

Access Regulations

Preamble

In accordance with § 10 of the Law on the Establishment of the Akademie der Künste (AdKG) of 1 May 2005 (Federal Law Gazette BGBl. I p. 1218), amended by Article 78 of the Law of 29 March 2017 (Federal Law Gazette BGBl. I p. 626), the Board adopted the following Access Regulations for the Archives of the Akademie der Künste (AdK).

These Access Regulations supplement the statutory provisions of the Federal Archives Act applicable for the Archives of the Akademie der Künste, unless otherwise specified according to contracts under private law regarding the archival materials, collection items and works of art.

§ 1 Name, Responsible Body and Tasks

The Archives of the Akademie der Künste form a division of the Akademie der Künste, Berlin. Representing the arts of all genres, the Archives serve the purposes of artistic, art historical, historical, private or commercially motivated research, publishing projects and providing information to the public through publications, events and exhibitions. Artists' archives or archives that mediate art with personal or institutional provenances, art objects, books, posters or other appropriate sources of information are included, organised and catalogued, preserved and made accessible for use. The Archives also serve as the final archive for the history of the Akademie der Künste. They store the holdings of the AdK's predecessor institutions, namely the Prussian Academy of Arts, the German Academy of Arts/ Academy of Arts of the GDR (East) and the Academy of Arts, Berlin (West).

§ 2 Usage Relationships, Right of Use, Admittance

1. Without prejudice to the right to determine who is allowed to access the premises, these Access Regulations govern the relationship under public law between the Archives and users, its House Rules and the Reading Room Regulations of the Archives of the Akademie der Künste.

2. Use entails the review of materials in person in the reading rooms of the Archives of the Akademie der Künste, oral and written enquiries and requests for reproductions and publication approvals. Natural and legal persons are entitled to use the facility for one of the purposes specified under § 1, insofar as they ensure compliance with these regulations. Upon request, legal persons representing an organisation must identify themselves and their purposes with an institutional contract.

3. Personal registration using an electronic form is required for admission to use the facility. In the case of direct use, the identity of the person must be proven by presenting an official form of identification (official identity card, passport, driver's license or business ID). With the exception of the use of library materials, the exact purpose and subject matter of use must be specified.

With the exception of the use of library materials, permission to use the facility only applies for the specified purpose and subject matter and for the current calendar year. By signing the User Application Form, users agree to comply with these Access Regulations, the House Rules, Reading Room Regulations and the Services Price List. At the same time, they also consent to the collection and electronic storage of the following personal data in the usage documents:

- Last name, first name(s), date of birth, address (for non-local users: an address in Berlin or Brandenburg), e-mail address
- Purpose and the subject matter of the use of the Archives of the Akademie der Künste

This personal information will be handled in accordance with the provisions of the Federal Data Protection Act.

4. The Archives must be notified of any change of name or address during the period of use.

5. If the Archives of the Akademie der Künste are used in the form of oral, telephone or written requests, the exact address, purpose and subject matter must be specified. Users will be informed in an appropriate manner that the Access Regulations also apply for this form of use and must be observed. Reference is made to § 4 of the Access Regulations in particular.

Users are not entitled to receive information beyond the level of finding aids with recourse to the appropriate archive holdings.

§ 3 Opening Hours

The opening hours of the Archives of the Akademie der Künste are published and widely available to the public. Reading rooms may be temporarily closed for operational reasons. This will be made known to users – if possible – in a timely manner by posting a notice or on the website, etc.

§ 4 Use, Order Requests

1. Archival materials, collection items and works of art, their handwritten or typed finding aids and books from bequest and collection libraries, rare objects and other library holdings of the Archives of the Akademie der Künste worthy of particular protection may only be used in the reading rooms. Archival materials, collection items and works of art, the above-mentioned finding aids or library materials worthy of particular protection may not be removed from these rooms. Out-of-house lending of these holdings is not possible.

As a rule, archival materials, collection items and works of art may not be shipped for use at external archives.

