

Partners in Access Inc.

**“A Canadian Library that would most efficiently
meet the needs of this country”:
Brief on the Role of a National Library in Canada**

for the

**Royal Society of Canada’s Expert Panel on the Status and
Future of Canada’s Libraries and Archives**

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Background

The Royal Society of Canada has taken an interest in libraries for many years and more specifically was an important player in the creation of a national library in Canada.

1902

In 1902, Lawrence J. Burpee's paper "Modern Public Libraries and their methods" was read at the May 1902 meeting of the Society and included in the *Proceedings and Transactions*.¹

1911

At its May 1911 annual meeting "It was moved by M. Benjamin Sulte, seconded by Dr. J.H. Coyne, that, as Canada is one of the very few civilized countries that does not to-day possess a National Library, and as it is of the utmost importance that such an institution should be established at an early date, the Government of the Dominion be memorialized to appoint a Royal Commission to examine into and report upon the plan and scope of the great National Libraries of Europe and America, with a view to the organization of a Canadian Library that would most efficiently meet the needs of this country."²

1912, 1913

Another resolution was passed at the Society's 1912 meeting and the resolution from 1913 read as follows: "that this Society, recognizing the vital importance to any civilized people of a National Library, organized and maintained upon broad and efficient lines, and particularly to a young, rapidly growing and ambitious community such as ours; and also recognizing its great usefulness to students in every branch of human knowledge, its practical and economic worth as a general repository of information, now scattered in many libraries, or inaccessible, and its value as a rallying point for the library activities of the whole country; respectfully urges upon the consideration of the Dominion Government the early establishment of such an institution for the general benefit of the people of Canada."³

1916

The rebuilding of the Parliament Buildings after the disastrous fire of 1916 prompted a proposal on the part of the Society that the Library of Parliament should include an expanded national role.

¹ Royal Society of Canada. *Proceedings and Transactions of the Royal Society of Canada*. Second Series Volume VII, 1902 pp 3-47.

² Royal Society of Canada. *Proceedings and Transactions of the Royal Society of Canada*. Third Series Volume V, 1911 p XX

³ Royal Society of Canada. *Proceedings and Transactions of the Royal Society of Canada*. Third Series Volume VIII, 1914 p XIII

1946

In 1946, the Royal Society prepared a brief urging the creation of a National Library which included in part "without it [a National Library] the Canadian library system, such as it is, completely lacks a coping-stone. It lacks a central repository of books and periodicals..."⁴. It concluded "Books are the repositories of by far the greater part of the knowledge of mankind. Unless the knowledge contained in books (including periodicals and microfilms) is properly organized, a country is under a severe handicap; and no proper organization of the knowledge contained in books is possible in Canada unless a National Library is established."⁵

In December 1946, the Society was part of another brief presented to Prime Minister Mackenzie King with the Canadian Library Association, the Canadian Historical Association, the Canadian Political Science Association and the Social Science Research Council of Canada. The brief stated in its Summary of Argument: "A National Library is, first of all, the most comprehensive Library in the world on its own country. In co-operation with the National Archives, Art Gallery, Museum and other institutions, its duty is to preserve and organize for use records of the country's history, distinguished citizens, natural resources, literature, arts, science and technology, social conditions, in short of the whole life of the country. A National Library is also a centre for services to other libraries, research workers and individuals, an information bureau, a clearing-house for inquiries from at home and abroad, the agency responsible for the national bibliography, the channel for co-operation with foreign libraries as well as the means through which all the libraries of the country can co-operate, the ultimate authority on standards of library techniques in short, the nerve centre of the whole network of libraries in the country."⁶

Roles of a National Library

Canada's National Library was very late in being established in comparison with other countries. It was created with federal legislation and came into being on January 1, 1953, absorbing the Canadian Bibliographic Centre which had been established in May 1950. It was clearly a nascent national institution that was to be

⁴ Royal Society of Canada. *Brief Presented by the Royal Society of Canada in regard to the Establishment of a National Library*. [Ottawa, the Society, 1946] p 1

⁵ Ibid p 3

⁶ *A National Library for Canada: A Brief presented to the Government of Canada by the Canadian Library Association Association Canadienne des Bibliothèques, the Royal Society of Canada, the Canadian Historical Association, the Canadian Political Science Association and the Social Science Research Council of Canada*. [Ottawa] December 1946, p 2

based on national services in the absence of staff, resources, collections and a building. On January 1, 1953, it had a staff complement of 14 with responsibilities for acquiring a comprehensive collection of Canadian publications as well as materials published abroad with Canadian content or Canadian authorship, the cataloguing of these materials, the production of *Canadiana*, the national bibliography, and the building of a national union catalogue. Acquiring the nation's publishing output and bringing this under bibliographic control as well as pulling together the holdings of the nation's libraries were enormous undertakings.

