

Terms of Use

1. Usable Archival Material

- a. In principle, archival material can only be used that is not subject to a retention period pursuant to § 8 in conjunction with §§ 5.2 and 5.3 of the Federal Archives Act (*Bundesarchivgesetz*), hereinafter "BarchG".
- b. Unless the consent of the person concerned has been obtained, personal archival material may only be released for use prior to expiry of the retention period – stipulated as fifty (50) years in § 8.3 BarchG – after twenty (20) years have elapsed from the beginning of this period, provided that
 - i. its use is required for the conduct of a particular research project by a person as specified in § 8.4 BarchG and does not infringe upon any interests of the person concerned that merit protection, or
 - ii. the public interests served by the conduct of the research project outweigh any interests of the person concerned that merit protection.Documents in the archive that do not constitute archival material within the terms of BarchG may only be used in accordance with the specific assignment agreement. If the agreement does not contain any provisions governing its use, the material may be used prior to the end of the thirty-year retention period with the consent of the assignor or their immediate issue or descendants. Point 1.2 shall apply *mutatis mutandis* to archival material containing personal data, in the event that relevant provisions are not included in the assignment agreement in question.
- c. For any subsequent or additional use, the users must obtain the necessary approval directly from the holders of the rights of use.

2. Access to the Archive

- a. LArchiv's digital collection is publicly accessible to the extent that there are no legal obstacles to this.
- b. LArchiv's analogue collection is available to all interested parties free of charge. However, access to the archival material is determined by its current state of processing and indexing and the condition it is in.
- c. The analogue collection may only be used after prior registration and by appointment. Users must specify their scholarly, artistic, or professional interest. Approval for admission is determined by the head of the archive.
- d. When visiting LArchiv for the first time, users are required to verify their identity by presenting an official photo ID.

- e. Use of the archives shall be restricted or prohibited if
 - i. the archival material is endangered as a result;
 - ii. it occasions an untenable administrative load;
 - iii. the user's purpose can be adequately achieved by other means, in particular by consulting published works or reproductions.
- f. Access to the archive is conditional upon compliance with these terms of use and the internal rules of the University of Natural Resources and Life Sciences (BOKU), Vienna (hereinafter "BOKU").

3. Behaviour on the Archive Premises

- a. When using the LArchiv premises, the utmost respect is to be shown to the archive's holdings, its buildings, facilities, and other inventory.
- b. Users should refrain, in particular, from
 - i. carrying with them any objects that might constitute a hazard to people, inventory, or the archival holdings;
 - ii. bringing in animals, with the exception of guide dogs and assistance dogs;
 - iii. bringing objects with them that could facilitate theft;
 - iv. engaging in disruptive behaviour;
 - v. interfering with software and hardware provided by LArchiv.
- c. The use of the archival material shall be exclusively restricted to the spaces assigned by the archive staff.
- d. Only such materials as are required for working in the archive may be brought on the premises. Coats, other overgarments, umbrellas, bags, laptop covers, and other containers shall be deposited in the cloakroom.
- e. The use of technical resources (computers, cameras, dictation machines, and the like) must be approved by the archive staff.
- f. Smoking, eating, and drinking are strictly prohibited in all areas of LArchiv.
- g. Any instructions given by the archive staff must be followed without fail. The archive staff also have the authority to demand that
 - i. bags and other containers that might facilitate theft be opened and checked;
 - ii. users verify their identity.

4. Treatment of Archival Documents

- a. Archival documents shall be handled with care and protected from any damage.
- b. Archival documents may not be
 - i. marked or written in,
 - ii. rearranged or reordered,
 - iii. used as a pad to write on,
 - iv. laid on top of one another (open volumes), or
 - v. touched with moist fingers.
- c. In order to protect the archive material, the staff may direct users to
 - i. wear gloves at all times;
 - ii. only use a soft pencil;
 - iii. turn away from archival documents when speaking.

5. Borrowing

- a. Documents from the archive may not, in principle, be borrowed.
- b. Exemptions to the above prohibition apply for:
 - i. organizations within BOKU that have submitted materials to the archive and wish to use them for official purposes;
 - ii. support provided to government bodies;
 - iii. exhibitions, events, etc.
- c. Loans from the archives falling under points 5.2(b) and (c), require permission from the head of the archive.

6. Publications

- a. Archival documents may only be reproduced in publications with special permission from the head of the archive - where applicable, after payment of a user fee. The source must be cited in all cases: LArchiv, Archive of Austrian Landscape Architecture at the University of Natural Resources and Life Sciences (BOKU), Vienna.
- b. The user undertakes, unsolicited and free of charge, to provide LArchiv with a specimen copy of all publications, diploma theses, dissertations, and postdoctoral theses that are wholly or partially based on material from the archive.
- c. The provisions of the Austrian Copyright Act (UrhG) relating to the free usage of plans and design drawings as well as protections covering letters and personal images shall be observed. By the same token, protection is also extended to all personal rights. Likewise, all legal provisions covering the protection of personal data are to be observed in full.
- d. It is beholden upon users to exercise the utmost care when referring to content or citing text that refers to the archive's holdings and any such references should indicate their source completely and accurately.

7. Reproductions

- a. Any form of reproduction of archival documents and the creation of print or electronic copies of data holdings is subject to the approval of the head of the archive.
- b. If copies, digital recordings, or scanned documents from the archive are used for print publication, on the Internet, or in any other form, written permission shall be obtained in advance from the head of the archive and, where applicable, a user fee shall be paid.

8. Liability/Indemnification

- a. The user is liable for any loss or damage they have occasioned to archival materials as well as for any other damage, in particular when in violation of these terms of use, that they shall have caused to BOKU and shall indemnify and hold BOKU completely harmless.
- b. BOKU accepts no liability for damage to the property of users or for any detrimental effects on their health resulting from the use of archival materials.
- c. BOKU is not liable for any substantial disadvantages affecting the claimant consequent upon the non-issuance of the archive material.

9. Charges

- a. Copies of documents from the archive are subject to a fee. Such copies may only be made by archive personnel. Conservation concerns may prohibit the making of copies. Copies of documents may not be transferred to third parties.
- b. Digital recordings and scans of archival documents are subject to a fee and shall only be made by archive personnel. Staff may permit users to make digital recordings with their own devices.
- c. The amounts to be charged are specified in the schedule of fees issued by the university.

10. Violations of the Terms of Use

- a. Violations of the terms of use may result in restrictions being placed on usage rights or in their revocation.
- b. Any person who, notwithstanding a warning, violates these terms of use or whose admission to the archive seems unacceptable owing to a previous incident of grave misconduct may have their usage rights curtailed or restricted by the head of the archive or, if no other remedy can be found, permanently rescinded. LArchiv expressly reserves the right to assert further claims.
- c. The university shall adjudicate on any objections pertaining to the restriction, refusal, or withdrawal of permission to use the archive after consultation with the head of the archive.

11. Entry into Force

- a. These terms of use come into force on the day following their publication in the bulletin of the University of Natural Resources and Life Sciences (BOKU), Vienna.

12. The institution of LArchiv (Archive of Austrian Landscape Architecture) was made public by the University of Natural Resources and Life Sciences (BOKU) under point 168 in the Bulletin 2016/17, item 12, dated 17 March 2017.

The legal basis for these terms of use is the German version of the document: "Benutzungsordnung"