

What the Heck is Happening up North?

Canadian Federal Government Information, Circa 2014

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Documents to the People (DTTP), 42.1 (Spring 2014), p. 15-

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It has been a confusing and stressful couple of years for those of us working with Canadian federal government information. Changes to information policies and procedures have impacted the way publications and documents are produced, disseminated, and accessed. The library community's response has, by necessity, been reactive but renewed federal programs might provide opportunities for partnerships that were not possible in the past.

Background

The Treasury Board of Canada Secretariat (TBS), akin to the Office of Management and Budget in the United States, leads the Government of Canada (GC) information management strategy. This includes the development of policies and directives, standards, guidelines, and tools that inform departmental policy implementation.

Library and Archives Canada (LAC) is responsible for acquiring, preserving, and providing access to the documentary heritage of Canada, as established by the Library

and Archives of Canada Act^[1]. The Depository Services Program of Canada (DSP) is administered by Public Works and Government Services Canada (PWGSC) and provides a central distribution source for published Canadian government information. The DSP is informed by the *Communications Policy of Canada*^[2]. Both organizations collect and provide access to Canadian government information.

Poorly-Implemented Policy

In the late 1990s, the TBS began implementing a precursor to the “Common Look and Feel” protocol (CLF) in order to harmonize the look of government websites and improve accessibility standards, making it easier for people (both sighted and visually impaired) to navigate GC web content^[3]. Unfortunately, not all departments dedicated the resources necessary to make this change and/or adapt existing content to be in compliance with the new standard. Despite requests from LAC and DSP staff to capture web content before removal, much was lost as departments made under-funded attempts to bring their sites into compliance.

A government audit in 2007 showed that all tested websites failed basic priorities for compliance and that roughly half suffered from serious violations^[4]. This was highlighted in a 2010 Federal Court judgment that found the noncompliance to be an infringement of subsection 15(1) of the *Canadian Charter of Rights and Freedoms*. The Court declared that the government had a constitutional obligation to bring its websites into compliance with the *Charter* within 15 months^[5]. Since the declaration did not apply to

digital governmental historical and/or archived information stored in a database -- information that was to be provided in an accessible format upon request -- an incalculable number of pdfs and multiple databases were removed from public web access when the CLF Protocol 2.0 was launched in 2008^[6].

One of the more well-documented losses was online access to the Human Resources and Development Canada library catalogue^[7] but no registry of removed content exists. This left many librarians pondering the question, “how can you ask for something that you do not know existed?” Years later, in August 2013, the Natural Resources Canada Library announced a temporary loss of access to their library catalogue due to web protocol implementation^[8]. Access to this catalogue had not been restored at the time of writing (January 2014).

So where was the information safety net of the GC when content was lost in 2008? Well, LAC stopped web harvesting programs in late 2007 and was acquiring electronic government publications via the DSP^[9]. The DSP, informed by TBS policies and procedures, only collected select pdfs since it did not have the resources to ensure deposit compliance by departments. In fact, the departmental compliance rate had been an issue of concern since the DSP's inception in 1927^[10]. Electronic publications exacerbated the problem because many departments were publishing pdfs without an ISBN or GC catalogue number. Thus, there was no systematic way for the DSP or LAC to identify everything that was being published in electronic formats.

The resulting disillusionment with the GC's lack of action to provide comprehensive and systematic access to government publications was so acute that even seemingly positive policy changes were questioned. In late 2010 the Crown Copyright Licensing Program (CCL) announced that (with some exceptions) the non-commercial reproduction and use of GC publications and web content no longer required written consent. Instead of heralding this long-awaited improvement (already enjoyed by most other democratic countries)^[11], some government employees suggested that this was, instead, the GC's way of downsizing the PWGSC, a body responsible for fielding Crown Copyright requests. Indeed, the central CCL function of applying for use clearance was eliminated as part of 2012 budget cuts and is now handled by individual departments.

Another change in late 2010 was the cessation of the distribution of parliamentary committee documents; units responsible for their publication stopped providing print copies to the DSP. A number of librarians were concerned about the preservation implications of having to rely on electronic copies for parliamentary documents but repeated requests for information about digital preservation procedures (via the Depository Libraries listserv, INFODEP) were left unanswered.

