

## Factsheet

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# ACCESS TO AN ARCHITECT'S ELECTRONIC FILES

The Board receives many enquiries from consumers who wish to access an architect's electronic files for a project. This can be for a range of reasons, including

- to provide a builder and/or consultants with drawings they can work with
- to facilitate modifications to drawings after architectural services have been completed
- because services with the architect have been terminated, or
- to commence work with another architect.

### What are electronic files?

Electronic files can refer to any digital format that is readable on a computer, including PDF, JPG, TIFF, DWG, and DXF. In broad terms, electronic files fall into two categories: raster-based and vector-based.

#### Raster-based files

PDF, JPG and TIFF are image-based and are frozen like a photograph. These raster-based files are common in photoshop and illustration-based programs, or as an option to save from Microsoft Word or similar programs. As 'picture files' they cannot easily be edited and cannot be used to derive measurements.

#### Vector-based files

Architects use complex, specialised software to design and document architectural projects. Commonly referred to as Computer Aided Design ('CAD') software, the working files produced by architects are often vector-based DWG or DXF files and the like. These files are editable and can be used to derive accurate measurements.

### Read the client architect agreement for provisions for access to electronic files

Many consumers assume that the fees paid to their architect include access to all the files associated with preparing the documentation required for Council approvals, tendering, construction or similar. This is generally not the case.

The client architect agreement usually provides that a client secures the licence to use the architect's design once only, and on the site for which it was prepared. But that does not mean the client secures all the tools used to create the design, such as the vector-based electronic files.

While client architect agreements often provide for the client to be given copies of all documentation, unless the agreement makes specific reference to the provision of editable files, the NSW Architects Registration Board (the 'NSW ARB') holds the view that there is no obligation for the architect to provide editable, vector-based CAD files. For example, clause 6(e) of the NSW ARB [2019 Short Form Architect Client Contract](#) specifies that architectural services exclude the provision of any documents in digital formats other than Portable Document Format (PDF).

## Statutory considerations

[Clause 12 of the NSW Architects Code of Professional Conduct 2017](#) (the 'Code') provides:

### 12 Inspection of documents by client

- (1) A client may ask to inspect an architect's documents and records relating to the provision of architectural services to the client.
- (2) The architect must respond within a reasonable period of time to the client's request to inspect documents and records by giving the client (where practicable and during normal business hours) a reasonable opportunity—
  - (a) to inspect—
    - (i) documents produced in providing the architectural services, and
    - (ii) records (except confidential business records) relating to the provision of the architectural services, and
  - (b) to make copies (at the client's expense) of any, or any part, of the documents or records.
- (3) An architect must not unreasonably refuse to provide a client with an opportunity to inspect or copy the documents or records referred to in subclause (2).
- (4) Nothing in this clause derogates from any right of an architect to claim a lien over documents or records referred to in subclause (2) or to assert any intellectual property rights in respect of the documents or records.

The [Code](#) provides for clients to inspect and copy an architect's documents or records. It suggests that an architect should make copies of electronic files available to their client. However, the [Code](#) does not specify whether electronic documents should be provided as raster-based or vector-based files. The NSW ARB holds the view that unless the client architect agreement states otherwise, an architect discharges their obligation if they provide documents to a client in raster-based form ie. as PDF files or similar un-editable format.

PDF files are considered by the NSW ARB to be the advisable format for sharing of electronic data for 2 reasons:

1. Providing a client with electronic files in an editable vector-based format can pose practical difficulties. CAD software is specialised, generally requiring the purchase of a licence in order to open and read the files, and a high level of training to operate the software.
2. Editing of electronic files by a person other than the original author may give rise to risks including:
  - multiple versions of the same drawing in circulation may cause confusion, with potentially serious implications for compliance and cost
  - unauthorised modifications to files may inadvertently breach regulations, standards or codes, the terms of a Council's Development Consent, the terms of a builder's contract price, etc.

The [Code](#) does not expressly deal with an architect's duty to make copies of electronic files available to the client if the client terminates the services of the architect. However, there is an argument that if a client has paid in full for the architect's services up to the point of termination, the client is, as a matter of contract, entitled to the fruits of that work in the sense of at least obtaining PDF files or similar un-editable electronic copies of the documents, representing the work they have paid for.

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