**Scanning – What am I allowed to do?**

Updated 12 January 2022

This information sheet deals with scanning of [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) [text](https://smartcopying.edu.au/glossary/glossary/literary-works) and/or [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) for [educational purposes](https://smartcopying.edu.au/glossary/glossary/educational-purpose)) and in what circumstances teachers may:

* scan (make a copy)
* make scanned copies available to students to access ([communicate](https://smartcopying.edu.au/glossary/communicate/)) and
* email scanned copies to students.

**Rules for scanning and communicating scanned text works**

Under the[Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/glossary/statutory-text-and-artistic-works-licence/) teachers are able to:

* scan [hardcopy](https://smartcopying.edu.au/glossary/glossary/hardcopy)[text](https://smartcopying.edu.au/glossary/glossary/literary-works)and/or [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) (e.g. textbooks, picture books, novels, plays, poems, newspaper articles)
* make the scanned copies available to students to access via a password protected share drive/intranet (eg Microsoft 365), content or learning management systems (eg Moodle, Blackboard, Brightspace or Equella), closed class area on an education platform (eg Edmodo, Verso or Google Classroom), cloud storage etc and
* email scanned copies to students,

for[educational purposes](https://smartcopying.edu.au/glossary/glossary/educational-purpose)**subject to the following copying limits.**

Under this [licence](https://smartcopying.edu.au/glossary/statutory-text-and-artistic-works-licence/), a teacher can scan and upload to a repository a ‘reasonable portion’ which for [hardcopy](https://smartcopying.edu.au/glossary/glossary/hardcopy) [text](https://smartcopying.edu.au/glossary/glossary/literary-works) works means:

* 10% or one chapter of a textbook (whichever is greater)
* one article in a journal, newspaper, magazine (more than one article from the same publication if on the same subject matter) and
* one literary work in an anthology (no more than 15 pages) (eg one short story in a book of short stories).

**When can you scan a whole book?**

A teacher can scan and upload more than a ‘reasonable portion’ or a whole work if the work (eg book):

* is not available to purchase (whether hardcopy or electronic) within a reasonable time (6 months for a textbook and 30 days for other print material) or
* is out of copyright.

**Rules for making scanned copies of text work available to students**

***Restricted access***

Access to scanned copies must be restricted (eg by use of a password) to teachers and students. You must ensure that the material is not able to be accessed by the general public. It is, however, permissible to allow parents to have access to enable them to assist students with homework etc.

***Uploading images and text onto a digital teaching environment (DTE)***

Images and text copied under the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/glossary/statutory-text-and-artistic-works-licence/) can only be uploaded onto password protected [DTE’s](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/). Access to these resources should be limited to the minimum required number of students and staff. That is, where possible, limit access to the material to those students who need to view the material for classroom and/or homework exercises, and to delete or archive the material once it is no longer needed.

**Rules for scanning and communicating scanned artistic works**

[Artistic works](https://smartcopying.edu.au/glossary/artistic-works/) in [hard copy](https://smartcopying.edu.au/glossary/glossary/hardcopy) form include photographs, cartoons, diagrams and drawings. Artistic works can either accompany or illustrate text (eg an illustration of a scientific process described in a text book) or have no accompanying text.

If an [artistic work](https://smartcopying.edu.au/guidelines/artistic-works-and-images/) accompanies text, the whole or part of an [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) which accompanies text may be scanned and uploaded under the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/glossary/statutory-text-and-artistic-works-licence/).

If an [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) has no accompanying text, the whole or part of an [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) may be scanned if the work:

* is not available to purchase (whether hardcopy or electronic – eg as a postcard, poster, slide set or similar [reproduction](https://smartcopying.edu.au/glossary/reproduction/) or as an e-card or digital artwork on the internet) within a reasonable time (30 days) or
* is out of copyright.

**Rules for making scanned copies of artistic work available to students**

***Restricted access***

Access to scanned copies must be restricted (eg by use of a password) to teachers and students. You must ensure that the material is not able to be accessed by the general public. It is, however, permissible to allow parents to have access to enable them to assist students with homework etc.

***Notice requirements for text and artistic works***

Scanned copies which are then made available online and accessible by students and staff (eg on a password protected shared drive, intranet, cloud storage, content or learning management system) should contain the following notice:

|  |
| --- |
| [WARNING]This material has been copied [and communicated to you] in accordance with the statutory licence in section 113P of the Copyright Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act. Do not remove this notice. |

In practice, it might be impractical to insert this notice or include a link to the notice on every scanned copy. It is permissible to print out the notice and include it when scanning the hard copy [text](https://smartcopying.edu.au/glossary/text/) or [artistic work](https://smartcopying.edu.au/glossary/artistic-works/). A practical alternative is for the notice to be displayed (flashed) on the screen as the student or teacher logs into the password protected share drive.

For additional information, see the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/) guidelines.

**Smartcopying tips**

**Consider using Creative Commons licensed works**

As an alternative to scanning hard copy text or artistic works, you may find [Creative Commons (CC)](https://smartcopying.edu.au/glossary/creative-commons-cc/) licensed material that you could use instead. This not only helps save money on the national copyright fees, but is also much safer for teachers, as they are free to reuse, remix, redistribute and adapt education resources without running the risk of breaching complex copyright exceptions and copyright licence rules.

For more information on CC and OER content, see the following links:

[OER](https://smartcopying.edu.au/open-education/open-education-resources), [Creative Commons Quick Reference](https://smartcopying.edu.au/quick-guide-to-creative-commons/) and[CC Guide for Educators](https://smartcopying.edu.au/creative-commons-information-pack-for-teachers-and-students/).

**Archiving or deleting material when it is no longer needed**

Clearing out material that is no longer required is a great way to ensure compliance with [Statutory Licences](https://smartcopying.edu.au/glossary/statutory-licences/), this can be done in two ways – deleting and archiving.

For further information see the [Smartcopying website](https://smartcopying.edu.au/) or contact your local copyright manager. You can also contact the National Copyright Unit on (02) 7814 3855 or by email at smartcopying@det.nsw.edu.au.