2. Archival materials, collection items, works of art and the library holdings are provided free of charge in the reading rooms.

3. Before each use, users must report to the supervisory staff in the reading room and record their presence in the register. If several uses occur on one day, users must only register once.

4. Users determine the archive materials, collection items, library holdings and works of art they desire by means of the finding aids and order these electronically or by using the order forms provided.

Users are not entitled to the provision of archive materials, collection items, art works or finding aids in the original format. In the interest of maintaining the holdings, reproductions should preferably be resorted to during use.

Temporary usage restrictions may apply for archive materials that are being prepared for publication on the basis of contractual agreements or are required for academic, publication and exhibition projects by the Akademie Archives.

The number of archive materials, collection items, library holdings and works of art issued at the same time may be limited.

5. The following archival materials, collection items, works of art and finding aids are excluded from use:

- a) resources whose archival cataloguing and/or conservation status does not permit use,
- b) resources whose use violates the rights of third parties, for example regarding data protection or the protection of individual rights and copyrights.

6. When using archival materials and collection items with an institutional provenance, § 11 and § 12

of the Federal Archives Act apply accordingly. Determining biographical data in accordance with § 11 § 2 of the Federal Archives Act is the responsibility of the user. Exceptions pursuant to § 12 of the Federal Archives Act require a special, explanatory application and approval from the Board of the Archives of the Akademie der Künste.

7. When using findings from archival materials, collection items, library holdings and works of art, users agree to observe personal protection rights, rights against exploitation and copyrights as well as the legitimate interests of third parties. They also agree to release the Akademie der Künste from liability in the event of infringements.

8. If users wish to involve other persons in their work as assistants or representatives, these persons must also submit a User Application in accordance with § 2 no. 3 of these Access Regulations.

9. The Akademie der Künste Library participates – with restrictions – in national and international inter-library loans. Loans outside the library are only permitted for persons residing in Berlin or in the state of Brandenburg. The lending period is 4 weeks and can be renewed twice (maximum extension), provided that the loan item is not reserved. User Services and the Library are entitled to stipulate the return of borrowed books. If the lending period is exceeded, late fees apply: €2.00 per week per media unit. Borrowed books may not be passed on to third parties. Library cards are not transferable.

§ 5 General Obligations and Liability of Users

1. Each user must behave in such a way that other users and the staff of the Archives of the Akademie der Künste are not restricted in exercising their legitimate rights and that the use of services in general is not impeded. All users must comply with the provisions of these Access Regulations, the House Rules, the Reading Room Regulations and the instructions of the staff at the Archives.

The House Rules are adopted by the Board of the Akademie der Künste. By using the Archives of the Akademie der Künste, users accept the House Rules.

2. Users must handle the archive materials, collection items, library holdings and works of art with care and protect them against any damage, in particular in accordance with the provisions set out in § 4 subsection 5 of the House Rules of the Archives of the Akademie der Künste.

3. Technical devices for recording notes, excerpts or transcripts may only be used in the reading room if other users are not disturbed by their use. Users are not permitted to use their own technical reproduction devices (especially digital cameras, scanners, mobile phones, etc.).

4. Users are liable for damage to and losses of archival materials, collection items, library holdings and works of art that occur during use.

5. A sample copy of any publication (in print or duplication in any other form) that comes about with the significant use of archive materials, collection items, library holdings and works of art belonging to the Archives of the Akademie der Künste must be submitted without request to the Archives, immediately upon release and free of charge.

Archive holdings are to be referenced as follows in publications:

Akademie der Künste (abbreviation: AdK), Berlin, Heinrich Mann Archive, no. 420

Akademie der Künste (abbreviation: AdK), Berlin, Art Collection, inventory no.: JH 421

§ 6 Inspection Rights of the Archives of the Akademie der Künste

The Archives staff are entitled

1. To ask all users to present an official photo ID,
2. To check the contents of folders, bags, etc., as well as publications and other materials brought along by users,
3. To inspect any materials present at user workspaces.

