

RE: Publication of embargoed IP

Stuart Broughton

Sent: Thursday, 27 October 2016 11:47 a.m.**To:** Richard Holdaway; Travis Horton**Cc:** Jeff Field; nicola@nicolahansen.co.nz; Anne Scott(Library); Ian Wright

Kia ora Richard and Travis,

The request process, that we changed when the issues around Olivia Johnston's thesis were raised, has not been changed back.

The process looks a little more convoluted than it ideally should be, partly to do with the restrictions of the database, but since we made changes requestors receive an email stating "In response to your request I regret to inform you that it's not possible to send you a copy of the file(s) you have requested, as it is under embargo until {INSERT DATE}".

Today we have updated this process to make the email unnecessary because the message on the webpage now says "The file you are attempting to access is restricted and will not be available until the embargo expires".

Travis, I agree with you, and have moved to remove abstracts from displaying online where the thesis is embargoed. This will happen tomorrow or Monday.

Kind regards,
Stuart

From: Richard Holdaway**Sent:** Wednesday, 26 October 2016 12:38 p.m.**To:** Anne Scott(Library) <anne.scott@canterbury.ac.nz>; Ian Wright <ian.wright@canterbury.ac.nz>; Stuart Broughton <stuart.broughton@canterbury.ac.nz>**Cc:** Travis Horton <travis.horton@canterbury.ac.nz>; Jeff Field <jeff.field@canterbury.ac.nz>; nicola@nicolahansen.co.nz**Subject:** RE: Publication of embargoed IP

Dear Anne

Thank you for your comments.

The document to which I referred is the one accessed by Dr Rawlence, by which he sought access to the full thesis in February 2016, well before the thesis embargo expiry date. The request button was adjacent to a large Embargoed sign.

It is my understanding that this request button was de-activated when our concerns were raised. It is the re-instatement of the previously inactivated item to which I refer now.

Regards

Richard

From: Anne Scott(Library)
Sent: Wednesday, 26 October 2016 12:15 p.m.
To: Ian Wright; Richard Holdaway; Stuart Broughton
Cc: Travis Horton; Jeff Field; nicola@nicolahansen.co.nz
Subject: RE: Publication of embargoed IP

Kia ora Richard

In response to the comment in your email

“In addition, the university library has restored the “embargoed thesis” retrieval form to the web site.”

- Olivia Johnston’s thesis, the thesis in question here, completed its two year embargo on 31 July 2016. The thesis has been available since then.
- Following the issue with Olivia Johnston’s thesis we have changed our process for embargoed theses. Now, if users send an email to the Library requesting an embargoed thesis, they receive a response that states “In response to your request I regret to inform you that it's not possible to send you a copy of the file(s) you have requested, as it is under embargo until {INSERT DATE}.” As far as we are aware they are not able to receive an embargoed thesis through the Library.

We are not sure what the “embargoed thesis retrieval form” is, and would like to know what you are referring to in case we have missed something. Stuart Broughton, Research Services Manager, would be happy to work through this, or any other concerns associated with the Library, with you. It would be best if you contact him directly.

Ngā mihi nui

Anne

Anne Scott
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From: Ian Wright
Sent: Wednesday, 26 October 2016 10:52 a.m.
To: Richard Holdaway <richard.holdaway@canterbury.ac.nz>
Cc: Travis Horton <travis.horton@canterbury.ac.nz>; Jeff Field <jeff.field@canterbury.ac.nz>; Anne Scott(Library) <anne.scott@canterbury.ac.nz>; nicola@nicolahansen.co.nz
Subject: RE: Publication of embargoed IP

Dear Richard,

Thanks for your email and I understand your frustration.

I have now received advice from R & I and the library which conflict.

I would refute that UC has not taken this seriously, and I'm happy to meet you further to discuss this situation.

I was unaware that the library, had restored the retrieval form to the website. I will ask why this is the case of the library.

As per my previous correspondence with the University of Otago, I will write to the Uni Otago DVC Research and Enterprise again, and seek reasons why Rawlence has not yet apologised to Ms Johnston, and you and Associate Professor Horton.

I iterate UC takes this issue seriously.

Regards

Ian Wright

Professor Ian Wright

Deputy Vice-Chancellor (Research and

Innovation)

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From: Richard Holdaway

Sent: Wednesday, 26 October 2016 10:21 a.m.

To: Ian Wright <ian.wright@canterbury.ac.nz>

Cc: Jeff Field <jeff.field@canterbury.ac.nz>; Travis Horton <travis.horton@canterbury.ac.nz>;

nicola@nicolahansen.co.nz

Subject: Publication of embargoed IP

Importance: High



Dear Professor Wright

It is now four weeks since our meeting, and you have not responded to my email requesting information on progress on your promised investigation of the legal aspects of the use of the data in Ms Johnston's thesis. In addition, the university library has restored the "embargoed thesis" retrieval form to the web site. Taking these matters into consideration, I must therefore conclude that the university no longer intends to pursue the issue.

The student concerned has still not received any apology from Dr Rawlence, nor from any of the other authors of the paper. All the authors are equally responsible for the unauthorised use of the thesis data and yet they have not, so far, even been considered as potentially at fault by the university.

This is very disappointing and suggests to me that the misuse of intellectual property is not a major interest of the university.

So, as the university seems no longer interested in this instance of a breach of its IP security, and as the researcher whose publication and funding possibilities and personal welfare have been seriously affected by the actions of the university and its library, I now must consider making my own response. My lawyer and I are at present considering the form that response might take.

Associate Professor Horton agrees with the substance and detail of the above message and has asked to be a co-signatory.

Thank you for your attention.

Regards

Dr Richard N Holdaway
Associate Professor Travis W. Horton