date: _____

PLEASE RETURN BY FAX TO CITY OF VICTORIA ARCHIVES

Fax: (250) 361-0394

Telephone: (250) 361-0375

APPENDIX D

Image Services & Permissions
8 Centennial Square, Victoria BC V8W 1P6
Phone: 250-361-0375; Fax: 250-361-0367; Email: archives@victoria.ca

Effective: July 2005

City of Victoria Archives Licencing Fee Schedule

Bylaw 05-87

Prepayment of fees is required. Fees are for **each** image unless otherwise indicated. All fees are for **single use** unless otherwise indicated. A volume discount of 15% is available for use of more than 10 images. Fees for all categories are doubled for images from **Special Collections** (including H.U. Knight, images of Emily Carr, and others). Any use of Archival images should recognize cultural and personal sensitivities and uphold the integrity of the original item. Taxes not included. **Fees subject to change.**

Definitions:

Local: refers to both the geographical areas of Victoria and Vancouver Island and to non-profit, educational, or self-published works created in and for the local market.

Non profit: is an organization that does not have a goal to make a profit, such as a registered charity, with an annual budget of less than \$100,000.

Commercial: connected with or engaged in or sponsored by or used in commerce or commercial enterprises.

Display: includes images placed on a wall or in a window of any building, business or institution to which the public has access and that enhances the public space in that building, business or institution.

Educational: being part of an educational program linked with a defined curriculum. Does **not** include text books or academic presses.

Merchandise: items for retail sales upon which images can be placed such as pens, t-shirts, banners, tins etc.

Self-published: works for which the author owns all the rights and has taken personal responsibility for printing, storing, marketing and distributing.

Freelance: writers who sell their articles to different print media without a long-term contract. This term is only used in the Magazine /Newspaper category.

Books and CD-ROMs, DVDs

Rights & Distribution		Print run	1 - 1000	1001- 2500	2501 - 5000	5000 +
Local						
Victoria and Vancouver Island			\$15.00	\$20.00	\$25.00	\$30.00
British Columbia			\$25.00	\$35.00	\$45.00	\$60.00
Jacket/Covers			\$50.00	\$70.00	\$90.00	\$110.00
Reuse			50%	50%	50%	50%
Promotional use			+ \$25.00	+ \$30.00	+ \$35.00	+ \$40.00
Canada and the World						

Rights & Distribution		Print Run	1 - 2500	1 - 2500	2501 - 5000	5001-10,000	10,000 +
			Non-profit, educational, self-published*	All others			
Canada			\$30.00	\$35.00	\$50.00	\$70.00	\$100.00
North American or One Country - Single-Language			\$50.00	\$55.00	\$75.00	\$110.00	\$140.00
North American or One Country - Multi-Language			\$60.00	\$65.00	\$80.00	\$100.00	\$130.00
Worldwide - Single-Language			\$70.00	\$75.00	\$90.00	\$110.00	\$140.00
Worldwide - Multi-Language			\$80.00	\$85.00	\$100.00	\$120.00	\$150.00
Jacket/Covers			\$90.00	\$140.00	\$190.00	\$240.00	\$290.00
Reuse			75%	75%	75%	75%	75%
E-Books			+100%	+100%	+100%	+100%	+100%
Promotional use			+ \$40.00	+ \$45.00	+ \$60.00	+ \$80.00	+ \$110.00

* If the print run for Non-profit, educational, self-published is greater than 2500 copies, the rate for all others apply

Magazines, Journals, and Newspapers

Local		Circulation	1 - 9,000	9,000 - 45,000	45,000 +
Rights & Distribution					
Victoria and Vancouver Island			\$15.00	\$25.00	\$50.00
Freelance author			\$15.00	\$15.00	\$15.00
Jacket/Covers			\$30.00	\$50.00	\$85.00
On-line			+50%	+50%	+50%
Canada and the world			Non-profit, Educational, Self published **	All other Magazines, Journals, and Newspapers	
	Circulation	1 - 9,000	1 - 9000	9,001 - 45,000	45,000 +
Rights & Distribution					
British Columbia		\$20.00	\$25.00	\$35.00	\$50.00
Canada		\$30.00	\$45.00	\$65.00	\$95.00
North American or One Country - Single-Language		\$50.00	\$65.00	\$85.00	\$115.00
North American or One Country - Multi-Language		\$60.00	\$75.00	\$95.00	\$125.00
Worldwide - Single Language		\$70.00	\$85.00	\$105.00	\$135.00
Worldwide - Multi-Language		\$80.00	\$95.00	\$115.00	\$145.00
Jacket/Covers		\$100.00	\$150.00	\$200.00	250.00
Online* use for Non-profit, Educational, Self published journals with circ. up to 9,000		+50%			
Online* use for all other magazines, journals & newspapers			+50%	+50%	+50%

* This online (web) use fee is considered to be the same as a 1 year website licence fee.

