

**University of Toronto Faculty of Information**  
**INF 2150 Legal Issues in Archives (Winter 2017)**  
**Course Syllabus**

**Time:** Mondays, 6:30-9:30

**Location:** BL 325

**Instructor:** Loryl MacDonald

**Office Phone:** (416) 978-7656

**Email address:** loryl.macdonald@utoronto.ca

**Office Hours:** By appointment

**Course Goal:**

The course will introduce students to the legal framework that applies to the management, creation, preservation and use of public and private archival documents in Canada.

**Course Objectives:**

Upon completion of the course, students will be able to discuss and demonstrate an understanding of:

- the fundamental concepts of the Canadian legal system
- the implications and challenges of the law for public and private sector archival institutions
- the course topics listed below:
  - Archives' legal framework and legal issues in acquisition and ownership
  - Cultural property and tax laws
  - Freedom of information and protection of privacy laws
  - Intellectual property law
  - Evidence law
  - Ethics and the archival profession

**Relationship between Course Learning Outcomes and Program Learning Outcomes**

(<http://current.ischool.utoronto.ca/studies/learning-outcomes>): This course will help students understand and be conversant in legal fundamentals, theories, and practices as they apply to the management, creation, preservation and use of records (Outcome 1). An awareness of the legal and ethical frameworks that underpin archival work will instill students with values of social responsibility appropriate for information professionals (Outcome 2). An appreciation of the evolving nature of the law and its impact should inspire students' continued learning and development throughout their careers (Outcome 6).

**Format of the Course:** The class will meet for three hours each week. The format of the course will consist of lectures, class discussions, in-class activities, and guest-speakers.

**Course Site:** Course documents are available electronically through Blackboard. Please check Blackboard periodically for newly posted materials including syllabus updates, lecture notes, assignments, or announcements. An instruction sheet is at the end of this syllabus.

**INF 2150 Legal Issues in Archives (Winter 2017)**  
**Assignments**

<b>Assignment</b>	<b>Due Date</b>	<b>Weight</b>
1. Short paper on legal issue / archives current event	February 6	15%
2. Formal Paper	March 6	35%
3. Final Exam	April 3 (6:30-8:30)	35%
4. Class Attendance and Participation	Throughout	15%

**Assignment 1: Short Paper on a Legal Issue / Archives Current Event**

A short paper about a news items related to law and archives. The topic does not necessarily have to be a recent current event. The assignment will be graded on your ability to summarize the news item concisely and to demonstrate critical analysis of the legal/archival issue.

**Length:** 1500-1750 words

**Due:** February 6

**Assignment 2: Formal Paper**

A formal paper exploring in greater detail a legal issue covered in the course. Some suggestions for topics include:

- How do archives and archivists balance the competing values of access to information and protection of privacy?
- What issues do copyright law present for the administration of archives?
- Has the tax credit system been a blessing or a burden for archivists?
- What impact does archival practice have on the admissibility of documents as evidence?
- What roles do archives play in enhancing accountability?
- What is the relationship between archival ethics, the law, and acquisition?

The paper will be graded on evidence of a critical analysis of the topic, relevant content, use of appropriate sources, organization of material into a coherent structure, and clear style.

**Length:** 3000-3500 words

**Due:** March 6

**Format of Written Assignments:**

Papers must be formatted in 12 point font, double spacing with one-inch margins.

**Over Length Assignments:**

Assignments that run over length will be reduced by one grade point (e.g., from A to A-, from B+ to B).

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### **Submission of Assignments:**

Please submit your assignments in both paper and electronic format.

### **Late Assignments:**

Unless the instructor and student have reached a **prior** agreement, late assignments will be reduced by one grade point (e.g., from A to A-, from B+ to B) for each week to a maximum of two weeks. Thereafter any passing assignment will receive a B- grade.

### **Extensions within Term:**

All requests for extensions must be submitted to the instructor in written form at least **one week** before the due date. The instructor may ask that requests for extensions be accompanied by appropriate documentation from relevant authorities.

### **Grading:**

Grading for the course will be based on the *FI Grading Guidelines* (<http://current.ischool.utoronto.ca/grade-interpretation>). The *Guidelines* are also included at the end of this document.

### **Class Attendance and Participation:**

Regular attendance as well as participation in class activities and discussions are expected.