In a definition of national libraries dating from 1971 which follows, Unesco placed the primary emphasis on functions related to heritage, with a secondary emphasis on functions related to infrastructure:

“Libraries which, irrespective of their title, are responsible for acquiring and conserving copies of all significant publications published in the country and functioning as a ‘deposit’ library, whether by law or under other arrangements. They will also normally perform some of the following functions: produce a national bibliography hold and keep up to date a large and representative collection of foreign literature, including books about the country; act as a national bibliographical information centre: compile union catalogues; publish the retrospective national bibliography. Libraries which may be called ‘national’ but whose functions do not correspond to the above definitions should not be placed in the ‘national libraries’ category.”⁷

At the request of Unesco and under contract to the International Federation of Library Associations and Institutions (IFLA), Canada's second National Librarian, Guy Sylvestre, and former President of the Royal Society of Canada, prepared *Guidelines for national libraries*⁸. The Guidelines discussed what should constitute a National Library's collections in terms of the collection of national literature, legal deposit, collections of foreign literature and manuscripts. It also addressed the role of the national library as national bibliographic agency with respect to the national bibliography and other bibliographic activities. It assessed Readers' Services emphasizing Unesco's policies of Universal Access to Publications (UAP) and Universal Access of Information (UAI), whether these services should

⁷ Schick, F.L. 1971. “The international standardization of library statistics” in the *UNESCO bulletin for libraries*, vol 25, no 1. pp 2-11.

⁸ Sylvestre, Guy. *Guidelines for national libraries*. Paris, General Information Programme and UNISIST, United Nations Educational, Scientific and Cultural Organization, 1987. Also published electronically and available at <http://unesdoc.unesco.org/images/0007/000761/076173eb.pdf> (Accessed September 12, 2013)

be centralized or decentralized, reference and circulation, referral services, interlending, locating tools, repositories, services to the handicapped and exhibitions. It devoted a chapter to conservation. It discussed domestic and international relations under topics such as training and research, networking, library associations, national archives, international exchanges and international organizations and programmes. In a chapter entitled Status and Management of National Libraries, it set out possible legislation and regulations, management and organization, the Director of the National Library and governing or advisory board. Buildings and Equipment did just that. There was a chapter that talked about national libraries with a dual function such as the National Diet Library in Japan and lastly, a chapter on centralization or decentralization.

In 1997, Unesco published South African National Librarian Peter Lor's *Guidelines for legislation for national library services*⁹ Lor builds on earlier work to describe national libraries in broad categories. National libraries may be:

- "national in the sense that they contain the literary production of the nation; or in the sense that
- they are the nation's main book museum, containing a high concentration of the nation's treasures; or in
- the sense that they are leaders, perhaps co-ordinators, of the nation's libraries; or in the sense that they
- offer a national service (to the nation's libraries or population)".

National Librarians and staff from national libraries from a range of countries examined the future roles and responsibilities in a series of papers entitled "The Next Ten Years" in several issues of *Alexandria: the Journal of National & International Library and Information Issues* from 1998 to 2000¹⁰. Canada's then National Librarian, Roch Carrier,

⁹ Lor, Peter. *Guidelines for legislation for national library services*. prepared by Peter Johan Lor with the assistance of Elizabeth A.S. Sonnekus [for the] General Information Programme and UNISIST – Paris: UNESCO, 1997. Also published electronically and available at <http://unesdoc.unesco.org/images/0010/001095/109568eo.pdf>

¹⁰ These include: Peter Haddad's "The Next Ten Years in National Libraries: The National Library of Australia", Roch Carrier's "The Next Ten Years in National Libraries: The National Library of Canada", Josip Stipanov's "The Next Ten Years in National Libraries: The National and University Library of Croatia", Esko Hakli's "The Next Ten Years in National Libraries: Helsinki University Library, the National Library of Finland", Einar Sigurdsson's "The Next Ten Years in National Libraries: The National and University Library of Iceland", Ian D. McGowan's "The Next Ten Years in National Libraries: The National Library of Scotland", Léanne Selles' "The Next Ten Years in National Libraries: The Koninklijke Bibliotheek of the Netherlands", Christopher Blake's "The Next Ten Years in National Libraries: The National Library of New Zealand", Tomas Lidman's "The Next Ten Years in National Libraries: The Royal Library of Sweden", and Jean-Frédéric Jauslain's "The Next Ten Years in National Libraries: The Swiss National Library"

examined the National Library of Canada and the challenges it faced over the next ten years. Carrier's paper had several themes: greater visibility and availability of collections and services, building collections including networked publications and the need for an adequate collections budget, the challenges associated with the preservation of Canada's published heritage, the role of leadership with Canada's libraries, and addressing the convergence, collaboration and synergy that was occurring between libraries, archives and museums.¹¹