**If the circulation for non-profit, educational, self-published is greater than 9,000, the rate for all others apply

Brochures, Flyers, Newsletters, Posters

Local	\$15.00
Commercial	\$30.00
Reuse	50%

* Organizations supported by the City may be exempt from fees in this category, but must still apply for permission

Slide Shows/Computer Generated Image Presentations

Local	\$15.00
Commercial	\$25.00
Reuse	50%

* Organizations supported by the City may be exempt from fees in this category, but must still apply for permission

**Educational includes academic and other conferences

Prices are for event not per image in this category

Exhibition / Display

	0 - 1 year	1 - 5 years	Permanent	Traveling
Local	\$15.00	\$20.00	\$40.00	\$50.00
Commercial				
Restaurant, coffee shop, Pub	\$30.00	\$60.00	\$90.00	
Hotel	\$40.00	\$80.00	\$120.00	
Bed & Breakfast	\$25.00	\$50.00	\$100.00	
Store interior	\$25.00	\$50.00	\$75.00	
Store window	\$40.00	\$80.00	\$120.00	
Business	\$40.00	\$80.00	\$120.00	
Business/office (no public access)	No charge			
Enlargements*	+ 75%	+ 75%	+ 75%	
Reuse	50%	50%	50%	

* Enlargement is defined as any size larger than that which can be produced in-house (currently 11" x 14")

Internet / Web Sites

	0 - 1 year	1-5 years
Local	\$15.00	\$20.00
Local business	\$25.00	\$35.00
National / International	\$45.00	\$65.00
Personal websites (without advertising)	\$15.00	\$20.00
Personal websites (with advertising)	\$20.00	\$25.00
Reuse	25%	50%

Merchandise

	1 - 2500	2501 - 5000	5001 +
local organizations	\$200.00	\$300.00	\$400.00
Local business	\$250.00	\$350.00	\$450.00
National organization	\$300.00	\$400.00	\$500.00
National business	\$350.00	\$450.00	\$550.00
International organization	\$400.00	\$500.00	\$600.00
International business	\$500.00	\$600.00	\$700.00
Reuse	50%	50%	50%

Standard and Non-standard Television Broadcast

	Broadcast	Broadcast w/ Home Video/DVD	Broadcast w/ All Media*
Commercial Television - Local	\$45.00	\$70.00	\$125.00
Commercial Television - National	\$70.00	\$100.00	\$150.00
Commercial Television - North America	\$95.00	\$125.00	\$175.00
Commercial Television - Worldwide	\$120.00	\$150.00	\$200.00
Public Television - Local	\$25.00	\$55.00	\$105.00
Public Television - North America	\$50.00	\$70.00	\$125.00
Public Television - Worldwide	\$75.00	\$100.00	\$155.00

* All media includes home video/DVD, CD-ROM, additional languages, internet, and promotional use (press kits, brochures etc). Does not include use of images in re-editing, re-packaging, tie-in books, or CD booklets.
Licence applies for the life of the original broadcast

Theatrical / Non-Broadcast Documentaries

Local film festival	\$30.00
Film festival	\$50.00
Feature Documentary (all media worldwide)	\$250.00
Non-Broadcast/Non-Theatrical*	\$35.00

Licence applies for the life of the project.
Prices do not include taxes.

All prices doubled for Special Collections – including HU Knight (PR73), Emily Carr, and others.

* i.e. Travelogue / adventure films

APPENDIX E



City of Victoria Archives Licensing Fee Schedule

City of Victoria Archives ▪ 1 Centennial Square, Victoria, BC V8W 1P6
T: 250-361-0375 ▪ F: 250-361-0367 ▪ archives@victoria.ca ▪ www.victoria.ca/archives

Bylaw 05-87

General

Fees apply to commercial use of archival material and are per image unless indicated otherwise.

No fees are charged for non-commercial use. However, a license agreement is required for any use other than personal research and enjoyment.

Definitions

Commercial: engaged in or connected with commerce or commercial enterprises.

Non-commercial: includes personal, government, educational, non-profit, and local media use; also includes limited runs of works or items created in or for the local market (Victoria and Vancouver Island).

Educational: being part of a program or project of an educational institution. Does not include textbooks or academic presses.

