



Library and Archives Canada (LAC)

Directive on Removals from LAC Holdings



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1. Effective date

This directive has been approved by Management Board and takes effect on December 3, 2018.

2. Application

The *Directive on Removals from LAC Holdings* applies only to documentary heritage that is already part of LAC's holdings and does not apply to items, publications and records in LAC custody that the institution has not yet decided to keep as part of the national collection (eg. unprocessed private archives).

The removal of earlier versions of migrated digital records and publications, created and managed by LAC for the purposes of preservation, (i.e., converted into new formats for preservation purposes) is covered by the *Policy on Holdings Management* (2016) and its associated instruments, and is therefore not within the scope of this directive.

The directive sets criteria for, and applies to, all LAC activities aimed at deciding whether and how to remove documentary heritage from LAC holdings. This directive determines an approach to removal decisions for each type of documentary heritage in LAC holdings.

The directive falls under the *Evaluation and Acquisition Policy Framework* (2016) and should be applied in conjunction with the *Stewardship Policy Framework* (2013), and related documents (see Appendix B).

The directive supersedes the *Policy on Removal of Government Records from LAC Custody* (2009).

This directive is not meant to encourage an expansion of, or increased frequency, of, removal activities from LAC's holdings, and instead exists solely to provide a clearly articulated policy foundation for instances where removal is judged necessary.

Removal of holdings is executed in accordance with other legislative, regulatory and policy instruments.

3. Definitions

See Appendix A

4. Context

4.1 Policy and Legal Context

The *Library and Archives of Canada Act* (2004) section 9 (1) states that “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.” Section 9 (2) notes that such removal must take place in accordance with existing terms and conditions, which LAC has captured in disposition authorizations and in contracts of acquisition

LAC engages in the removal of documentary heritage to greater and lesser extents depending on the type of documentary heritage, the circumstances of acquisition, in accordance with operational needs or legal requirements, and when it is considered appropriate to do so.

The Evaluation and Acquisition Framework (2016) and the *Stewardship Policy Framework (2013)* set out the principles of suitability and sustainability of LAC’s documentary heritage, while the *Policy on Holdings Management (2014)* requires that LAC “disposes of any redundant, unusable, unsustainable, or unsuitable holdings in accordance with policies, best practices and any required authorization.”

Removal decisions reside within the acquisition area of the documentary heritage in question. However, removal decisions should be informed by consultation with, or advice from, other branches within LAC when appropriate.

4.2 Government of Canada (GC) Records

LAC routinely and continually conducts proactive removal of GC records from its holdings, principally addressing those records that LAC identifies as having no historical or archival value or which had not yet been fully appraised but were acquired under “selective retention” appraisal decisions, where the final selection of archival records was deferred until the records were within archival custody. The processes used for these removals are structured to align with the requirements outlined in sections 12 and 13 of the *LAC Act*.

4.3 Private Archives

Private archives holdings are thoroughly reviewed during the arrangement and description process, and removal actions tend to occur at this stage when documentary heritage is identified as non-archival. There has therefore not been a systematic build-up of private archives without historical archival value in LAC holdings that have passed the processing stage and have been made available to the public (in accordance with donor requirements, policies, and regulations). LAC has consequently only rarely removed documentary heritage from private sources from its holdings upon external request, or in cases where a duplicate has been identified.

4.4 Publications

With the exception of duplicates, LAC generally does not remove publications from its holdings. Publications that have been removed were not acquired or held under

the requirements and regulations related to Legal Deposit (section 10 of the *LAC Act*) or Public Opinion Research (section 15.1 of the *LAC Act*).

4.5 Web-based and social media holdings acquired through the Web Archiving Program

LAC has conducted web archiving for digital preservation purposes under its own, unique authority since 2004 (section 8(2) of the *LAC Act*). Resources acquired through web archiving are a relatively new part of the collection and therefore have no removal history to date.

5. Purpose

The purpose of this directive is to establish:

- Specific direction for the circumstances and scenarios in which LAC may choose to remove documentary heritage from its holdings;
- A consistent approach to removal decisions tailored to each documentary heritage type;
- A clearly articulated approach to removal of holdings, including the considerations and due diligence applied to decisions surrounding removal of documentary heritage from LAC's holdings; and
- The assigned roles and responsibilities for informing and executing these decisions.

6. Requirements

6.1 General Requirements

All recommendations and decisions for removal of documentary heritage are fully documented in the LAC corporate recordkeeping system.