Alexandria repeated and updated this series of national libraries looking forward over the next decade in the form of short papers published in issues from 2009 to 2011¹². These included a paper from Daniel J. Caron then Canada's Librarian and Archivist. Caron's paper¹³ discussed Library and Archives Canada's mandate in terms of acquiring, preserving and making accessible Canada's documentary heritage for present and future generations and the need to apply principles for acquisition around significance, sustainability, sufficiency and society. He set out six priorities for core business functions:

- "The development and implementation of an Acquisition framework;
- The ongoing implementation of the Recordkeeping directive;
- The completion of the Federal Library Initiative;
- The development and implementation of a TDR;
- The development and implementation of a Resource Discovery approach; and
- The development of a Collection Management approach."¹⁴

Maurice Line had set out a context for the first series of *Alexandria* articles in an editorial entitled "National Libraries: Hub, Apex, Base or What?"¹⁵ The Royal Society in 1946 talked about the function of a national library as a 'coping-stone' of the Canadian library system. Kenneth W. Humphreys in an important examination of the functions of national libraries said national libraries "should be the prime mover

¹¹ Carrier, Roch. "The Next Ten Years in National Libraries: The National Library of Canada" in *Alexandria*, vol 12, no 3, 2000. pp 128-129

¹² These include: Bas Sevenue's "The National Library of the Netherlands", Martyn Wade's "The National Library of Scotland", Daniel J. Caron's "Library and Archives Canada", Gunnar Sahlin's "The National Library of Sweden", Ingibjörg Steinunn Sverrisdóttir's "The National and University Library of Iceland", Kai Ekholm's "The National Library of Finland", Marie-Christine Doffey's "The Swiss National Library", Penny Carnaby's "National Library of New Zealand Te Puna Mātauranda o Aotearoa" and Anne Clarke's "The British Library".

¹³ Caron, Daniel J. "Library and Archives Canada" in *Alexandria*, vol 21, no 3, 2011. pp 69-74

¹⁴ Ibid. p 74

¹⁵ Line, Maurice B. "National Libraries: Hub, Apex, Base or What" in *Alexandria: the Journal of National & International Library and Information Issues*, vol 10, no 2, 1998. pp 89-91

in library matters and should be expected to be the leading library in all fields”¹⁶. When the Minister responsible for the National Library of Canada introduced new legislation in 1969 he talked about the National Library as the lynch-pin of the Canadian library system. In examining some of the literature that has been published about the challenges that national libraries are facing all over the world the titles of some of these send very evocative messages: “The British Library – delivering the world’s knowledge: some recent developments”, “Underpinning the research community”, “The Royal Library, the National Library of Sweden, The hub in the Knowledge society” “National libraries and the digital divide”, “National collections, global collecting: the responsibilities of librarians as collectors”, and “Collecting, sharing and networking: the role and responsibilities of a national library”. Clearly, national libraries have been thinking about their futures in a digital era and their roles and responsibilities for some time.

Lastly, the Conference of Directors of National Libraries (CDNL) developed a vision¹⁷ for a global digital library which assumes that national libraries carry out certain functions. The full text of the CDNL vision is reproduced as Appendix A. What CDNL envisages on an international scale can be translated to a national level. If you apply this vision by making some judicious additions to CDNL’s text, it could be applied to countries like Canada as follows:

“The world’s national libraries share a common mission of collecting, recording, organising, storing, preserving in perpetuity, and providing access to their nation’s cultural patrimony and intellectual output in documentary form. ...

Our long-term vision is the development of a [national and] global distributed digital library - comprehensive, open, seamlessly-connected, and universally accessible on the internet - giving ready access to library materials in the collections of all [of Canada’s libraries] and the national libraries of the world in the interests of scholarly research, education and lifelong learning, innovation and economic development, and the promotion of [national and] international understanding.”

¹⁶ Humphreys, Kenneth W. “National Library Functions” in *Unesco Bulletin for libraries*, vol 20, no 4, July-August 1966. p 169

¹⁷ Conference of Directors of National Libraries. *Vision for the Global Digital Library*. Published electronically at http://www.cdnl.info/2008/CDNL_Vision_for_the_Global_Digital_Library.pdf (Accessed September 23, 2013)

Legislative base for national library functions in Canada

The *Library and Archives of Canada Act*¹⁸ of 2004 (see Appendix B) includes many provisions that provide for national library functions and activities. This legislation enhanced and modernized the earlier *National Library Act* and the *National Archives of Canada Act*. The legislation envisaged a major role to 'make known' the collections of the new institution through an expanded on-site and Web public programming activity, a Portrait Gallery of Canada, and a Canadian History Museum that were all intended to highlight the cultural and heritage roles to be played. New Regulations respecting legal deposit took effect January 1, 2007 that extended legal deposit to maps and electronic publications. Harvesting from the Web for preservation purposes was part of the legislation, a major innovation. Support for libraries was enhanced to permit the creation of programs similar to the National Archival Development Program.