Fees

Books / e-Books	\$20.00 (promotional use included)
Magazines / Journals / Newspapers	\$20.00 (online use included)
Exhibitions / Displays	\$20.00
Internet	\$20.00
Brochures / Flyers / Newsletters / Posters	\$10.00
Slide Shows / Presentations	\$10.00 (per event, not per image)
Television / Movies	\$40.00
Merchandise	\$40.00

CITY OF VICTORIA ARCHIVES

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Organization		
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Province/State		Postal/Zip code
Phone	Fax	E-mail

PROJECT DESCRIPTION (provide as much detail as possible)

CHECK THE APPROPRIATE BOX INDICATING YOUR INTENDED USE ☒

☐ Book/CD ROM
 ☐ Broadcast
 ☐ Magazine/Newspaper
 ☐ Internet
 ☐ Display
 ☐ Merchandise
 ☐ Brochure
☐ Slide show
 ➔ Local Y / N Print run _____ Publisher _____

LIST THE NUMBER(S) OF THE IMAGE(S) OR DOCUMENT(S) YOU WISH TO USE:

1.	4.	7.	10.
2.	5.	8.	11.
3.	6.	9.	12.

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Signature of Applicant _____ Date _____

For City of Victoria _____ Date _____

Approved Y / N Fee applicable Y / N Licence no. _____

Return form by Fax: 250-361-0367 or
Mail: 1 Centennial Square Victoria, BC Canada V8W 1P6

vs/revised 06 Jul 2012

Client Guidelines

To ensure that procedures and the payment of licensing fees, transfer and reproduction costs are carried out in a timely fashion to meet production guidelines, the following will apply to all transactions:

1. Please indicate if images or documents have been acquired:
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 - ✓ Estimated completion/broadcast/publication date: _____
 - ✓ As required until: _____
 - ✓ ITEM(S): AS PER APPLICATION(S) APPROVED BY CITY OF VICTORIA ARCHIVES

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 - TV B/cast: _____
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 - ✓ RIGHTS REQUESTED:
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 - ✓ DISTRIBUTION TERRITORIES:
 - Regional: _____
 - Canada: _____
 - North America: _____
 - International: _____ (up to 3 countries)
 - World: _____

Schedule A

City of Victoria Archives Use Bylaw Licence Agreement

The general terms and conditions of your license for the use of CITY OF VICTORIA ARCHIVES material are set forth below. The Applicant will be referred to as "the Licensee" and "you". The City of Victoria Archives will be referred to as "CVA". The Corporation of the City of Victoria will be referred to as "City of Victoria". This License Agreement together with the Application for Permission, Client Guidelines and any additional Letter Agreement, will be referred to collectively as the "Agreement". Please read this Agreement carefully. Specifics of each Applicant's permitted use are outlined on the Client Guidelines sheet or in a Letter Agreement, if necessary, which documents are attached to and form part of this Agreement.

You agree to be bound by the terms and conditions of this Agreement with respect to each item of CVA material you have listed on the "Application for Permission Form" for which permission has been granted and for which a license fee is payable. The specific items that you have received permission to use are referred to in this Agreement as the "Licensed Material".

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- 1.3 **PROOF of production, product item or tear sheets**, must be delivered within 30 (thirty) days of completion or publication, to be kept for the CVA records.
EXEMPTION: _____
- 1.4 **PAYMENT:** Pre-payment of a portion or all of the license fees may be required. **In all cases, the license granted becomes effective only upon receipt of payment in full of all charges.** Licensees who fail to meet payment obligations will have their rights of use rescinded.
- 1.5 **CREDIT CITATION:** The Licensee must ensure that a clearly visible citation bearing, at a minimum, the CITY OF VICTORIA ARCHIVES and the item call number(s) will be displayed on their product, publication or program. Television and or video/film producers: you will be assigned a project number to include in your tail credits, which will encompass the licensed images/documents. **You must contact CVA for the credit tag before locking picture credits.**

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- (i) **Impose a penalty not to exceed 100% of the license fee** if the credit citation is omitted or incomplete; AND OR
- (ii) **Withdraw permission for the use of the Licensed Material.**

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- 3.3 **The Licensee acknowledges and agrees to the following:**
- (i) That you have read and understand this License Agreement concerning the terms and conditions under which CVA has agreed to license the use of the Licensed Material;
- (ii) That you understand that the City of Victoria shall not be responsible in any way for any damage, loss, injury, claim or economic loss or other damage or loss resulting from your use of, or inability to use, the Licensed Material, and the City of Victoria will not be liable for such injury or loss even if the City of Victoria or its employees or agents were negligent, provided that this section will not exempt the City from liability for any loss

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- (iii) That you are waiving potential legal claims against the City of Victoria and without such a waiver, a license to use the Licensed Material would not be granted by the City of Victoria.

