



Madame Suzanne Legault,
Information Commissioner of Canada
Office of the Information Commissioner of Canada
112 Kent Street, 7th Floor
Ottawa, Ontario K1A 1H3

Re: Library and Archives Canada, and your investigation into government policies obstructing access to government information, science and expertise.

Madame Legault,

Last week, your office announced its intention to investigate government policies that appear to restrict government scientists from communicating and sharing research with the Canadian public, with regard to the Access to Information Act. This follows a complaint by the Environmental Law Clinic of the University of Victoria and Democracy Watch, requesting that you "*initiate an investigation under s. 30(1)(f) of the Access to Information Act into the systematic efforts*" made throughout the Government of Canada to obstruct communication between government experts and the public.

We would like to draw your attention to similar concerns concerning Library and Archives Canada (LAC). There are concerns that new policies governing communication between experts and the public at LAC may contradict the principles of access to information.

The leaked release of Library and Archives' new Code of Conduct in March of this year caused much concern within the professional communities it will affect. The strict measures contained in the document appear to have the combined effect of stopping Library and Archives professionals from communicating about their work and their research with the public, particularly when their work may be seen to contravene the government's political agenda or embarrass the government.

The Code of Conduct, of which you will find a copy attached, reminds professionals and academic experts at Library and Archives Canada that "public confidence can easily be damaged by remarks that embarrass, criticize or otherwise comment on the actions of the Government" (page 11) and "its elected officials" (page 9).

Most concerning is the Code of Conduct's identification of speaking engagements (at conferences, for example) as "high-risk activities" for LAC, subject to approval from above (page 17). The Code of Conduct imposes strict conditions on accepting invitations to attend a conference off-duty -- conditions including the subject matter not being related to activities of Library and Archives or its mandate, the employee not speaking as an employee of LAC, and the inviting third party not being a "potential collaborator" of LAC. Even when an employee is invited to speak or simply to be a guest at a conference, personally (off-duty) and not through LAC, he or she must obtain authorization from a manager who has "documented confirmation" that the activity does not present "risks to LAC".

This appears to contradict not only LAC's mandate, but also the very principles of public access to information as expressed by the Act -- principles that should be upheld regardless of the government's qualms regarding potential embarrassment.

Library and Archives Canada plays an essential role in Canada's government, but more importantly provides a benefit to the Canadian public. It has been home to countless academic experts and widely-respected researchers in the field of Canadian history and heritage. These experts and professionals have built our national library and archives for over a century through their research and academic work – which includes, inevitably and as with any field of scientific research, speaking with the public and with their peers, for the advancement of knowledge and the understanding of our history.

Library and Archives Canada is the Government of Canada's continuing memory, but its mandate also makes it responsible for preserving Canada's documentary heritage, for the general public of today and for future generations of Canadians. It must facilitate cooperation among communities involved in acquisition, preservation and diffusion of knowledge, which also demands that its experts be allowed to speak in public fora. Perhaps most importantly, its mandate prescribes Library and Archives to be "*a source of enduring knowledge accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society*".

The conditions and requirements of Library and Archives Canada's Code of Conduct appear similar to controversial departmental policies that have appeared recently in other departments, governing communication between government experts and the public, which are the subject of the complaint that you are currently investigating. As part of these policies, scientists and government experts within certain federal institutions are required to obtain authorization before communicating with the media or the public, including on subjects within their field of expertise.

We are concerned that professionals and researchers at Library and Archives are also being subjected to restrictive policies that are damaging to the principle stated in Section 2 of the Access to Information Act, namely "*that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific*".

In order to preserve the public's right to access this knowledge as guaranteed by the Access to Information Act, we request that you include Library and Archives Canada in your investigation into policies and actions that restrict government scientists from communicating with the media and with Canadians.

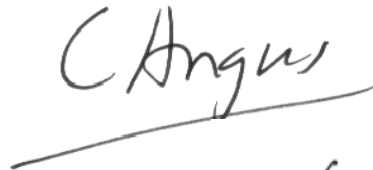
Sincerely,



Pierre Nantel
MP for Longueuil—Pierre-Boucher



Andrew Cash
MP for Davenport



Charlie Angus
MP for Timmins—James-Bay



Alexandre Boulerice
MP for Rosemont—La-Petite-Patrie

Official Opposition Critic and Deputy Critic for Heritage

Official Opposition Critic and Deputy Critic
for Ethics, Access to Information and Privacy