Canada's library communities and their national library

In 2009, at the request of Library and Archives Canada, Partners in Access Inc. examined the state of the relationship between LAC and library communities. The consultation took the form of a set of questions posed to 30 library leaders and associations. A summary document¹⁹ was made public in November 2010 by LAC and highlighted a number of observations and recommendations.

Observations included:

- "Canada's libraries function in collaborative, highly interconnected formal and informal networks and systems
- Library and Archives Canada is still seen as providing key elements of library infrastructure in support of these highly interconnected library networks through national services and collections such as legal deposit, national bibliography, union catalogue, interlibrary loan and standards, CIP, ISBN, ISSN, subject headings, theses
- LAC, however, is seen as being increasingly removed from these networks
- LAC's roles as leader, advocate, partner are not understood in the library community and are the source of disappointment and frustration
- There is a perception that through its transformation process LAC is now more focused on its role as a government

¹⁸ Library and Archives of Canada

¹⁹ *Library and Archives Canada's relationship with Canada's library communities: Observations, Recommendations and Summary Report*. Ottawa, Partners in Access Inc., 2009

department and interaction within government rather than its external library roles

- The digital environment provides opportunities for LAC to rethink how it moves forward and how best to reposition itself
- Clearly there is strong support for the continued national roles of LAC in the library world but recognition that some or parts of these roles need to be distributed
- Equity of access is taking on new challenges in a digital environment to ensure that Canadians whether print disabled or located in remote or rural parts of the country continue to have access to the information resources they require”

Recommendations were made in four broad categories: Digital Leadership and Direction, Communications, Library Infrastructure and Partnership and Collaboration. These included:

- “That LAC take a leadership role in working with a variety of Canadian partners to build a distributed Canadian digital library such as national libraries are doing in the United Kingdom, Australia, the United States, Holland and other countries
- That LAC move forward aggressively with its pieces of the Canadian digital library such as legal deposit, harvesting, provision and use of descriptive and subject metadata, Trusted Digital Repository, preservation, and standards. At the same time, the pieces of the Canadian digital library that are not LAC’s responsibility need to be clearly communicated to Canadian library communities
- That LAC build its capacity for the development and delivery of standards needed to support and strengthen the interconnectivity required in a digital environment
- That LAC play a more strategic role nationally and internationally so as to have a greater influence on the national scene
- That LAC explore the establishment of a national arm’s length body that would represent the interests of libraries and librarians and possibly be the nucleus of a future grants program for libraries or a national statistical program for libraries
- The LAC move forward with the development / co-development of a cyber-infrastructure for the country that assumes shared responsibilities between various partners
- That LAC develop a policy framework between LAC and the provinces to help manage and inspire the functioning of LAC with the provinces and territories
- That LAC develop and implement the Initiative for Equitable Library Access (IELA) in collaboration with its partners

- That LAC put the replacement of AMICUS in place as quickly as possible to support LAC's critical national roles in making available national bibliographic data and the holdings of Canadian libraries and resource sharing
- That LAC provides a vision for library communities on its strategic direction that has an external focus, that recognizes that LAC is in a collaborative environment and it is willing to contribute"

National library functions in a digital environment

It is striking how similar the current situation is to the years before the National Library was established. The challenges of the digital world are enormous and when one reads what the National Library of Canada was supposed to address it is as if the same needs have been time shifted to the present day. Building a national collection "to be the most comprehensive in the world on its own country", as envisaged by the Royal Society and others in 1946 has become incredibly more complex and challenging in the digital era. Similarly being "a centre of services" and "the ultimate authority on standards" and "the nerve centre of the whole network of libraries in the country" in a digital age these national library functions need to be re-invented. Standardized metadata to permit interoperability and long term access are required. Significant investment in cyber-infrastructure and technology are required. Leadership at the national level is needed more than ever. Since 2004 there has been a steady, somewhat alarming erosion of those aspects of LAC's work that can be said to be those of a national library.

The largest question to be addressed is whether the linking of a national library with a national archives and with a government records centre has worked in the interests of Canada's libraries and librarians and ultimately has worked in the interests of Canadians. Even this study by the Royal Society seems to assume that libraries and archives should be treated in the same way in perpetuity. If Canada were like most other countries there would be a National Library with major archival collections and responsibilities and a separate institution / organization with responsibility for the records of the federal government. It can be debated whether the government's approach to structure its national library, national archives and federal records responsibilities in the same national institution is working. Much the same debate occurred earlier with the federal government's National Museums Corporation which consolidated its museums and national gallery and which was eventually undone.