§ 7 Liability of the Archives of the Akademie der Künste

The Archives of the Akademie der Künste is not liable for damage resulting from incorrect, incomplete or delayed services.

§ 8 Reproductions

1. Where possible, the Archives of the Akademie der Künste accepts written orders for reproductions of archival materials, collection items, library holdings and works of art to the extent that the condition of the respective item allows this and if such reproductions do not violate any rights or legitimate interests of third parties. Orders must be submitted on the forms provided for this purpose.

As a rule, archival collection items that are copies from other archives and institutions held at the Archives of the Akademie der Künste cannot be reproduced.

Users are not permitted to make any reproductions. Exceptions require explicit approval from the director's office at the Archives.

Requests for reproductions of entire archive holdings or sub archive holdings can in principle only be made by way of an exception and are subject to the approval of the director's office at the Archives.

2. Reproductions of copyrighted archival holdings usually require the approval of the copyright holder – unless otherwise contractually agreed. Users are responsible for obtaining these rights of reproduction, as well as any rights required for possible publication.

3. Any charges for reproductions ordered in writing are the responsibility of the user who places the order. The amount is derived from the Services Price List for the Archives of the Akademie der Künste. Amounts owed are to be paid upon delivery of the ordered reproductions.

The Archives reserve the right to ship orders against advance payment. Postage and packaging costs are the responsibility of the user who places the order. Claims and complaints must be lodged within 4 weeks of receipt of the materials. They require the presentation of any items claimed to be defective.

4. Reproductions prepared by the Archives of the Akademie der Künste on behalf of users are only intended for the direct personal use of the person placing the order.

The disclosure or transfer of reproductions to third parties and duplication of any kind (reproduction, copying, digitalisation, duplication, archiving, scanning, storage, etc.) for the purpose of disclosure or transfer to third parties are prohibited.

Any use of the reproductions beyond personal use, in particular for publication, academic or commercial use, is subject to the approval of the Archives of the Akademie der Künste and may be subject to charge in certain cases. Further details are regulated in the Services Price List for the Archives of the Akademie der Künste.

These conditions apply to all reproductions made available by the Archives of the Akademie der Künste. They also apply if the image material is obtained via third parties or from other sources.

§ 9 Termination of Use

In the event of serious or repeated infringements of the provisions of the Access Regulations or House Rules or failure to follow the instructions of the staff of the Archives of the Akademie der Künste, in the case of non-payment of bills from the Archives despite a written reminder or if special circumstances arise that make it unreasonable to continue the usage relationship, the Archives of the Akademie der Künste may partially or completely exclude the respective user from using the facility either temporarily or permanently in the form of a written ban or an oral ban to be repeated in writing with immediate effect. Any obligations arising from these Access Regulations remain in effect even after ban.

Users have the right to object to the ban from use. If the Archives of the Akademie der Künste cannot remedy the objection, the President of the Akademie der Künste is the next higher authority to resolve this issue.

§ 10 Loans for Exhibitions

Loans of archival materials, collection items, library holdings or works of art for exhibition purposes are subject to the discretion of the Archives. Loans are only possible if the conservation status of the archival holdings, books or objects allows this and if the archival holdings, books or objects are effectively protected against loss, damage and unauthorised use and are sufficiently insured. Loan requests are to be submitted at least six months in advance to the Board of the Archives of the Akademie der Künste. Details are set out in a loan agreement.

§ 11 Complaints

Complaints must be submitted in writing to the director of the Archives of the Akademie der Künste.

§ 12 Effective Dates

These Access Regulations were adopted on 12 November 2018 by the Board, taking effect on 15 January 2019 for the Archives of the Akademie der Künste.

I hereby announce the effectiveness of the above Access Regulations.

The Access Regulations as well as the House Rules and Services Price List will also be announced at the Archives of the Akademie der Künste in an appropriate manner.

Director, Archives of the Akademie der Künste, Berlin, 15 January 2019



(Werner Heegewaldt)

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