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- 4.4 The Licensee retains the copyright in their work or product(s) that contains or displays the Licensed Material.
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Licensed Material which is not described on the original "Application for Permission Form" or on the Client Guidelines page or in a Letter of Agreement must be approved by CVA in advance of the intended use. This provision survives termination of this Agreement indefinitely.

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- 5.4 By signing, you agree to be bound by the terms and conditions of this Agreement with respect your use and reproduction of the Licensed Material.

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Company: _____

For CVA: _____

Signature: _____

Date: _____

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Telephone: (250) 361-0375

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ALL CHARGES MUST BE PAID before any item or product bearing CITY OF VICTORIA ARCHIVES material is distributed, broadcast or displayed. **CITY OF VICTORIA ARCHIVES reserves the right to withdraw permission for the use of its material for those accounts that remain past due.**

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Company/Organization: _____

Signature(s): _____

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Telephone: (250) 361-0375



Committee of the Whole - 12 May 2016

Application for Permission and License Agreement

City of Victoria Archives ■ 1 Centennial Square, Victoria, BC V8W 1P6
 T: 250-361-0375 ■ F: 250-361-0367 ■ archives@victoria.ca ■ www.victoria.ca/archives

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Project title / description

Intended use (please complete and check all appropriate boxes)																																
<table border="1"> <thead> <tr> <th>Use category</th> <th>User category</th> <th>Distribution area</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Books / e-Books</td> <td><input type="checkbox"/> Commercial</td> <td><input type="checkbox"/> Local (Victoria, Vancouver Island)</td> </tr> <tr> <td><input type="checkbox"/> Magazines / Journals / Newspapers</td> <td><input type="checkbox"/> Non-commercial</td> <td><input type="checkbox"/> Canada and the World</td> </tr> <tr> <td><input type="checkbox"/> Exhibitions / Displays</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Internet</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Brochures / Flyers / Newsletters / Posters</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Slide Shows / Presentations</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Television / Movies</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Merchandise</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td></td> <td></td> </tr> </tbody> </table>			Use category	User category	Distribution area	<input type="checkbox"/> Books / e-Books	<input type="checkbox"/> Commercial	<input type="checkbox"/> Local (Victoria, Vancouver Island)	<input type="checkbox"/> Magazines / Journals / Newspapers	<input type="checkbox"/> Non-commercial	<input type="checkbox"/> Canada and the World	<input type="checkbox"/> Exhibitions / Displays			<input type="checkbox"/> Internet			<input type="checkbox"/> Brochures / Flyers / Newsletters / Posters			<input type="checkbox"/> Slide Shows / Presentations			<input type="checkbox"/> Television / Movies			<input type="checkbox"/> Merchandise			<input type="checkbox"/> Other		
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Please read and sign page 2 of this document

License Agreement

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- Some sizing of the material is permitted but content manipulation generally is not.
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Signature of applicant	Date
Signature of CVA staff	Date

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APPENDIX H

Work Plan – Digitization of Archival Records Project

Phase/Year	Deliverables	Actions	Budget
Phase 1: September 2016 – April 2017	Data migration, hosting, City of Victoria theming, and training	<ul style="list-style-type: none"> • Provide sample exports from existing Access photograph database • Edit existing database tables to comply with content management system (CMS) requirements • Export digital copies of photographs to CMS and link to descriptions • Export name authority records • Export subject authority records • Archives will consult with Citizen Engagement regarding visually matching the database page with the City web site. • Upload to a hosted online version of CMS by 30 June 2016 	\$23,000
Phase 2: May 2017- April 2018	Data migration, hosting and scanning	<ul style="list-style-type: none"> • Provide sample exports from existing Access databases of City records and reports, as well as maps, plans, and community records • Edit existing database tables to comply with content management system requirements • Export digital copies of available City records and reports to CMS and link to descriptions • Provide online access through hosted service throughout 2017 	\$17,000
Phase 3: May 2018 – April 2019	Data migration, hosting and scanning	<ul style="list-style-type: none"> • Export digital copies of related archival material to CMS and link to descriptions • Provide online access through hosted service throughout 2018 	\$ 7,000
			\$47,000

- Five thousand dollars (\$5,000) has been added in each of the second and third years to support the costs of either hiring auxiliary staff to assist with scanning or sending material out to a service bureau for digitization. The first year's digitization costs are minimal because photos used will have already been scanned.