What are the critical functions of a national library that Canada should have in the digital world:

- Acquisition, bibliographic and physical access and preservation of a comprehensive collection of everything that has been published in Canada in analogue and digital form. There should be an assurance that Canada's current publications in all formats are being acquired, organized and preserved. This is a very large component of functions. National libraries traditionally have four methods of acquisition at their disposal – legal deposit, purchase, gifts and exchange. To this can be added the harvesting from the web that Parliament included in the 2004 legislation. Canada also benefitted enormously from the transfer of collection materials from other federal libraries and the Library of Parliament. All of these should be pro-actively utilized. Unlike other libraries, the national library has an ongoing responsibility for the acquisition, description and preservation of materials in analogue formats. As increasing amounts of information are made available digitally there should be a similar assurance that the analogue and older materials are being acquired, made accessible, retained and preserved for long-term access.
- In the past Canada's national library acquired materials published abroad that were written by Canadians or were about Canada. In another layer of collecting responsibility published materials that set these "Canadiana" materials (Canadian imprints as well as those published abroad with Canadian interest) in a broader context for research were also acquired. At different times, the former National Library also assumed responsibility for major collection-building in the humanities. The degree to which these materials are needed to be acquired and made available for Canadians is unclear both for traditional formats of publishing and the digital.
- Responsibility for standards, best practices. National and international standards development and maintenance are critical to the ongoing development and functioning of Canada's libraries.
- National programs, services and infrastructure in support of libraries, publishers and research. These can include but are not limited to authoritative bibliographic descriptions for Canadian materials, a national bibliographic database, theses, interlibrary loan, union catalogue, standards, international standard numbers (ISBN, ISSN, ISMN), Cataloguing-In-Publication
- Leadership nationally and internationally. There is a wealth of descriptive terms that have been used to describe what

associations and individuals have wanted of their national library including "coping-stone", "lynch-pin", "nerve centre", "centre for services", "hub", "apex", "leader", "advocate", "prime mover" and "partner".

- Supporting the development of Canadian libraries
- Working in partnership and collaboration in networks
- Addressing the digital divide so that Canadians have equitable access to analogue and digital information
- Making known the contents of its collections. National libraries, including Canada's, have an important contribution to make as cultural and heritage institutions to celebrate Canadian creativity and knowledge.

It is clear that the national libraries of every country have developed in unique ways. Canada is no exception. There is no standard template that has been applied. These are organic institutions whose functions respond to the particular needs and demands and issues of their countries, most recently those being posed by the digital era. Canada's national library, only established in 1953, is a product of unique forces and circumstances.

Canada needs a great national library institution for this digital era that in the words of the Royal Society in 1911 "that would most efficiently meet the needs of this country."

APPENDIX A

CDNL VISION FOR THE GLOBAL DIGITAL LIBRARY

The world's national libraries share a common mission of collecting, recording, organising, storing, preserving in perpetuity, and providing access to their nation's cultural patrimony and intellectual output in documentary form.

The Conference of Directors of National Libraries (CDNL) is an independent association of the chief executives of the world's national libraries, established to facilitate discussion and promote understanding and cooperation on matters of common interest to national libraries worldwide.

Our long-term vision is the development of a global distributed digital library - comprehensive, open, seamlessly-connected, and universally accessible on the internet - giving ready access to library materials in the collections of all the national libraries of the world in the interests of scholarly research, education and lifelong learning, innovation and economic development, and the promotion of international understanding.

To this end we must:

- a) promote, encourage, and support the development of collaborative 'digital libraries' of all types;
- b) promote and support the connecting of the digital collections of national libraries, and in dialogue with other libraries and archives, to provide a window to the cultures of the world and to open up our rich and diverse holdings;
- c) support cultural and linguistic diversity and multilingualism, and also respect indigenous cultures and cultural property;
- d) promote the development of digital tools, products and services and common standards through ICABS and IIPC, and with a particular focus on critical issues for national libraries such as long-term digital preservation, authenticity, and understanding the needs of our users;
- e) ensure that learnings on digital library developments and best practice are shared between national libraries;
- f) increase digital capability and support digital developments in the national libraries of the developing world;
- g) work for widespread appreciation of the importance of intellectual property issues in the digital age;
- h) advocate for solutions to intellectual property issues which strike the appropriate balance between the crucial public interest in ensuring access to information and ideas and also the rights of creators to be recognised and rewarded for their work;

- i) advocate for the development of the global digital library and for regulatory support (particularly through legal deposit and intellectual property regimes) and financial support for digital developments;
- j) strengthen our strategic collaboration with other cultural heritage institutions, with national and international government organisations and NGOs, publishers and information providers, and other private sector organisations.

