

# Notice and Takedown Policy

## Background

- 1 The University of Edinburgh (“**The University**”) provides an academic blogging service (“**The Service**”) for its staff and students, intended for use within learning, teaching, research engagement and professional development contexts.
- 2 The Service provides several levels of permission for users associated with a blog (“**Blog Users**”), including one or more users (the “**Administrator(s)**”) with permissions to decide whether blog readers can comment on blog posts and to moderate readers’ comments. A user posting a specific article on the blog (the “**Posting User**”) may or may not have this level of permission.
- 3 A person finding material on a blog that they believe to be inappropriate, including where the material or its use may violate that person’s rights (the “**Complaining User**”), should be able to notify the University that they believe the material should be taken down.
- 4 The University has a statutory duty to uphold, as far as it considers reasonable, the academic freedom of its staff, that is, the freedom within the law to hold and express opinions; question and test established ideas or received wisdom; develop and advance new ideas or innovative proposals; and present controversial or unpopular points of view.

## Liability for content

- 5 The University provides the Service on the understanding that content appearing on a blog remains the responsibility of the Posting User and that the University will seek to minimise its risk of liability for defamatory or other malicious content, or copyright infringement, within the blogging service.
- 6 Blog Users will be bound by the Service’s terms and conditions of use (“**Terms of Use**”). The Terms of Use will include:
  - a. That the University will not monitor content on the Service webpages unless prompted to do so by a complaint notice or a request from a Blog User for support.
  - b. That the University retains the absolute discretion to edit, suspend or delete content on the Service at any time.
  - c. A number of examples of what the University considers unacceptable content.
- 7 Where the University receives a complaint notice, the University must follow the takedown procedure below.

## Takedown procedure

### Notifying the University

- 8 The University will publish information on how to make a complaint about content on the Service. This will include options to submit a webpage form linked from the blog and to contact the Information Services Helpline by email.
- 9 The Complaining User should be directed to provide:
  - a. their name, email address, and (where relevant) username;
  - b. a description of the unacceptable content and its internet location, in sufficient detail to allow the University to locate it;
  - c. a description of why the Complaining User considers the content to be unacceptable; and
  - d. a statement that the complaint is accurate, and that the Complaining User accepts that fraudulent or nuisance complaints may result in revocation of the Complaining User's entitlement to access the Service.
- 10 The University must investigate each complaint in the same way, whether or not it contains all of this information.
- 11 The email account or call management service to which notices are sent and to which the complaints form reports must be checked at least once every working day.

### Receipt of complaints and record keeping

- 12 Each complaint must be recorded accurately, with properly maintained records kept of each stage of the Notice and Takedown process. The complaint will be recorded using a UniDesk call.
- 13 On receipt of a notification of unacceptable content, this must be passed promptly to the relevant IS Service Owner or their representative within Information Services Group.
- 14 The IS Service Owner or their representative must ensure the relevant details specified in Appendix 1 are logged, and that the log is updated throughout the process.
- 15 The process should normally be completed within five working days, in line with the standard for resolution of a complaint under the University's [Complaints Handling Procedure](#). (The call may be re-opened if the Posting User subsequently responds to notice of the takedown within the 20 days given to them in paragraph 27 below.)
- 16 The log will be retained at the end of the complaint process for the normal UniDesk call retention period (7 years from closure of the call).

### Legal considerations in assessment or non-removal of complained-about content

- 17 As a general rule the University should avoid making any assessments of the acceptability of complained-about content.
- 18 The responsible academic (e.g. Course Organiser) will be consulted prior to any action in the case of an assessed student blog.

- 19 If there is any doubt as to whether to remove content then the default position must be to remove access to the content first, and if necessary review later.
- 20 Any interim or final decision by the University to retain or amend rather than remove the content in question should balance this with other risks involved, with reference to the University's risk appetite statement. The IS Service Owner or their representative will seek advice from senior colleagues and/or the University's legal advisor where appropriate.

#### Clearly acceptable content

- 21 The IS Service Owner or their representative may deem it necessary to carry out an element of assessment of the content, for example to ensure the complaint is not fraudulent or vexatious. If it is, or the complained-about content is clearly acceptable and not in any way likely to be defamatory of or offensive to any users or third parties, they may decide to leave the content in place.
- 22 The IS Service Owner or their representative's decision to leave content in place must at all times be based on a fair evaluation of all of the evidence available. It must not be based in any way of an assessment of opinion or other subjective criteria.
- 23 The Complaining User must be notified of the decision to leave the content in place. Any further representations which the Complaining User makes must be taken into account, and the decision reviewed again. It will often be appropriate to handle this as a Stage 2 complaint under the [Complaints Handling Procedure](#).

#### Interim suspension of the content

- 24 The IS Service Owner or their representative will otherwise temporarily remove the complained-about content immediately.
- 25 The Complaining User, the Posting User and the Administrator(s) of the blog will be notified of the removal of the content unless there is a valid reason not to do so (e.g. to preserve legal rights, or meet legal obligations), and if relevant notified of any lag-time which will apply before the changes are reflected on the Service.
- 26 If the content appeared in a chain of correspondence on the Service then it should be considered what affect the unacceptable content had on the rest of the chain, and what affect its removal may have. It may be necessary to remove the entire chain or, alternatively, to replace the content with a notice stating that content has been removed, and that its removal may affect the sense or content of the remainder of the chain.
- 27 The Posting User may make a case for reinstating either the original complained-about content or an amended version to the IS Service Owner or their representative within 20 working days of being notified of the removal.

#### Final outcome

- 28 If, following discussions with the Posting User and the Complaining User, senior colleagues and/or the University's legal advisor, the IS Service Owner or their representative considers that it is appropriate to replace any content in full or as amended they may do so.
- 29 Otherwise, or if there is no response from the Posting User within 20 working days, the complained-about content will be removed permanently.

30 The Complaining User, the Posting User and the Administrator(s) of the blog will be notified of the final outcome unless there is a valid reason not to do so.

<b>Policy date</b>	18 <sup>th</sup> September 2018
<b>Policy version</b>	1.0
<b>Academic Blogging service</b>	<a href="https://blogs.ed.ac.uk/">https://blogs.ed.ac.uk/</a>
<b>Appointed Representative</b>	IS Helpline

## APPENDIX 1

### The University of Edinburgh

#### Notice and Takedown Log for the Academic Blogging service

The following details should be recorded on the Unidesk call when a notice or complaint is received.

Name of Authorised Representative:

Date Log opened:

Date Log closed:

Issue	Date & Time	Details and Actions Taken
<b>Receipt of notification of unacceptable content</b>	Date & Time sent:  Date & Time received:	<i>Complaining Party's details</i> Name: Email Address: Username:  <i>Alleged Unacceptable Content</i> Description: Location: Reasons why content is considered unacceptable:
<b>Assessment of unacceptable content</b>		
<b>Takedown or other action</b>	Date & Time of removal:  Date & Time removal took effect on site:	
<b>Complaints received (from Complaining User or Posting User)</b>		