

## BREACHES OF TERMS AND CONDITIONS OF USE OF THE READING ROOMS, COLLECTIONS AND SERVICES

These guidelines outline the National Library of Wales' procedures for dealing with breaches of the terms and conditions of use relating to the Reading Rooms, collections and services, including use of the online collections and online services.

They aim to ensure consistency in the way that incidents are handled and to define the appropriate staff roles and responsibilities involved in the process. The Library operates a CCTV system in its Reading Rooms, and will view recordings as possible evidence in all cases of unacceptable behaviour or actions by our users. \*\*

### HOW THE LIBRARY WILL DEAL WITH BREACHES OF THE TERMS AND CONDITIONS OF USE:

- The Library provides access to its Reading Rooms, collections and services and to its online services subject to each user's acceptance of the terms and conditions of use. The Library reserves the right to suspend or withdraw a reader's ticket, including online membership, where a user does not comply with these terms and conditions.
- All identified breaches of the terms and conditions of use will lead to action to address any non-compliance. In most circumstances, where the infringement is considered to be minor, Reading Room staff will seek to resolve the issue on an informal basis with the user. All such incidents will be recorded in a paper file where the user's name and library card number will be noted.
- All Reading Room staff have a responsibility to ensure that users abide by the terms and conditions of use, and where necessary, will report incidents to the Reading Room Supervisors. Wherever possible, the Supervisor (or the senior member of staff in charge of late or Saturday shifts) will seek to resolve the incident directly with the user. Where a verbal warning is issued, the user's name and library card number will be recorded together with brief details of the incident.
- All incidents resulting in the creation of a personal record will be held on file by the Head of Access and Public Programmes in accordance with the requirements of the Data Protection Act.
- If the matter requires further investigation, a note may be added to the user's record details along with brief details of the incident. Where a written warning is issued, all members of staff involved will complete an incident report form. This will be kept for the duration of the user's membership, after which time it will be destroyed. This will be kept by the Head of Access and Public Programmes, and where the incident has placed the collections at risk, the Head of Unique Collections.

- Should the incident be sufficiently serious to warrant suspension of the user’s library card, the library card will be retained and the user will be asked to leave the Reading Room. The user’s online account will also be suspended for the duration of the investigation into the incident.
- The Director of Collections and Public Programmes will review all incident reports where there the possibility of a suspension of a user’s library card and ensure that a thorough investigation is completed. The Director will decide on the appropriate course of action based on all the information gathered. In all cases, a written response will be sent to the user within 10 working days of the incident, informing them of the outcome of the investigation. Where the investigation may take longer, an acknowledgement will be sent to the user indicating the length of time which will be needed to complete the investigation.
- In the cases of extreme breaches of the terms and conditions, or illegal acts, the Library reserves the right to pursue legal action and criminal prosecution wherever appropriate.
- In the case of a written warning or suspension of a user’s library card, the user will be given the opportunity to appeal. Appeals should be made in writing within one month of notification of the decision to, The Librarian and Chief Executive, National Library of Wales, Aberystwyth, Ceredigion, SY23 3BU. Appeals will be dealt with by Librarian and Chief Executive who may consult with the President of the Board of Trustees.
- In cases where the Library has information of breaches in security by registered users which have led to criminal prosecution, the Library reserves the right to share this information with other institutions as appropriate.

The following are examples of unacceptable behaviour which would lead to verbal or written warnings, and/or suspension of a user’s ticket, but the list is by no means exhaustive, and will vary according to the incident concerned. In cases where the Library believes that a person has acted illegally, it retains the right to pass the information to the police.