APPENDIX B

**An Act to establish the Library and Archives of Canada, to amend
the Copyright Act and to amend certain Acts in consequence**





S.C. 2004, c. 11

Assented to 2004-04-22

An Act to establish the Library and Archives of Canada, to amend the Copyright Act and
to amend certain Acts in consequence

Preamble

WHEREAS it is necessary that

-  (a) the documentary heritage of Canada be preserved for the benefit of present and future generations;
-  (b) Canada be served by an institution that is a source of enduring knowledge accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society;
-  (c) that institution facilitate in Canada cooperation among the communities involved in the acquisition, preservation and diffusion of knowledge; and
-  (d) that institution serve as the continuing memory of the government of Canada and its institutions;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Marginal note: Short title

- 1.** This Act may be cited as the [Library and Archives of Canada Act](#).

INTERPRETATION AND APPLICATION

Marginal note: Definitions

- 2.** The definitions in this section apply in this Act.

“documentary heritage”
« *patrimoine documentaire* »

“documentary heritage” means publications and records of interest to Canada.

“government institution”
« *institution fédérale* »

“government institution” has the same meaning as in section 3 of the [Access to Information Act](#) or in section 3 of the [Privacy Act](#) or means an institution designated by the Governor in Council.

“government record”
« *document fédéral* »

“government record” means a record that is under the control of a government institution.

“Librarian and Archivist”
Version anglaise seulement

“Librarian and Archivist” means the Librarian and Archivist of Canada appointed under subsection 5(1).

“Minister”
« ministre »

“Minister” means the member of the Queen’s Privy Council for Canada who is designated by the Governor in Council as the Minister for the purposes of this Act.

“ministerial record”
« document ministériel »

“ministerial record” means a record of a member of the Queen’s Privy Council for Canada who holds the office of a minister and that pertains to that office, other than a record that is of a personal or political nature or that is a government record.

“publication”
« publication »

“publication” means any library matter that is made available in multiple copies or at multiple locations, whether without charge or otherwise, to the public generally or to qualifying members of the public by subscription or otherwise. Publications may be made available through any medium and may be in any form, including printed material, on-line items or recordings.

“record”
« document »

“record” means any documentary material other than a publication, regardless of medium or form.



2004, c. 11, s. 2;
2006, c. 9, s. 179.1.

[Previous Version](#)

Marginal note:Application

3. This Act binds Her Majesty in right of Canada.

ESTABLISHMENT AND ORGANIZATION

Marginal note:Establishment

4. There is hereby established a branch of the federal public administration to be known as the Library and Archives of Canada presided over by the Minister and under the direction of the Librarian and Archivist.



2004, c. 11, ss. 4, 54(E).

[Previous Version](#)

Marginal note: Appointment of Librarian and Archivist

5. (1) The Governor in Council shall appoint an officer, to be called the Librarian and Archivist of Canada, to hold office during pleasure and to have the rank and powers of a deputy head of a department.



Marginal note: Acting Librarian and Archivist

(2) If the Librarian and Archivist is absent or incapacitated or if the office of Librarian and Archivist is vacant, the Minister may appoint a person to act as Librarian and Archivist, but the term of such an appointment shall not exceed six months except with the approval of the Governor in Council.

Marginal note: Establishment of Advisory Council

6. The Minister may establish an Advisory Council to advise the Librarian and Archivist with regard to making the documentary heritage known to Canadians and to anyone with an interest in Canada and facilitating access to it.

OBJECTS AND POWERS

Marginal note: Objects

7. The objects of the Library and Archives of Canada are

- (a) to acquire and preserve the documentary heritage;
- (b) to make that heritage known to Canadians and to anyone with an interest in Canada and to facilitate access to it;
- (c) to be the permanent repository of publications of the Government of Canada and of government and ministerial records that are of historical or archival value;
- (d) to facilitate the management of information by government institutions;
- (e) to coordinate the library services of government institutions; and
- (f) to support the development of the library and archival communities.

Marginal note: Powers of Librarian and Archivist

8. (1) The Librarian and Archivist may do anything that is conducive to the attainment of the objects of the Library and Archives of Canada, including

- (a) acquire publications and records or obtain the care, custody or control of them;
- (b) take measures to catalogue, classify, identify, preserve and restore publications and records;
- (c) compile and maintain information resources such as a national bibliography and a national union catalogue;
- (d) provide information, consultation, research or lending services, as well as any other services for the purpose of facilitating access to the documentary heritage;
- (e) establish programs and encourage or organize any activities, including exhibitions, publications and performances, to make known and interpret the documentary heritage;

(f) enter into agreements with other libraries, archives or institutions in and outside Canada;

(g) advise government institutions concerning the management of information produced or used by them and provide services for that purpose;

(h) provide leadership and direction for library services of government institutions;

(i) provide professional, technical and financial support to those involved in the preservation and promotion of the documentary heritage and in providing access to it; and

(j) carry out such other functions as the Governor in Council may specify.



