PGR Restricted Access Guidance Notes

# Library Deposit Copies of a Research Degree Thesis

After your thesis has been examined and your degree conferred at a degree congregation at this University, your thesis will be deposited in the University’s Library in two formats: one copy bound to the current University specifications, and one electronic copy which is then accessible via the [e-theses repository](https://intranet.birmingham.ac.uk/as/libraryservices/library/research/thesis/Accessing-etheses.aspx).

There are four access options to your final thesis and these can be viewed on the [Access options for your thesis](https://intranet.birmingham.ac.uk/as/libraryservices/library/research/thesis/access-options.aspx) web page.

These guidance notes relate only to option D – full embargo where all copies, including the hardbound copy, are to be withheld from access.

# Restricted access to research degree theses

The University is willing to consider applications to restrict public access to theses and accepts that there are instances where it is reasonable for an author to seek to embargo access to their thesis for a specified duration in order that their interests are not prejudiced or where there are other factors that support such a restriction.

Common reasons for seeking to restrict access include:

* an intention to seek publication;
* a confidentiality agreement in place;
* the thesis contains commercially sensitive material.

The embargo period is not normally more than four years, but in exceptional cases, a longer period may be considered. Embargoes may be subject to annual review and under certain circumstances may be terminated ahead of time (see section iii. below).

## Freedom of Information Act 2000 and the public interest

PGRs should be aware that in each case the University will assess whether a decision to withhold the thesis could be successfully defended as a proportionate, balanced and reasonable response in the face of a request for access made by an individual under the [Freedom of Information (FOI) Act](https://intranet.birmingham.ac.uk/legal-services/What-we-do/Freedom-of-Information/index.aspx).

This legislation permits the University to use certain exemptions as legally valid justifications for a refusal to allow access to a restricted thesis. In most instances, the exemptions are subject to a *public interest* test*.* This means that the continuance of any thesis embargo has to be balanced against whether this negatively affects the wider interests of society in general.

When you make application for an embargo, it is recommended that you specify which FOI exemption would apply. A list of FOI exemptions may be consulted on the [Information Commissioner’s Office website](https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/).The most common reasons for seeking to restrict access are all subject to the *public interest* test.

## Annual review of embargo

Arising out of the University’s need to be able to justify its decision to allow a thesis to remain embargoed, the University will:

* request evidence in support of the proposed embargo when the initial application is made;
* where appropriate, seek an annual update, including the gathering of new documentary evidence, on the author’s progress towards ending the embargo.

For example, where a thesis is restricted on the grounds that publication is being sought, evidence of an ongoing search for a commercial agreement in the form of correspondence with publishing houses, or similar, should be provided.

Because the need to keep the University informed, you must ensure that the Alumni Office continues to hold your up-to-date contact details, particularly email. If we are unable to contact you on an annual basis, we will not be able to assess accurately whether the embargo should continue.

However, in cases where an embargo is linked to a situation that has been established at a previous stage and will not vary - for example, where the thesis is subject to a pre-existing confidentiality agreement - interim reviews may not be necessary.

## The University’s default position

It should be clearly understood that a thesis embargo cannot be an open-ended commitment by the University. The restriction is a deviation from normal academic practice and because of this, requires the continued involvement of the author if it is to be maintained.

If your work was funded by a research council or other body, you should check their access requirements. Many funders expect theses to be made openly accessible online, no later than 12 months after the degree is awarded.

The University’s default position is to allow free access to the thesis and it will make the thesis available if it considers that it could no longer maintain a successful defence of the restriction were there to be a challenge under the Freedom of Information Act or where it is unable to gather updated information from the author.

# How do I apply for Restricted Access?

You must first discuss this with your supervisor.

Your request should be made **at least two months before your intended submission date**, using the [Restricted Access Request form](https://intranet.birmingham.ac.uk/as/studentservices/graduateschool/rsa/intentiontosubmit.aspx) available on the [Notice of intention to submit your thesis](https://intranet.birmingham.ac.uk/as/studentservices/graduateschool/rsa/intentiontosubmit.aspx) web page.

You must specify the time period for which the restricted access should apply (not normally more than four years from the date of the Congregation at which your degree is conferred) and state the precise reasons for requesting the embargo.

You should mention any relevant supporting documentation e.g. confidentiality agreements between yourself and any third parties whose confidential information you have included in the thesis.

It will also assist in assessing the request if you can (if possible) indicate precisely which sections, chapters and/or appendices contain such information, as a refusal to supply information in response to an FOI request may be valid only in respect of part of the thesis.

You should pass the completed form and any supporting documentation to your supervisor for completion of Section B, who will in turn arrange for Section C to be completed by the Head of School (or nominee). The completed form must then be forwarded to the Library who will review it and confirm arrangements with the Registry.

# What happens next?

Your request for restricted access will be considered by Library Services, who manage the thesis repositories.

If there are any queries about your request, Library Services will contact you and your lead Supervisor. In some cases, Library Services may refer the queries to your School/College Director of Research for further consideration.

You will be notified of the outcome of your application for restricted access to your thesis, by email by the Scholarly Communications Services team.

During the course of the embargo period, the University may review this arrangement annually, as detailed in section 2 above.

#  Other Points to Note

The Research Student Administration team will be sent a copy of approved restricted access requests so that the examiners of your thesis and chairperson for your viva can be advised.

It is your responsibility to ensure that any third party (e.g. a sponsor) sharing rights in your thesis is aware of the University Library’s normal access arrangements, which will apply after the embargo period expires.

Even if an embargo is applied to your thesis, the details and abstract will still be submitted to the Library’s online catalogue, the [e-theses repository](https://intranet.birmingham.ac.uk/as/libraryservices/library/research/thesis/Accessing-etheses.aspx), Index to Theses and other appropriate indexes. However, the actual text of the thesis will not be made available from any source until the embargo has expired.

#  Queries

If you have any further queries, please contact ubira@lists.bham.ac.uk.