#### **Abusive, rude or unreasonable behaviour towards staff and/or other readers**

<b>Type of incident</b>	<b>Penalty</b>	<b>Responsibility</b>
First incident – not serious or threatening	Verbal warning	Reading Rooms Officer
Second incident or verbal warning not accepted	Written warning	Head of Access and Public Programmes
Third incident	Permanent removal of user’s library card, including online account.	Director of Collections and Public Programmes
Abusive or threatening behaviour likely to cause injury to the health and safety of others	Immediate removal from the Library Permanent removal of user’s library card, including online account	Head of Access and Public Programmes Director of Collections and Public Programmes

### Removal of items from the collections from Reading Rooms / building

Type of incident	Penalty	Responsibility
First incident – the removal was accidental or the action of a new user unfamiliar with the regulations	Verbal warning with explanation of the regulations	Reading Rooms Officer
Second incident - evidence present of the intent to remove items	Written warning	Head of Access and Public Programmes
Subsequent incident	Permanent removal of user's library card, including online account.	Director of Collections and Public Programmes
Removal of collection items from the building	Immediate permanent removal of user's library card, including online account. Note: Criminal prosecution in appropriate cases	Director of Collections and Public Programmes  Librarian and Board of Trustees

### Mistreatment of, or mutilation of, or damage to the Library's collections

Type of incident	Penalty	Responsibility
First incident - the act was accidental or that there was no evidence of intent	Verbal warning – advice given on how to handle the collections	Reading Rooms Officer
Second incident – or more serious damage e.g. tearing or cutting of pages, writing on material	Written warning	Head of Access and Public Programmes
Serious damage – clear evidence of intent e.g. removal of pages or cutting out articles, substantial permanent marking of collection items	Immediate permanent removal of user's library card, including online account.  Note: Charge to be levied to cover the cost of repair  Criminal prosecution in appropriate cases	Director of Collections and Public Programmes   Librarian and the Board of Trustees

### Mistreatment, damage to or theft of Library equipment or property

Type of incident	Penalty	Responsibility
First incident - no evidence of intent to damage	Verbal warning – advice given on how to use the equipment	Reading Rooms Officer
Second incident or more serious damage e.g. tampering with the Library's computer, electrical or mechanical equipment	Written warning	Head of Access and Public Programmes
Serious damage or theft – clear evidence of intent e.g. removal of items of Library equipment from the Reading Rooms, attempts to hack in to the Library's system or any other system, damage to furniture and fixtures, theft of Library property	Immediate permanent removal of user's library card, including online account.  Note: Charge to be levied to cover the cost of repair Criminal prosecution in appropriate cases	Director of Collections and Public Programmes  Librarian and the Board of Trustees

#### Misuse of content on public terminals or misuse of the Library's wireless network

Type of incident	Penalty	Responsibility
First incident – viewing pornographic or inappropriate material	Verbal warning and reference to the Library's Acceptable Use of Computers Policy	Reading Rooms Officer
Second incident or refusal to adhere to the Library's Acceptable Use of Computers Policy	Written warning	Head of Access and Public Programmes
Subsequent incident	Permanent removal of user's library card, including online account.	Director of Collections and Public Programmes
Incidents involving viewing illegal material, or introducing a virus to the Library's systems	Immediate permanent removal of user's library card, including online account.  Note: Criminal prosecution in appropriate cases	Director of Collections and Public Programmes  Librarian and the Board of Trustees

#### Use of unauthorised cameras or scanning equipment in the Reading Rooms

Type of incident	Penalty	Responsibility
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First incident - inadvertent use of an unauthorised camera or scanning equipment	Verbal warning with explanation of regulations and request for the removal of the images taken	Reading Rooms Officer
Second incident - deliberate use of camera or scanning equipment	Written warning, and request for the removal of the images taken	Head of Access and Public Programmes
Subsequent incidents following a written warning	Permanent removal of user's library card, including online account and request for the removal of the images taken	Director of Collections and Public Programmes

