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***The Right to be forgotten / the Duty to remember:***

**The Indian and Inuit Affairs Sous-fonds  
at Library and Archives Canada**

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Library and Archives  
Canada

Bibliothèque et Archives  
Canada

Canada

# Outline

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- Background
    - Indian and Northern Affairs Canada
  - Appraisal and acquisition process for government records
  - The Indian and Inuit Affairs Sous-fonds
  - Reference and Access
  - Now what?
    - Recent disposition initiatives
    - LAC's new *Framework on Acquisition*
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# Indian and Northern Affairs Canada

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- ❑ Established in 1966
  - ❑ INAC's mandate is to meet the Federal Government's constitutional, treaty, political, and legal responsibilities to First Nations and Northerners
  - ❑ Two main programs:
    - Indian and Inuit Affairs
    - Northern Affairs
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# Indian and Inuit Affairs

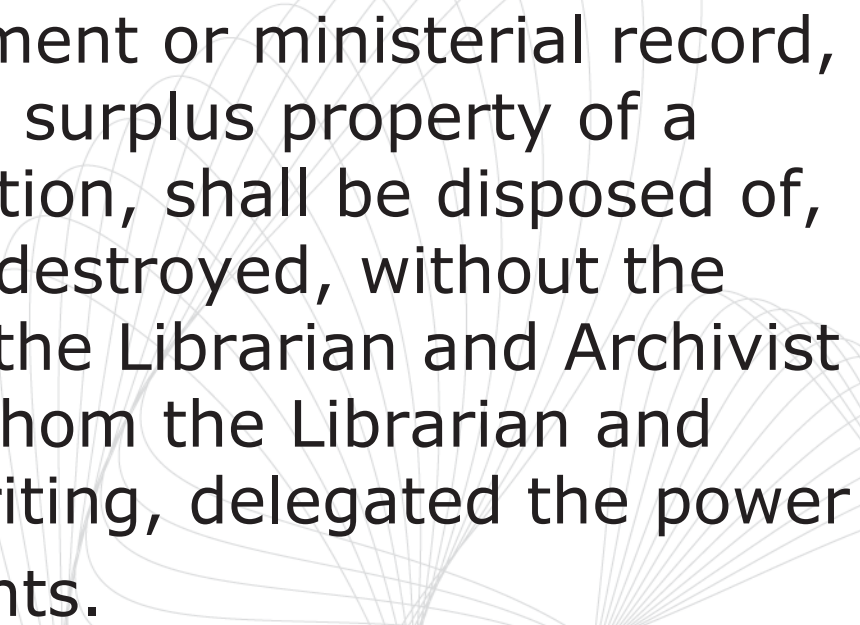
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- ❑ Established in 1968 as a result of a major reorganization of DIAND based on function rather than region
  - ❑ Current responsibilities:
    - Funding
    - Lands and Trust Services
    - Regional direction
    - Indian Oil and Gas Canada
    - Resolution of claims
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# Records disposition in the Government of Canada



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## *Library and Archives of Canada Act (2004)*

- **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.
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# Macro-appraisal

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- ❑ 1990 – present
  - ❑ 'Top down' approach
  - ❑ Functional analysis
  - ❑ *Office of Primary Interest*
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# Before Macro-appraisal.....

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- NAC appraisal employed a records-based approach assigning values to information content
    - 'Selective Retention'
    - Many pre-1990 authorities are still in force (76/009)
    - Numerous legacy issues
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# The result for RG 10

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- There are currently **14** institution specific records disposition authorities in force pertaining to INAC's record holdings and a further **15** multi-institutional disposition tools
  - We preserve the majority of all operational records generated by INAC at all levels of the organization
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# Pacific Regional Service Centre

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- ❑ Archival holdings generated by the Federal Government in BC and the Yukon
    - 49 departments and agencies
    - Approximately 10 km of records (34,284 boxes)
      - ❑ 1 km of INAC records from BC and the Yukon (3,347 boxes)
      - ❑ 2.5 km of INAC record from Alberta and Saskatchewan (8,531 boxes)
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# RG 10 Operational files

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- ☐ Band management
  - ☐ Construction
  - ☐ Education
  - ☐ Employment
  - ☐ Economic development
  - ☐ Membership
  - ☐ Health and welfare
  - ☐ Natural resources
  - ☐ Claims & disputes
  - ☐ Leases & royalties
  - ☐ Forestry
  - ☐ Finance
  - ☐ Engineering
  - ☐ Farming
  - ☐ Law enforcement
  - ☐ Reports and returns
  - ☐ Land matters
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# RG 10 Case files

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- ☐ Band membership
  - ☐ Adoption
  - ☐ Marriage
  - ☐ Relief assistance
  - ☐ Educational assistance
  - ☐ Loans
    - Small business
    - Farming
    - Fishing
  - ☐ Housing
  - ☐ Employment
  - ☐ Welfare
    - Truancy
    - Indebtedness
  - ☐ Health
    - Mental competence
  - ☐ Estate
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# Why retain so many records?

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- The enduring and evolving relationship between the Government of Canada and First Nations
    - Statutory obligations
    - Principle of a fiduciary relationship
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# Reference at the PRSC

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- RG 10-related queries comprise approximately **90%** of the reference work completed in the Centre
  - Research is completed in support of
    - Land claims research
    - Indian Residential Schools research
    - Band governance and membership
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# The Duty to remember...

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- ☐ The resolution of historic disputes and lands claims
  - ☐ Evidence supporting the assertion of individual rights
  - ☐ Evidence reinforcing obligations of the Federal Government
  - ☐ Mechanism for accountability
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# The Right to be forgotten...

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- Comprehensive record of the individual from birth to death
    - LAC obligations to rights of privacy are dictated through both the *Privacy Act* and the *Access to Information Act*
    - Are there moral or ethical obligations which should be integrated into appraisal and disposition decisions?
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# Access

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- ❑ RG 10 records are subject to the *Access to Information Act* (1985) and the *Privacy Act* (1985)
  - ❑ *Privacy Act*
    - personal information about a living individual or those deceased for 20 years or less
    - 110 years have elapsed since birth of individual
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# Access

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- Privacy Act permits disclosure of personal information to:
    - An investigative body for the purpose of reinforcing a law
    - To an individual for research or statistical purposes
    - To any association of aboriginal people or Indian band for the purposes of researching or validating a claim dispute of grievance
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# Implications of past acquisition and appraisal strategies at LAC

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## ☐ Acquisition

- Backlogs of unprocessed records
- Legacy of 'selective retention'

## ☐ Preservation

- Cost of storage
- Storage facility capacities

## ☐ Resource discovery

- Need for improvements to finding aids
  - Meeting clients expectations for service on-line
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# Recent Initiatives

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- ☐ Case file MIDA
  - ☐ Clearing the Path
  - ☐ Acquisition orientation instrument
    - Significance, sufficiency, sustainability, and society
  - ☐ Aboriginal documentary heritage pathfinder
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# Questions?

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