The recommendation for, and approval of, removal decisions, occur in accordance with specific procedures developed within the LAC area with the formal responsibility for the acquisition of the documentary heritage in question.

Removal actions are taken in a timely matter. Following removal, LAC databases and systems are updated to reflect the removal action, and internal and external communication tools are developed where appropriate.

Removal decisions that may affect, or benefit from the input of an area within LAC other than the acquisition area directly responsible for the removal decision, are consulted as appropriate prior to a removal decision-taking place.

All removal decisions are subject to the approval of the Librarian and Archivist or his/her delegate, based on subject matter experts' analysis and recommendations.

6.1.1 Removal due to deterioration/preservation issues

For all types of documentary heritage, removal may occur in instances where the degradation of the documentary heritage in question is permanent and irreversible to the extent that access is no longer possible, or faces major impediments.

The existence of such impediments to preservation is determined by the area responsible for the acquisition of the type of documentary heritage in question, as well as through the assessment and advice of Digital Operations and Preservation Branch.

Once the state of degradation has been determined, removal decisions follow the approval processes defined by the responsible acquisition area.

6.1.2 Removal when required by law

For all types of documentary heritage, removal may occur in instances where LAC is required by law to do so (e.g. destruction order issued by a court, person or body with jurisdiction to compel the destruction of the record).

6.2 Removal of Government of Canada (GC) records

Removal of GC records from LAC's holdings is most often a means to address the presence of quantities of records that do not have historical or archival value, in order to refine the collection and improve access.

Removal of GC records takes place under one or more of the following circumstances:

- a) Where records are discovered to meet either or both of the following criteria:
 - They are identified in an approved disposition authorization (DA) as not having historical or archival value;
 - They were acquired, possibly through an approved DA, but have been reappraised and determined to not be of historical or archival value;
- b) Where they are established to be duplicates of records already in LAC holdings;

Removal decisions for GC records are based on the expert advice and recommendation of government archivists, with consideration of any relevant provisions found within DAs.

Decisions to remove GC records are communicated to the originating department, which is given the option of reclaiming the records identified for removal.

Removal of GC records may result in either destruction, return to the creating institution, or alienation to another institution outside the GC.

6.3 Removal of private archives

Removal of private archives takes place under the following circumstances:

- a) Where material is deemed non-archival (non-historic material, duplicates, objects, etc.) during the processing stage of acquisition¹ or,

¹ This pertains to material covered under a deed of gift but identified as non-archival during processing, but does not include private archival material not yet acquired by, or on deposit to, LAC

- b) Where material is requested by an external party or another institution to be de-accessioned from LAC and transferred to them, or LAC determines they are best placed with the external entity;

Removal decisions for private archives are based on the expert advice and recommendation of private archivists, with consideration of the terms of the contract of acquisition or the certification of the Canadian Cultural Products Export Review Board.

Removal of private archives may result in transfer to another institution, return to the creator or donor, or in destruction.

6.4 Removal of publications

6.4.1 Removal of publications acquired through purchase, gift, or agreement

Removal of publications acquired through a purchase, as a gift, or via an agreement, takes place when it is determined that the retention of the publication is not required to fulfill LAC's mandate or is not required by the *Policy on Collection Development for Published Heritage (2018)*.

These decisions are based on the expert advice and recommendation of librarians, in consideration with the intentions of the donor, the seller, or the transferring entity (e.g. donor agreement provisions).

Removal of these publications may result in transfer to another institution, return to the donor, or in destruction.

6.4.2 Removal of publications acquired through Legal Deposit and Public opinion research

Removal of documentary heritage acquired by LAC within the legislative context of Legal Deposit (section 10 of *LAC Act*) or public opinion research (section 15.1 of *LAC Act*), takes place only when LAC is legally required to do so as a result of litigation.

Removal of publications acquired through Legal Deposit or as public opinion research reports are based on advice of librarians as subject-matter experts and with consideration to the legislative context of acquisition.

6.5 Removal of web-based and social media holdings acquired through the Web Archiving Program

Removal of web-based or social media resources captured through LAC's Web Archiving Program takes place when it has been determined that extraneous material was collected, in the context of large web crawls, outside the formal collection scope

Removal of web-born and social media resources acquired through the Web Archiving Program are based on subject matter expertise and with consideration of the legislative and policy contexts of acquisition.

