



Library and Archives Canada

Directive on Loans of LAC Holdings



Directive on Loans of LAC Holdings

1. Effective date

This directive has been approved by Library and Archives Canada's (LAC) Management Board and takes effect on September 30, 2019.

2. Application

This directive applies to the activities that support the short- and long-term loans of holdings from LAC's collection.

This directive does not apply to:

- Loans of archival holdings for research purposes; and
- Interlibrary loans of last resort of published and archival holdings.

The directive is a horizontal policy instrument that aligns with the [Access Policy Framework](#) (2016) and the [Stewardship Policy Framework](#) (2013). The directive should be applied in conjunction with the Policy on Security (2018).

This directive revokes and replaces the NLC Policy on Loans for External Exhibitions (2002) and the Policy on the Loan of Records for Diffusion Purposes (2012).

3. Definitions

Holdings [collection]

All documentary heritage brought under the control of LAC through the *Library and Archives of Canada Act* and *Legal Deposit of Publications Regulations*, and any master copies generated thereof.

Loan [prêt]

The temporary authorized transfer of care and custody of holdings to a cultural institution. This excludes:

- Donor recalls of original holdings in accordance with the donor agreement;
- Return of government records to the originating institution; and
- Production of original records or publications compelled under the authority of the court, tribunal or other entity.

See also the definitions in Appendix A of the [Access Policy Framework](#), the [Stewardship Policy Framework](#), and the Policy on Security.

4. Context

As set out in the [Library and Archives of Canada Act](#) (LAC Act), LAC has a mandate both to preserve the documentary heritage of Canada for the benefit of present and future generations, and to make it known and accessible to Canadians and to anyone with an interest in Canada. Section 8(d) of the LAC Act gives LAC the power to "provide information, consultation, research or lending services, as well as any

other services for the purpose of facilitating access to the documentary heritage". In addition to making holdings accessible through consultation services at LAC's service points, LAC also facilitates access to its holdings through exhibitions and events either on-site at one of its facilities, or through loans to other cultural institutions.

Loans of public property, including cultural property, must meet the requirements set out in the [Public Property Loan Regulations](#), which stipulates that loans must be made by way of a written contract. Additionally, good practices for asset loan agreements identified under section 3.3.1 of the Treasury Board [Guide to Management of Materiel](#) are taken into consideration in the drafting of loan agreements. In line with this guide, LAC may seek to recover some of the costs arising from loans by requiring that they be borne by the borrower.

In recent years, LAC has seen an increase in the volume of loans due to its interest in broadening the visibility of its collection. The Treasury Board [Guide to the Management of Movable Heritage Assets](#) aims to assist material managers in identifying and managing Canada's movable heritage assets. The guidance concerning the maintenance of movable heritage assets is specifically relevant to management of loans at LAC.

The routine preparation and conservation work required on holdings for loan is resource intensive, and the unpredictable and fluctuating nature of loan requests makes it difficult to plan the time and resources required to undertake this work. Holdings on loan are vulnerable to damage or deterioration, therefore, proper storage and exhibition conditions are key to ensuring that holdings can be preserved for the long-term. As such, minimization and mitigation of the risks associated with loss or damage to holdings, as well as long-term preservation are always key considerations in the decision to lend holdings.

5. Purpose

The purpose of this directive is to outline how LAC manages the activities related to the lending of holdings in its collection. The directive establishes the requirements for prioritizing and approving loan requests and for establishing the conditions governing loans, which are aimed at ensuring that decision-making is consistent, transparent, and accountable.

The directive also serves as the basis for ensuring that borrowers have a common point of reference for how LAC manages the activities related to loans of holdings.

6. Requirements

6.1. Considerations for the Prioritization and Approval of Loans

LAC strives to accommodate all loan requests for exhibitions and events, and to carry out the work required to prepare the holdings for lending in a timely manner in accordance with LAC's service standards for processing loan requests.

When holdings are in high demand or have conflicting demands, LAC reserves the right to give priority to its own planned activities for making the holdings accessible, and reserves the right to give priority to loan requests that support Government of Canada (GC) or LAC priorities.