### Failure to comply with Reading Room regulations

Type of incident	Penalty	Responsibility
First incident - consumption of food and/or beverages in the Reading Room (exception being the consumption of water required for medical conditions)	Verbal warning, with explanation of the regulations	Reading Room staff / Security personnel on duty
	Second incident – written warning	Head of Access and Public Programmes
	Subsequent incidents – Permanent removal of user's library card, including online account.	Director of Collections and Public Programmes
Using mobile phones to make or receive calls	Verbal warning with explanation of the regulations	Reading Room staff on duty
	Repeat incidents – reader will be asked to leave mobile phone in locker provided	Reading Room staff and/or security staff on duty
Refusal to leave coats and bags in the lockers provided (except where medical condition requires that bag containing medical equipment/supplies be kept with the person)	Explanation of the regulations in force - any exception to be at the discretion of the security personnel on duty initially	Security personnel on duty Reading Rooms Officer or Access to Collections Manager (or the senior member of staff in charge of late or Saturday shifts)

## UNACCEPTABLE BEHAVIOUR OR ACTIONS IN AREAS OTHER THAN THE READING ROOMS

The Library expects its staff to be treated with courtesy and respect at all times. Any unacceptable action or behaviour by users and visitors could result in the withdrawal of Library services and facilities.

The following are examples of unacceptable behaviour which can lead to verbal or written warnings, but the list is by no means exhaustive, and can vary according to the incident concerned. In cases where we believe that a person has acted illegally, we refer the right to pass the information to the police.

The Library operates a CCTV system in all public areas within the Library, and will view recordings as possible evidence in all cases of unacceptable behaviour or actions by our users and visitors. \*\*

#### **Abusive, rude or unreasonable behaviour towards staff and/or other readers**

<b>Type of incident</b>	<b>Penalty</b>	<b>Responsibility</b>
First incident – not serious or threatening	Verbal warning	Manager responsible for the area where incident occurred to speak to the member of the public
First incident – more serious incident or initial verbal warning not accepted	Further verbal warning	Head of Section responsible for the area where incident occurred to speak to the member of the public (or the senior member of staff in charge of late or Saturday shifts)
Abusive or threatening behaviour likely to cause injury or to the health and safety of others	Immediate removal from the building	Director responsible for the area where incident occurred to speak to the member of the public

#### **Mutilation or damage to the Library’s property, including exhibitions, shop and cafeteria areas, or deliberately interfering with the Library’s mechanical or electrical systems**

<b>Type of incident</b>	<b>Penalty</b>	<b>Responsibility</b>
Evidence suggests that the act was accidental or that there was no evidence of intent	Verbal discussion	Manager responsible for the area where damage occurred to speak to the member of the public
Evidence of deliberate intent to damage property or interfere with Library equipment or property	Immediate removal from the building. The Library will seek to recover costs where applicable	Attendant Services Manager or his Deputy Head of Estates (or the senior member of staff in charge of late or Saturday shifts)

### Failure to comply with guidance and instructions from Library staff

Type of incident	Penalty	Responsibility
Consumption of food and beverages in areas other than those designated as areas where food may be consumed e.g. Caffi Pendinas and main hall area	Verbal warning, with explanation of the regulations	Security personnel on duty
Unwilling to comply with being asked to vacate the premises at the end of the day or during a fire drill or actual incident	Verbal warning, with explanation of the health and safety risks	Security personnel on duty Head of Estates (or the senior member of staff in charge of late or Saturday shifts)
Taking photographs in public areas within the building with a camera or other mobile device	Verbal warning with explanations of the regulations	Security personnel on duty

### Abusive, rude or unreasonable contributions or comments made on NLW online platforms

Type of incident	Penalty	Responsibility
First incident	1 <sup>st</sup> Written Warning	Participation and Promotion Section Managers
Second incident	2 <sup>nd</sup> Written warning	Head of Access and Public Programmes
Third incident or any serious breach	Permanent removal of user's account	Director of Collections and Public Programmes

**\*\* The Library's CCTV complies with the requirements of the Data Protection Legislation, current Approved Code of Practice and good practice guidance issued by the Information Commissioner (In the Picture: a Data Protection Code of Practice for surveillance, cameras and personal information, May 2015).**

**Reviewed and Updated February 2019**

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