### **Academic Integrity:**

Always cite your sources and credit the authors whose work or ideas you use. Plagiarism is taken very seriously at the U. of T.; be aware of the relevant policies. Please review Governing Council's *Code of Behaviour on Academic Matters* for the University's policy on plagiarism, cheating, and other forms of academic dishonesty. (<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>).

### **Accommodation of Students with Disabilities:**

Students with diverse learning styles and needs are welcome in this course. In particular, if you have a disability or health consideration that may require accommodations, please feel free to approach me and/or the Accessibility Services Office as soon as possible. The Accessibility Services staff are available by appointment to assess specific needs, provide referrals and arrange appropriate accommodations. The sooner you let them and me know your needs, the quicker we can assist you in achieving your learning goals in this course.

### **Writing Support:**

The SGS Office of English Language and Writing Support provides writing support for graduate students. The services are designed target the needs of both native and non-native speakers of English and include non-credit courses, single-session workshops, individual writing consultations, and website resources. These programs are free. Please avail yourself of these services, if necessary.

**INF 2150 Legal Issues in Archives (Winter 2017)**  
**Course Outline**  
(Subject to Revision)

**Class Date Topic**

**1. January 9: Introduction to course and assignments.**

**Readings:** No readings assigned.

**2. January 16: Archives' legal framework. Acquisition and ownership issues (donation agreements, loans, deaccessioning, and abandoned / unclaimed materials).**

**Readings:** Behrnd-Klodt, Menzi L. *Navigating Legal Issues in Archives*. Chicago: Society of American Archivists, 2008. Chapters 1-2, 4-8 and 16.  
[Inforum: KF4325 .B44 2008 – Course Reserves – [check availability](#)]

Archives Association of British Columbia. “Establishing an Archives” in *Archivists' Toolkit* (2009). Available at:  
<http://aabc.ca/resources/archivists-toolkit/>

**3. January 23: Cultural property and tax laws.**

**Readings:** Canadian Cultural Property Export Review Board. Available at:  
<http://www.pch.gc.ca/pgm/bcm-mcp/cebc-cperb/index-eng.cfm>

Home, Heather. “Monetary Archival Appraisal and Tax Receipting in Canada: An Update”. *The Bulletin* Vol. 34, No. 2 (April 2010): 8-16.  
[Available in Blackboard]

National Archival Appraisal Board. Available at: <http://www.naab.ca/>

National Archival Appraisal Board. *The Future of Monetary Archival Appraisal in Canada Conference Proceedings*. (2007) Available at:  
<http://www.naab.ca/Files/2007proceedings-e.pdf>

Silversides, Brock. *Preparing for Monetary Appraisals: A Guide for Canadian Archival Institutions*. Ottawa: Association of Canadian Archivists, 2004. [Inforum: CD973 .A77 S55 2004 – Course Reserves – [check availability](#)]

## INF 2150 Legal Issues in Archives (Winter 2017)

Walden, David. "The Tax Credit System: Blessing or Burden?" *Archivaria* 18 (Summer 1984): 84-90. [e-article (scroll to bottom)]  
<http://archivaria.ca.myaccess.library.utoronto.ca/index.php/archivaria/article/view/11080/12016>

*Cultural Property Export and Import Act* (R.S., 1985, c. C-51) Available at: <http://laws-lois.justice.gc.ca/eng/acts/C-51/>

**4. January 30: Cultural property and tax laws (continued).** Guest-speaker: Michael Moir, University Archivist and Head, Clara Thomas Archives and Special Collections.

**Readings:** Please see January 23.

**5. February 6: Freedom of information and protection of privacy laws.**

**Readings:** Canadian Standards Association. *Model Code for the Protection of Personal Information* (1996). [Available in Blackboard]

Gilbert, Jay. "Access Denied: The Access to Information Act and its Affect on Public Records Creators" *Archivaria* 49 (Spring 2000): 84-123. [e-article] <http://journals.sfu.ca/archivar/index.php/archivaria/article/view/12740/13923>

Hayward, Robert J. "Federal Access and Privacy Legislation and the Public Archives of Canada." *Archivaria* 18 (Summer 1984): 47-57. [e-article] <http://journals.sfu.ca/archivar/index.php/archivaria/article/view/11077/12013>