It was in this context of doubt and frustration, then, that the library community received an announcement from the GC in 2011 about the launch of *Canada's Action Plan on Open Government*. The *Plan* focused on access to data sets and improvements in this area have been made. While access to publications and documents are clearly secondary to the *Plan*, it includes the development of a Virtual Library that was supposed to act as a repository and access point for electronic government

publications^[12]. In April 2012, a *Commitment* to the Virtual Library was posted on the *Open Government Partnership* website^[13]. Later that year, rumours began circulating about the project being put on “permanent hold” and a TBS representative confirmed in August 2013 that there are no timelines associated with the implementation of the Virtual Library and also that it will not, as previously stated, act as a repository. Rather, the Virtual Library will be a portal to current publications with individual departments responsible for the publication lifecycle workflows^[14].

Rumours of the downsizing of the federal departmental library system were also circulating as early as 2010. At a session of the Canadian Library Association (CLA) annual conference in Edmonton, a senior manager at LAC mentioned the *ADM Task Force on the Future of the Federal Library Service*. During that session I noted the important referral service this library system provides to academic librarians as well as the public at large and inquired about when and where the library community might have an opportunity to provide input to the Task Force. We were told that public forums would be held but, to the best of my knowledge, only government and corporate libraries were identified as stakeholders and solicited for feedback^[15].

Clearly, rumours are not a reliable way to obtain information about our professional duties. Unfortunately, very little information was being shared in any other way. Frustrated government employees were leaking information to people they thought might be in a safer position to voice concerns and act as advocates. For example, in early November 2012 the President of TBS informed Deputy Ministers about a *Web Renewal Action Plan* that would see the consolidation of over 1500 GC websites into a

single site by 2015. Government information librarians learned of this plan via “leaks” and relied on the British Columbia Freedom of Information and Privacy Association to use Freedom of Information legislation to obtain documents about the plan. These documents were not obtained until March 2013, as the request was delayed and a \$2,200 fee levied before their release^[16].

Budget Cuts for the Boom Times

Why would federal government librarians be worried about communicating with outside stakeholders? The GC's *Deficit Reduction Action Plan*^[17] radically reduced the capacity of the departmental and national library system and, to be blunt, staff were frightened of losing their jobs. In addition to staff reductions of more than 70% at the national science library (CISTI) a few years earlier, LAC experienced a 20% reduction of staff -- with digitization and circulation staff cut by 50%. In addition, based on this summary of departmental library closures provided by the CLA, at least thirty more departmental libraries were closed over twelve months:

Canada Revenue Agency will consolidate 9 libraries into one. The Public Service Commission library is closed. The Citizenship and Immigration Canada library will close by 31 March 2013. Parks Canada will consolidate 5 regional libraries into one. Fisheries and Oceans Canada will consolidate its library services into two principal and two subsidiary locations, and will close seven libraries. Human Resources and Skills Development Canada will close its two libraries as of 31 March 2013. Natural Resources Canada will close six of its 14 libraries by 31 March 2013, with one more to close in 2014. The Transportation Safety Board

will significantly reduce, and potentially close, its library. Public Works and Government Services Canada closed its library on 31 May 2012. Transport Canada will close its library by 31 March 2013.^[18]

Not only did policymakers lose access to important (and often rare) print resources, both government employees and the public alike lost access to a rich trove of human capital and knowledge. At one point during this process I called our local Canada Revenue Agency (CRA) library for assistance in tracking down a publication which had been published and disseminated by CRA years before; wasn't available online; and was not in LAC's collection. I was referred to the Canadian Tax Foundation, an independent research organization, and told that the CRA libraries no longer served the public.

The DSP announced its response to the Deficit Reduction Action Plan in April of 2012, informing its community of users that as of April 2014 they would no longer produce, print, or warehouse hard copies of publications^[19]. This was particularly worrisome because, again, there was no digital preservation strategy in place and LAC was not in a position to provide support in this area. In addition, the distribution of parliamentary publications stopped in September 2012. Questions from multiple librarians via the INFODEP listserv about opportunities to purchase print copies of the *Debates of Canada* and Committee documents went unanswered.

It is interesting to note that at the same time as the digitization unit at LAC was halved and hopes of achieving Trusted Digital Repository status seemingly abandoned, the

Librarian and Archivist of Canada Daniel Caron claimed that, “optimal access is one of the driving forces behind our modernization process” with digitization and access to digital objects replacing traditional interlibrary loan services^[20]. Caron resigned from his position in May 2013 but the budget cuts implemented during his watch will cast a long shadow on the staff and services of LAC^[21].