Marginal note: Sampling from Internet

(2) In exercising the powers referred to in paragraph (1)(a) and for the purpose of preservation, the Librarian and Archivist may take, at the times and in the manner that he or she considers appropriate, a representative sample of the documentary material of interest to Canada that is accessible to the public without restriction through the Internet or any similar medium.

Marginal note: Destruction or disposal

9. (1) The Librarian and Archivist may dispose of any publication or record under his or her control, including by destruction, if he or she considers that it is no longer necessary to retain it.



Marginal note: Restriction

(2) Any such disposition is subject to the terms and conditions under which the publication or record has been acquired or obtained.

LEGAL DEPOSIT

Marginal note: Deposit of publications

10. (1) Subject to the regulations, the publisher who makes a publication available in Canada shall, at the publisher's own expense, provide two copies of the publication to the Librarian and Archivist — who shall acknowledge their receipt — within

(a) in any case other than one referred to in paragraph (b), seven days after the day it is made available; or

(b) in the case of a publication that is in a class prescribed under paragraph (2)(d), seven days after receiving a written request from the Librarian and Archivist or any longer period specified in the request.



Marginal note: Regulations

(2) The Minister may make regulations for the purposes of this section, including regulations

(a) defining "publisher";


(b) respecting any measures that must be taken to make the publications that use a medium other than paper and their contents accessible to the Librarian and Archivist;

(c) prescribing the classes of publications in respect of which only one copy is required to be provided; and

(d) prescribing the classes of publications in respect of which the obligation under subsection (1) applies only on a written request from the Librarian and Archivist.

 Marginal note:Property


(3) Publications provided to the Librarian and Archivist under this section belong to Her Majesty and form part of the collection of the Library and Archives of Canada.

 Marginal note:Each version, edition or form of a publication

(4) For the purposes of this section, every version, edition or form of a publication shall be considered a distinct publication.


OBTAINING ARCHIVAL QUALITY RECORDINGS FOR PRESERVATION PURPOSES

Marginal note:Providing archival quality copy

 **11.** (1) If the Librarian and Archivist determines that a recording that was made available to the public in Canada has historical or archival value, he or she may by a written request require any other person who is legally entitled to provide such a copy to provide to the Librarian and Archivist, in accordance with the terms specified, a copy of that recording in the form and quality that the Librarian and Archivist determines is suitable for archival purposes and specifies in the request.

 Definition of "recording"

(2) In this section, "recording" means anything that requires a machine in order to use its content, whether sounds, images or other information.

 Marginal note:Payment for copy

(3) The Librarian and Archivist shall reimburse the person, other than Her Majesty in right of Canada or one of Her agents, who provides a copy under subsection (1) for the actual cost of making that copy.

 Marginal note:Binding on Crown in right of a province


(4) This section binds Her Majesty in right of a province.

 Marginal note:Property

(5) Copies provided to the Librarian and Archivist under this section belong to Her Majesty and form part of the collection of the Library and Archives of Canada.

GOVERNMENT AND MINISTERIAL RECORDS

Marginal note:Destruction and disposal

 **12.** (1) No government or ministerial record, whether or not it is surplus property of a government institution, shall be disposed of, including by being destroyed, without the written consent of the Librarian and Archivist or of a person to whom the Librarian and Archivist has, in writing, delegated the power to give such consents.

 Marginal note:Right of access to records

(2) Despite anything in any other Act of Parliament, the Librarian and Archivist has a right of access to any record to whose disposition he or she has been asked to consent.



Marginal note:Exception

(3) For the purposes of this section, the Librarian and Archivist may have access to a record to which subsection 69(1) of the [Access to Information Act](#) applies, only with the consent of the Clerk of the Privy Council and to a government record that contains information the disclosure of which is restricted by or pursuant to any provision set out in Schedule II to that Act, only with the consent of the head of the government institution in question.



Marginal note:Right to give access

(4) Despite anything in any other Act of Parliament, any officer or employee of a government institution may grant to the Librarian and Archivist access to any record to whose disposition the Librarian and Archivist has been asked to consent.



Marginal note:Security requirements

(5) The Librarian and Archivist and every person acting on behalf or under the direction of the Librarian and Archivist shall, with respect to access to records, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to those records.

