

## Copyright and archival law (short overview)

### Use of letters in private collections

- Depends on the donor
- WARLUX consent form is necessary
- GDPR - note living person! <https://gdpr-info.eu>

### Use of letters in public/archival collections.

Non - government documents - the government is the "owner" of the documents it created - the archive is acting on its behalf

Personal data - may apply, but if the information was created as part of state duties, such as naturalizations, passports, the state can determine data protection

But private donations?

- A private donation contract is mandatory - if the person transfers or restricts the rights to the user (always in accordance with national law and/or GDPR)

Letter is written to the state? > Public collection

### Archival Law in Luxembourg – 50 years for “normal” documents

(<https://legilux.public.lu/eli/etat/leg/loi/2018/08/17/a706/jo>)

75 years documents with personal documents (the last document in the folder)

100 years with documents about état civil

And different retention periods regarding health and taxes documents

### Publication and private / sensitive data

Use of data may be different - conditions may be imposed on use and publication

Distinguish publication and use of documents here - publication - perhaps only the content, separate from specific personal information either anonymization (complete) or pseudonymization: differences: Pseudonymization means that a person can still be identified by indirect or additional information. This means that pseudonymized personal information is still in scope. Anonymization means that the original information cannot be recovered, and such data no longer falls within the scope of the GDPR.

### **Copyright/Storage/Reuse**

- Copying, reproducing the content - for academic reasons, reference - always refer to it!!!

Reuse of the documents – only for Project WARLUX or with consent for other projects  
DPO and Ethical Review Panel

### **What is copyright? Intellectual Property?**

Copyright grants authors the exclusive right to use and reproduce their works. This right originated with the advent of printing as a reaction to unfair control by printers.

With the Licensing of the Press Act of 1662, the English Parliament took action against the unauthorized printing of books and pamphlets. This legal concept was then adopted by various countries.

Copyright is one of the intellectual property laws and applies directly to any new work that helps authors sell it.

### **Difference between Creative Commons and copyright**

Implementation of Creative Commons vs. copyright

Creative Commons is only applied to material that is already copyrighted, as it is a license that sets the terms of the creator's basic permissions to reproduce, distribute, display, and perform. In contrast, copyright applies immediately when a work is originally created.

Creative Commons



and copyright symbol



More info:

<https://creativecommons.org>