

Dartmouth College Library
Statement on Confidentiality/Nondisclosure of Information License Terms

Dartmouth College Library will not enter into contractual agreements that require confidentiality related to or nondisclosure of pricing or other licensing terms that do not constitute proprietary technical or trade secrets. Any new vendor agreements that include confidentiality or nondisclosure clauses will not be signed. These will be forwarded to the Associate Librarian for Information Resources for negotiation.

As part of a research institution, Dartmouth College Library recognizes and affirms the need for a vibrant scholarly publishing system that disseminates the products of research and artistic expression. The Library supports this publishing system through purchases of and subscriptions to information in a wide variety of formats. As a customer of and participant in the publishing system, and as a steward of institutional funds, it is imperative that the Library understand the marketplace for information resources. The marketplace cannot be adequately understood without openness and productive conversation on rational pricing. The Library recognizes that “rational pricing” may mean different prices for different institutions, dependent upon a variety of factors, but takes the position that all pricing differences should have a rational basis that can be articulated.

It is the Library’s position that confidentiality or nondisclosure clauses do not advance the long-term goals of both parties to a license. Indeed, the majority of publishers and vendors with whom the Library works do recognize this and do not include them in their standard licenses. These publishers and vendors recognize that libraries license information based upon the value of specific products to their community and the ability to understand the costs and benefits involved. Vendors who continue to include confidentiality or nondisclosure clauses in their standard licenses are advised that both value and benefits are obscured when librarians cannot discuss them between themselves. Furthermore, without the right to share pricing information, the Library cannot respond to researchers who study information pricing. Publishers should be the first to appreciate the importance of access to data.

In addition, licensing agreements generally assert terms of acceptable use on the part of the Library’s users that protect a publisher’s or vendor’s investment in the resources under contract. The Library is obligated to conform to these terms. As these terms govern end-user behavior, it would not be possible to communicate restrictions to users in the presence of a confidentiality clause.

Therefore, Dartmouth College Library, at its sole discretion, will provide information on its licensing agreements upon request. Questions about this policy and requests for information should be directed to the Associate Librarian for Information Resources:

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