Removal of web-based resources can result in transfer to another institution or destruction.

7. Roles and responsibilities

The **Librarian and Archivist of Canada**, as Deputy Head, is accountable overall for evaluation and acquisition at LAC, including for activities related to the removal of holdings; and where appropriate delegates the power to consent to remove documentary heritage from LAC holdings to the relevant level of LAC management.

The **Deputy Librarian and Archivist of Canada** is responsible for the implementation and review of this directive in accordance with the *LAC Policy Management Framework*.

The **Director General, Archives Branch** provides oversight of removal decisions within their responsible acquisition areas, as well as advice and expertise on removal assessments and decisions, as requested and where appropriate.

The **Director General, Published Heritage Branch** provides oversight of removal decisions within their responsible acquisition areas, as well as advice and expertise on removal assessments and decisions, as requested and where appropriate.

The **Director General, Digital Operations and Preservation Branch** provides advice and expertise on the physical deterioration and long-term sustainability of preserving documentary heritage of compromised condition, and carries out the destruction of documentary heritage in instances where this is the approved form of removal.

The **Director General, Public Services Branch**, provides advice and expertise on removal assessments and decisions, as requested and where appropriate.

Directors, Managers, and Staff conduct removal of holdings activities and processes in compliance with the requirements set out in this directive, and document their recommendations and decisions, and exercise the delegated authority of the Deputy Head for removal when so granted.

8. Monitoring, evaluation, and review

The activities performed under this directive are monitored annually through performance measures by the offices responsible for overseeing the management of the particular removal process.

This directive will be reviewed in five years following the date it comes into effect, or as required.

9. Consequences

Consequences for non-compliance with the *Directive on Removals from LAC Holdings* may include corrective measures from the Librarian and Archivist of Canada, Management Board, or the Director General of Archives Branch. Corrective measures may include any actions deemed appropriate in the circumstances.

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
K1A 0N4
Email: bac.politiques-policy.lac@canada.ca

Appendix A: Definitions

Access [Accès]

Access occurs when clients can find, identify, view, obtain and use holdings.

Acquisition [Acquisition]

Acquisition is the process of acquiring documentary heritage of historical or archival value. Acquisition takes place when a decision is made to take control of documentary heritage for the purpose of preserving it for future generations.

Alienation [Aliénation]

The transfer of ownership of documentary heritage from LAC to another entity. See 6.2 for the application of alienation in the context of government records.

Appraisal [Évaluation]

The process of determining whether records and other materials have value as documentary heritage. The basis of appraisal decisions may include a number of factors, including the records' provenance and content, their authenticity and reliability, their order and completeness, their condition and costs to preserve them, and their intrinsic value.

Historical or Archival Value [Valeur historique ou archivistique]

Historical or archival value is the quality of having continuing usefulness or significance to Canadian society.

Holdings [Collection]

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

Migration [Migration]

The movement of records from analog to digital or digital-to-digital as sustainability warrants and/or standards and technology evolve.

Preservation [Préservation]

All actions taken to retard deterioration of holdings or to prevent damage to them; to provide access to them, and to ensure that their use and meaning, and capacity to be accepted as evidence of what they purports to record are maintained over time.

Removal [Retrait]

The act of permanently removing documentary heritage from LAC's holdings. See section 6 and its subsections for the different mechanisms of removal.

Selective Retention [Conservation sélective]

"Selective retention" is a term previously used in Records Disposition Authorities (RDAs), now known as disposition authorizations (DAs). The term indicated that records were to be transferred to LAC at the end of their retention periods as historical

records, but that further selection would take place at LAC to separate records valuable enough to be kept, from those that were not.

Web archiving [Archivage du Web]

Web archiving consists of evaluating, technically assessing, acquiring, quality controlling, data management, arranging and curating collections, describing, digital preservation, and guaranteeing future discovery and access to content from the Web that constitutes digital documentary heritage, especially where that content is available in no other medium.

Appendix B : Related Policies and Documents

Evaluation and Acquisition Policy Framework (2016)

Stewardship Policy Framework (2013)

Directive on Disposition Authorizations (2016)

Policy on Holdings Management (2014)

Collection Development Policy for Published Heritage (2018)

Guidelines for Recommending and Authorizing the Removal of Government of Canada (GC) Records From Library and Archives Canada Custody (2009)

Procedures for the Removal of Government Records from LAC Custody (2009)