Whereas LAC aims to facilitate access to its holdings, loans are only approved where:

- LAC has received the request formally and has a minimum of six weeks in which to complete an assessment and render a decision to loan or not to loan the material, and sufficient lead time to prepare the material for loan (variable according to the material requested);
- The lending of the holdings does not contravene contractual obligations (e.g., donor agreement) or legislation (e.g., *Privacy Act*, *Copyright Act*);
- The context of the exhibition or display does not conflict with GC values and ethics; and
- The exhibition or display is not staged primarily for commercial purposes.

LAC reserves the right to refuse loan requests or the loan of any holdings, or to terminate a loan or recall any holdings based on one or more of the above considerations. LAC also bases its decisions on a professional assessment of the material and whether it can or should be permitted to depart the premises.

6.2. Financial Arrangements

LAC may recover all or some of the costs arising from loans by requiring that the borrowing institution pay for the direct costs incurred for the loan, including for transportation and insurance, and may charge fees for the administration of the loan, preparation and conservation work on the holdings, as well as additional costs incurred for, but not limited to, specialized treatment, custom supports for transport or display, or expedited services.

Fees will not exceed the costs incurred for the loan. All fees are outlined and approved in individual loan agreements prior to the processing of a loan.

If the borrowing institution cancels a loan outside of the timelines of the agreement, LAC may charge for costs already incurred at the time of cancellation for routine preparation and conservation work.

Lending fees may be waived under exceptional circumstances. For example, such exceptions may be made to facilitate access to documentary heritage for communities that have connections with the holdings, or when there is a collaborative instrument in place between LAC and the borrowing institution.

6.3. Environmental Conditions and Monitoring

The physical security of the holdings for the duration of the loan, including while in storage, transit, and on exhibition, must comply with LAC's internal policy instruments on the physical security of holdings, including the Policy on Security, the Policy on Holdings Management, and relevant lower-level policy instruments.

In order to process loan requests, LAC requires that the borrowing institution provide a standard facility report that establishes the conditions of the environment in which the borrowed holdings are expected to be kept and displayed. The environmental conditions, as agreed to in the loan agreement, must be maintained for the duration of the loan.

Holdings on loan may be monitored periodically according to the schedule established in the loan agreement and LAC reserves the right to perform random monitoring to inspect the condition of the holdings on loan. LAC reserves the right to remove the holdings on loan at any time if it is determined that environmental conditions are not being met or if the holdings are considered to be at risk.

LAC may consider making exceptions to the environmental conditions for loan requests that support GC or LAC priorities and where the borrowing institution is unable to meet these requirements.

6.4. Documenting Loans

Loan requests are to be made in writing to the Director of Exhibitions and Online Content.

The conditions governing individual loans are outlined in the loan agreement, including any exceptions to the financial and environmental requirements. Any revisions or modifications to the terms in the loan agreement require a loan agreement amendment.

Loan activities are documented and records are maintained in accordance with LAC corporate recordkeeping requirements. This includes maintaining records on the approval or refusal of all loan requests as well as exceptions made to the conditions governing individual loans; on tracking of loan requests and the holdings that are on loan; and on the monitoring activities for holdings that are on loan.

6.5. Lending of Indigenous Holdings

In the spirit of reconciliation, the lending of Indigenous holdings in LAC's collection, where the holdings were created by or relate to an Indigenous community, will be done in a manner that is consistent with LAC's [Indigenous Heritage Action Plan](#).

LAC will make every effort to make holdings available to Indigenous communities that have connections to the holdings and may make exceptions to the financial and environmental requirements of this directive for such loans. LAC may also prioritize loans that support reconciliation with Indigenous Peoples.

When lending Indigenous holdings, LAC will consult or require that the borrowing institution consult with stakeholders, including Indigenous groups, in order to support decision-making (e.g., when lending treaties).