Marginal note:Transfer of records

13. (1) The transfer to the care and control of the Librarian and Archivist of government or ministerial records that he or she considers to have historical or archival value shall be effected in accordance with any agreements for the transfer of records that may be made between the Librarian and Archivist and the government institution or person responsible for the records.



Marginal note:Regulations

(2) The Governor in Council may, by regulation, prescribe terms and conditions governing the transfer of records under subsection (1).



Marginal note:Government records at risk

(3) If government records referred to in subsection (1) are, in the opinion of the Librarian and Archivist, at risk of serious damage or destruction, the Librarian and Archivist may require their transfer in the manner and at the time that the Librarian and Archivist specifies.



Marginal note:Records of former government institutions

(4) Except as otherwise directed by the Governor in Council, the Librarian and Archivist shall have the care and control of all records of a government institution whose functions have ceased.

Marginal note:Application

14. Sections 12 and 13 do not apply in respect of records that are library or museum materials kept by a government institution for reference or exhibition purposes.

Marginal note:Restricted access to Privy Council confidences

15. The Librarian and Archivist shall not provide access to confidences of the Queen's Privy Council for Canada to which subsection 69(1) of the [Access to Information Act](#) applies without the consent of the Clerk of the Privy Council.

Marginal note:Public opinion research

15.1 Every department, as defined in section 2 of the [Financial Administration Act](#), shall, within six months after the completion of any data collection done for the purposes of public opinion research carried out under a contract at the request of the department and for the exclusive use of Her Majesty in right of Canada, send to the Librarian and Archivist the written report referred to in subsection 40(2) of the [Financial Administration Act](#).



2006, c. 9, s. 180.

SURPLUS CROWN ASSETS ACT

Marginal note:Surplus publications


16. Despite the [Surplus Crown Assets Act](#), all publications that have become surplus to the requirements of any government institution shall be placed in the care or control of the Librarian and Archivist.

Marginal note:[Surplus Crown Assets Act](#) not to apply

17. The [Surplus Crown Assets Act](#) does not apply to any record or publication that is in the care or control of the Librarian and Archivist.

FINANCIAL PROVISIONS

Marginal note:Account

 **18.** (1) There shall be an account in the accounts of Canada called the Library and Archives of Canada Account to which shall be credited all amounts received for the Library and Archives of Canada including by way of gift.



Marginal note:Amounts payable out of Account

(2) Any amounts required for the purposes of this Act may be paid out of the Library and Archives of Canada Account.




Marginal note:Use of funds

(3) Amounts referred to in subsection (1) shall be used in accordance with any terms and conditions attached to them.

GENERAL

Marginal note:Production of certified copy

 **19.** (1) Subject to subsection (2), if the Librarian and Archivist is compelled to produce a record or publication that is under his or her control, the Librarian and Archivist may certify a copy of it and produce that copy, which is receivable in evidence in the same manner as the original without proof of the signature or official character of the person or persons appearing to have certified it.




Marginal note:Production of original

(2) If the court, tribunal or other entity under whose authority the Librarian and Archivist may be compelled to produce a record or publication is satisfied that it is necessary, taking into account the risks implicit in the production of the original and the importance of its preservation and of continued access to it, to order that the original of the record or publication be produced, the court, tribunal or other entity shall ensure that any measures that are required to protect and preserve it are taken and that it is returned to the care and control of the Librarian and Archivist as soon as it is no longer needed for the purposes of the matter in question.

OFFENCES AND PENALTIES

Marginal note: Offence and punishment


 **20.** (1) Every person who contravenes subsection 10(1) or the regulations or fails to comply with a request of the Librarian and Archivist under subsection 11(1) is guilty of an offence and liable on summary conviction

(a) in the case of an individual, to the fine referred to in subsection 787(1) of the [Criminal Code](#); and

(b) in the case of a corporation, to the fine referred to in paragraph 735(1)(b) of that Act.

 Marginal note: No imprisonment in default of fine payment

(2) Despite subsection 787(2) of the [Criminal Code](#), a term of imprisonment may not be imposed for default of payment of a fine imposed under subsection (1).

 Marginal note: Recovery of fines

(3) A fine imposed under subsection (1) is a debt payable to Her Majesty in right of Canada and may be recovered as such in any court of competent jurisdiction or by any manner provided for in any Act of Parliament.

Partners in Access Inc.

Partners in Access Inc. is a consulting firm which concentrates on public policy issues and planning in the realm of information management. Its principal is Paul McCormick who has undertaken a number of studies including an examination of the relationship between Canadian libraries and Library and Archives Canada. He is past Director General of Strategic Policy and Planning at the former National Library as well as Director General of Published Heritage at Library and Archives Canada. He has examined the state of preservation at some of Canada's leading cultural institutions and is currently preparing a history of the National Library of Canada. Last year he published a *History of the National Library of Canada: A Bibliography*.