Office of the Privacy Commissioner of Canada. Available at: [http://www.priv.gc.ca/index\\_e.cfm](http://www.priv.gc.ca/index_e.cfm)

Office of the Ontario Information and Privacy Commissioner. Available at: <http://www.ipc.on.ca/>

*Access to Information Act* (R.S., 1985, c. A-1). Available at: <http://laws-lois.justice.gc.ca/eng/acts/a-1/>

*Freedom of Information and Protection of Privacy Act* (R.S.O. 1990, c.F.31). Available at: [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90f31\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f31_e.htm)

## INF 2150 Legal Issues in Archives (Winter 2017)

*Municipal Freedom of Information and Protection of Privacy Act* (R.S.O. 1990, c. M.56). Available at: [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90m56\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m56_e.htm)

*Personal Health Information Protection Act* (R.S.O. 2004, c.3). Available at: [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_04p03\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04p03_e.htm)

*Personal Information Protection and Electronic Documents Act* (R.S.C. 2000 c. C-5). Available at: <http://laws-lois.justice.gc.ca/eng/acts/P-8.6/>

*Privacy Act* (R.S., 1985, c. P-21). Available at: <http://laws-lois.justice.gc.ca/eng/acts/p-21/>

### **6. February 13: Freedom of information and protection of privacy laws (continued).**

**Readings:** Please see February 6.

February 20 Reading Week

### **7. February 27: Intellectual property law.**

**Readings:** Access Copyright. Available at: <http://www.accesscopyright.ca/>

Canadian Council of Archives Copyright Committee. *Information for Archives and Archivists*. Available at: [http://www.cdncouncilarchives.ca/copycomm\\_info.html](http://www.cdncouncilarchives.ca/copycomm_info.html)

Dryden, Jean. *Demystifying Copyright: A Researcher's Guide to Copyright in Canadian Libraries and Archives*. Ottawa: Canadian Library Association, 2001. [Inforum: KE2799.2 .D79 2001 – Course Reserves – [check availability](#); and (2014, 2<sup>nd</sup> ed.) KE2799.2 .D79 2014 - [check availability](#)]

Dryden, Jean. “What Canadian Archivists Know About Copyright and Where They Get Their Knowledge,” *Archivaria* 69 (Spring 2010): 77-116. [e-article] <http://journals.sfu.ca/archivar/index.php/archivaria/article/view/13262/14573>

## INF 2150 Legal Issues in Archives (Winter 2017)

Dryden, Jean. *Archivists and the Trans-Pacific Trade Agreement: Talking Points*. Toronto: September 15, 2015. [Available in Blackboard]

Geist, Michael. *The Battle over C-11 Concludes: How Thousands of Canadians Changed the Copyright Debate*. (June 18, 2012) Available at: <http://www.michaelgeist.ca/content/view/6544/125/>

Marrelli, Nancy. *Speaking notes from appearance before the Legislative Committee on Bill C-32*. Ottawa: Canadian Council of Archives, 2011. [Available in Blackboard]

*Copyright Act* (R.S.C. 1985). Available at: <http://laws-lois.justice.gc.ca/eng/acts/C-42/>

### 8. March 6: Intellectual property law (continued).

**Readings:** Please see February 27.

### 9. March 13: Evidence law.

**Readings:** Canadian General Standards Board. *Electronic Records as Documentary Evidence* (CAN/CGSB-72.34-2005). [Inforum: KE8457 .E44 2005– Course Reserves – [check availability](#)]

Canadian General Standards Board. *Microfilm and Electronic Images as Documentary Evidence* (CAN/CGSB-72.11-1993). [Inforum: Z265 .C36 M53 1993 – Course Reserves – [check availability](#)] [check Blackboard]

Carter, Rodney G. S. “Ocular Proof: Photographs as Legal Evidence,” *Archivaria* 69 (Spring 2010): 23-47. [e-article]  
<http://journals.sfu.ca/archivar/index.php/archivaria/article/view/13260/14571>

Force, Donald E. “From Peruvian Guano to Electronic Records: Canadian E-Discovery and Records Professionals,” *Archivaria* 69 (Spring 2010): 49-73. [e-article]  
<http://journals.sfu.ca/archivar/index.php/archivaria/article/view/13261/14572>

Gurushanta, Vigi. “Legal Admissibility of Electronic Records.” (2003). Available at: <http://bit.ly/vB27ut> (Google Docs sign in required)