6.6. Governance

Loans for the purpose of exhibitions and events are managed by the Exhibitions and Online Content Division of the Public Services Branch, in close collaboration with the Care of Collection Division of the Digital Operations and Preservation Branch, and in consultation with the portfolio archivist or librarian of the acquisition area. Other

relevant stakeholders from across LAC, including acquisition staff, are informed and have the opportunity to raise concerns about the loan request or the holdings requested.

An ad hoc Loan Review Committee is convened to discuss and provide recommendations to senior management when issues concerning loan requests or the holdings requested warrant further examination and consultation. The committee, which is co-chaired by the Director of Exhibitions and Online Content and the Director of Care of Collection, includes representatives from relevant areas of the institution, including acquisition staff, in accordance with the committee's Terms of Reference.

The committee will also convene to make recommendations concerning such issues as prioritization of loans requests, exceptions to the financial arrangements or the environmental conditions and monitoring requirements, refusals, restrictions, or to recall an existing loan.

In the exceptional circumstance that the committee co-chairs are unable to resolve questions concerning a loan request to the satisfaction of the committee, the decision of whether to loan or not rests with the Directors General. If the Directors General cannot agree, the decision of whether to loan or not rests with the Deputy Librarian and Archivist of Canada.

7. Roles and Responsibilities

The Deputy Librarian and Archivist of Canada is responsible for the implementation of this directive.

The Director General of Public Services Branch is responsible for managing the loans program, including receiving official loan requests; reaching consensus with the Director General of Digital Operations and Preservation Branch when the Loans Committee cannot agree; and signs the loan agreements.

The Director General of Public Services Branch and the Director General of Digital Operations and Preservation Branch are responsible for the oversight of decisions concerning loans based on the advice of the Loans Review Committee and senior management, as appropriate.

The Director General of Digital Operations and Preservation Branch is responsible for overseeing the conservation work and environmental monitoring of holdings on loan.

The Director General of Archives Branch and the Director General of Published Heritage Branch provide advice to the Director General of Public Service Branch, as requested and where appropriate.

The Director of Exhibitions and Online Content and the Director of Care of Collection are responsible for collaborating to advise the Director General of Public Services on loan decisions and for convening the Loan Review Committee when concerns are raised that require further examination or consultation.

The Chief Security Officer provides advice when there are possible security risks or if the holdings are of significant value.

The Loans Officer is responsible for consulting with relevant stakeholders from across LAC prior to the approval of a loan request, including the portfolio archivist or librarian, and for recommending that a Loans Review Committee be convened when concerns are raised that require further examination or consultation. The Loans Officer is also responsible for ensuring that relevant stakeholders are informed once a loan request is approved.

The Portfolio Archivists and Librarians, Collection managers, and copyright officers are responsible for raising issues concerning the implications of lending the requested holdings, and for liaising with donors, federal institutions transferring records, and clients, as required.

Managers and staff are responsible for undertaking lending activities in accordance with this directive.

8. Monitoring, evaluation and review

The Deputy Librarian and Archivist of Canada monitors this directive and related policy instruments with the support from the operational areas responsible for loan activities at LAC.

The Director of Corporate Planning and Accountability may evaluate or review loan activities at LAC in relation to the directive to measure its progress, effectiveness, and the attainment of its objectives.

The Director of Strategic Research and Policy, in collaboration with operational areas responsible for loan activities at LAC, will review this directive after five years, or as required.

9. Consequences

Consequences for non-compliance with the directive may include corrective measures from the Deputy Librarian and Archivist of Canada, the Librarian and Archivist of Canada, or Management Board.

10. Information

Please address any questions about this directive to:

Director, Strategic Research and Policy
Library and Archives Canada
550 de la Cité Boulevard
Gatineau, Québec
J8T 0A7
Email: bac.politiques-policy.lac@canada.ca

Appendix A: Related Documents

Laws

[Public Property Loan Regulations](#)

LAC Policy Instruments

[Access Policy Framework](#)

[Stewardship Policy Framework](#)

Policy on Security (*internal link*)

Treasury Board Secretariat

[Policy on Management of Materiel](#)

[Guide to Management of Material](#)

[Guide to the Management of Movable Heritage Assets](#)