



Memorial Museum Passchendaele 1917

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Zonnebeke,

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User regulations for the interactive platform/map 'Passchendaele Archives'

Article 1: General

These regulations stipulate the conditions for use that apply to the online platform, with geoportal, of the project 'Passchendaele Archives' of the Memorial Museum Passchendaele 1917 (MMP 1917), Berten Pilstraat 5a, 8980 Zonnebeke.

By participating in the online platform 'Passchendaele Archives', each participant declares their acceptance of the user regulations for this project. Decisions by the MMP 1917 about the online platform, about the entering of data, about the uploading of photographic and film material (including all forms of video material), about the application of the user regulations and about all situations not explicitly provided for in these regulations are binding.

Article 2: Online platform 'Passchendaele Archives'

Files submitted are checked for completeness and correctness by the MMP 1917.

Data, film material and photographs can be submitted via www.archives.passchendaele.be.

Participation in the online platform 'Passchendaele Archives' is subject to the following conditions:

- The participant selects a soldier who was killed in Flanders during the First World War.

- The participant can link a story to a soldier in the portal. This might be testimony or an anecdote, or historical information, a photograph or a recording on film. In the case of historical information, the participant must specify the source (original document or publication).
- Should the participant include in their story photographic or film material, in whatever form, they must ensure they have permission from the persons whose data are included or whose images are to be published, or, in the case of deceased persons, the permission of their assignees. Should the publication of data concerning the deceased impact upon the privacy of others, then permission is also required from those others or their assignees. Permission for the publication of data concerning deceased persons is not required after twenty years have passed since the death of the person concerned. Nor is permission required for the publication of images of deceased persons after twenty years have passed since their death, as copyright in those images then expires.
- The text and/or files that are published on the online platform are subjected to checks by the MMP 1917. The participant acknowledges explicitly that they will not object to any possible changes to their submission, whatever form those changes may take.
- Any third person who wishes to supplement or correct a story can either create a new story, as a participant, with the desired supplementary elements or corrections included, or contact archives@passchendaele.be.
- Photographs can be uploaded digitally only in the following formats: .pdf, .jpg or .png.
- Recordings on film can be uploaded digitally only in the following formats: .mov, .wmv en .MP4.
- Photographic or film material posted on the online platform must be free of copyright for sharing in this way. Photographs and/or recordings on film will be subjected to a selection process by the MMP 1917. The aim of this selection process is purely to exclude from the project 'Passchendaele Archives' photographs or film recordings that could be offensive and/or could damage the image of the organizers of the project 'Passchendaele Archives' and/or could cause damage arising from the failure to obtain permission from the persons depicted and/or their assignees.
- Data concerning the participant or organization, with the exception of the username and/or display name, will not appear on the uploaded file that is placed online.

The participant guarantees that the data shared is correct and complete. Knowingly sharing incorrect data or data that belongs to others which the participant does not have the right to share may result in the participant being denied access, in whole or in part, temporarily or permanently, to the products and services of the MMP 1917.

The data provided by participants shall not be used for marketing purposes. The data shall be used by the MMP 1917 only for communication relevant to the submission from the participant in the project 'Passchendaele Archives' and for communication linked to the museum.

As a departure from the above clause, contact data may be used to inform the participant about events linked to the project 'Passchendaele Archives' and/or the MMP 1917 on condition that the participant has given permission for this by ticking the box 'I wish to subscribe to the MMP 1917 newsletter' on the online platform.

Article 3: Intellectual property

The participant affirms that they either hold full copyright in the photographs and/or film material as submitted by them to the MMP 1917 or that the copyright has expired, and guarantees that the photographs and/or recordings on film do not infringe the copyright or any other rights of third parties or legal provision in the broadest possible sense. The participant indemnifies the MMP 1917 against all claims by third parties relating to photographic and/or film material provided to the MMP 1917 by the participant, with the exception of claims that arise from serious or deliberate errors on the part of the MMP 1917 or its appointees.

The participant grants the MMP 1917, for an unlimited period and in the broadest possible sense, the exclusive and cost-free right to use the textual submission, photographs and/or film material, and this without any recompense or right to recompense. This right of use includes, but is not limited to, the right of the organizer to use the textual submission, photographs and/or film material in all its publications and for all its events.

The participant waives their claim to the rights in the work and acknowledges that publication thereof may take place without mention of their name, even if that name is part of the work (for example in the case of a watermark on a submitted photograph)

Article 4: Liability

The organizer cannot be held liable for:

- Any detrimental consequences for the participants in the project should the project be altered or cancelled, or should an adjustment to the user regulations be published in the event that circumstances require this.
- Printing, spelling, composition, translation or other errors. Nor can these give occasion for any obligation on the part of the organizer.

- Any technical problems that make participation in the project impossible. The costs of participation in the project are always borne in full by the participant and cannot under any circumstances be charged to or recouped from the MMP 1917.
- The consequences of the website being hacked.
- Demands and/or complaints made by persons shown in submitted images or mentioned in submitted texts. Liability lies simply and solely with the participant in the project. With regard to the right to privacy, the copyright in photographs and author copyright, or any other related rights, the responsibility, as stated in Articles 2 and 3 of these regulations, therefore lies with the participant to obtain permission from the author or the author's representatives, the persons depicted or their assignees, or the persons whose personal data are included or their assignees.

Article 5: Privacy

The participant explicitly grants, by ticking a number of different checkboxes, that the processing and use of their personal data can take place for the following purposes:

- To inform the participant about decisions regarding their submission.
- The publication of the participant's submission.
- The processing of the participant's submission.
- Contacting the participant, to the extent that explicit, individual permission has been granted, with information about events linked to the online geoportal and/or the MMP 1917.

The MMP 1917 shall not transfer the participant's personal data to third parties without the participant's explicit permission.

In certain circumstances the organizer is obliged to pass on the participant's personal data to others. This will be the case should the law or a legal procedure oblige the MMP 1917 to do so, or should the MMP 1917 be requested to do so by public bodies within the framework of law-enforcement activities, or if the MMP 1917 is of the opinion that it is necessary to pass on personal data in order to prevent damage or financial losses, given that this is within the framework of an investigation into fraud or other illegal activities.

The participant has the right to see their own personal data at any time and to correct it if necessary.

The participant always has the right to withdraw permission given.

The participant can exercise their rights by means of a simple request via archives@passchendaele.be.

Article 6: Alterations

The MMP 1917 retains the right to alter these user regulations unilaterally and/or to add to them. Such alterations and/or additions are applicable from the moment of their publication on the website of the MMP 1917.

The applicable version of the user regulations is to be found on the website: www.archives.passchendaele.be (<https://archives.passchendaele.be>).

The organizer will announce on the website where the applicable version of the user regulations can be found, along with the date of publication of the latest update.

Article 7: Applicable law – divisibility – competent courts

These regulations are governed by Belgian law. In the case of disputes, only the courts of the court district of the MMP 1917 are competent. If for whatever reason a court of competent jurisdiction regards a provision of these regulations, or part thereof, as not enforceable, that provision of the regulations shall be enforced to the highest possible degree in order to realize the intention of the parties, and the remainder of the regulations shall remain fully in force.