## INF 2150 Legal Issues in Archives (Winter 2017)

Sinclair, Kathy. "Victoria: The Keep-It-All State? ...," *Archivaria* 69 (Spring 2010): 117-142. [e-article]  
<http://journals.sfu.ca/archivar/index.php/archivaria/article/view/13263/14574>

Sheppard, A.F. "Records and Archives in Court," *Archivaria* 19 (Winter 1984-1985): 196-203. [e-article]  
<http://journals.sfu.ca/archivar/index.php/archivaria/article/view/11145>

*Canada Evidence Act (R.S. 1985, c-5)* (March 2008). Available at:  
<http://laws.justice.gc.ca/en/showtdm/cs/C-5>

*Personal Information Protection and Electronic Documents Act (R.S.C. 2000 c. C-5)*. Available at: <http://laws.justice.gc.ca/en/P-8.6/>

### 10. March 20: Ethics and the archival profession.

**Readings:** Dingwall, Glenn. "Trusting Archivists: The Role of Archival Ethics Codes in Establishing Public Faith," *American Archivist* 67 (Summer 2004): 11-30.  
[e-article] <http://www.jstor.org.myaccess.library.utoronto.ca/stable/40294244>

Schmockel, Wanda. "Digitizing the Dead," *The Walrus* (December 2015). Available at: <http://thewalrus.ca/digitizing-the-dead/>

Association of Canadian Archivists. *Code of Ethics*. (1999) Available at: <http://archivists.ca/content/code-ethics>

Society of American Archivists. *Code of Ethics for Archivists*. (2005, revised 2012) Available at: [http://www2.archivists.org/statements/saa-core-values-statement-and-code-of-ethics#code\\_of\\_ethics](http://www2.archivists.org/statements/saa-core-values-statement-and-code-of-ethics#code_of_ethics)

### 11. March 27: Wrap up and review of course.

**Readings:** No readings assigned.

### 12. April 3: Final Exam

[Reading List Service provided and links accessed by the Inforum:  
Winter term, 2016-2017]

## Joining Blackboard Course Site

### **Logging in to your Blackboard Course Website:**

Like many other courses, FIS 2150 uses Blackboard for its course website. To access the FIS 2175 website, or any other Blackboard-based course website, go to the UofT portal login page at <http://portal.utoronto.ca> and log in using your UTORid and password. Once you have logged in to the portal using your UTORid and password, look for the **My Courses** module, where you'll find the link to the FIS 2175 course website along with the link to all your other Blackboard-based courses.

### **Activating your UTORid and Password:**

If you need information on how to activate your UTORid and set your password for the first time, please go to [www.utorid.utoronto.ca](http://www.utorid.utoronto.ca). Under the "First Time Users" area, click on "activate your UTORid" (if you are new to the university) or "create your UTORid" (if you are a returning student), then follow the instructions. New students who use the link to "activate your UTORid" will find reference to a "Secret Activation Key". This was originally issued to you when you picked up your Tcard at the library. If you have lost your Secret Activation Key you can call 416-978-HELP or visit the Help Desk at the Information Commons on the ground floor of Robarts Library to be issued a new one. **The course instructor will not be able to help you with this.** 416-978-HELP and the Help Desk at the Information Commons can also answer any other questions you may have about your UTORid and password.

### **Email Communication with the Course Instructor:**

At times, the course Instructor may decide to send out important course information by email. To that end, all UofT students are required to have a valid UofT email address. You are responsible for ensuring that your UofT email address is set up AND properly entered in the ROSI system. You can do that by using the following instructions:

To submit the information to activate your UTORid and password (see above), you will need to click the "Validate" button. Follow the instructions on the subsequent screens to receive your utoronto.ca address. Once you have your UofT email address, go to the ROSI system ([www.rosi.utoronto.ca](http://www.rosi.utoronto.ca)), log in and update the system with your new UofT email address.

You can **check your UofT email** account from:

1. The UofT home page <http://www.utoronto.ca>: From the Quick Links menu on the top right, choose "my.utoronto.ca". Enter your UTORid and password, and when the Welcome page opens, click "WEBMAIL".
2. Email software installed on your computer, for example Microsoft Outlook or Mozilla Thunderbird. Visit the Help Desk at the Information Commons or call 416-978-HELP for help with the set up.