Perhaps appropriately, the CLA 2012 conference was held in Ottawa, Ontario, the nation’s capital. The CLA Access to Information Interest Group (since renamed the CLA Government Information Network or CLA GIN) meeting that year was well attended despite a 7:30 a.m. start time. Managers as well as rank and file practitioners from various capital region libraries sat around a lively, sometimes loud table as we explored and commiserated over the issues of the day. After a short presentation on the possibility of using the LOCKSS Program as an option for preserving digital government information, I asked if anyone present knew of any comprehensive digital preservation plan within the GC. The room was silent.

Off the record, many government employees encouraged the academic librarians in the room to move forward with the LOCKSS project. The stress and tension for government employees during this period was extreme and those of us reliant upon but outside the system felt the pressure to act as advocates. Since few, if any, of us had played this role before it was a bewildering and confusing period. The LOCKSS project considered at the CLA GIN meeting eventually came to be called the Canadian Government Information Private LOCKSS Network (CGI-PLN)^[22].

The rationale behind federal Canadian budget cuts -- when Canada has enjoyed one of the strongest economies of any developed nation in the past five years -- has been one of the more difficult things to explain to educated colleagues at international professional conferences.

Responding to Uncertainty

January 2013 was perhaps the darkest month of this story for Canadian government information librarians. A group of us were working closely with LOCKSS Program staff and former DSP Manager Gay Lepkey to move the DSP's e-archives onto LOCKSS boxes held at member institutions across the country. Instead of being able to focus on the task at hand, however, we were responding to rumours that the DSP itself might be closing and fielding calls from media about web content losses tied to the then-mysterious *Web Renewal Action Plan*. This plan, we were told, would remove up to 60% of web content before July 31, 2013^[23]. At the time, of course, we had no official documents or communication confirming or denying these claims. What we were told, directly, was that Statistics Canada was planning to remove publications less than 2-3 years old from their website. In addition, we were seeing web content disappear on an almost daily basis.

Parks Canada removed hundreds of lesson plans from its website, the Aboriginal Portal of Canada was closed with two weeks' notice, access to tables of 1665-1871 Census statistics disappeared with the decommissioning of E-Stat, and we started to notice

serious lapses in content on once trusted websites (e.g., ministerial speeches were no longer being added to departmental websites). To make matters worse, we were learning about restricted access to publications which used to be freely available online. For example, in order to access dozens of reports on the Health Canada website you now have to fill in and submit a form before the pdf document will be sent via email. Because this requires the use of an identifying email address, some suggested that it was in violation of Section 4 of the Privacy Act^[24]. Furthermore, when a library staff member attempted to order multiple titles using these forms, she was informed that they would not be provided until she explained how she intended to use them.

Thus, the information we had at ALA Midwinter 2013 was not encouraging: no LAC web harvesting, no comprehensive federal digital preservation strategy, rumours about the consolidation of websites and removal of web content, and rumours about the closure of the DSP. In addition, we were told that the deadline for downsizing Canadian government websites was only a few short months away and being pointed to the criteria which would be used to determine what was to be removed: ROT. ROT is an abbreviation of “Redundant, Outdated, or Trivial” web content^[25]. In most cases, subjective decisions about which web content was ROTten were being made by program managers, not librarians or others concerned with issues of stewardship. In addition, there was no information about the procedures for “offline archiving” or later access to this content.

Moving Forward

In March 2013 the Internet Archive ran a relatively comprehensive crawl of the GC web domain, available via the Wayback Machine. This crawl is now being used by librarians and journalists to document further losses of content from GC websites^[26]. The government information community in Canada has benefited from the support of our GODORT colleagues, the Internet Archive's willingness to crawl the GC web domain, and also the media response to LAC and the government information situation in general.

CGI-PLN members have started harvesting web content using institutional Archive-IT accounts^[27]. Pending support of the CGI-PLN Steering Committee, this content could be added to members' LOCKSS boxes. In addition, a senior manager at LAC announced the launch of a new web harvesting program at the July 5, 2013 Director's meeting of the Association of Parliamentary Libraries in Canada. While details of this plan have not been announced, the use of a LAC Archive-IT account was suggested, which would render files compatible with ingest into the CGI-PLN LOCKSS boxes. In September 2013 we learned that the content harvested by the LAC Archive-IT account would not be made immediately available to the public, although public access is the long-term plan.

The CLA has been informed of and is monitoring the events described above. They have filed submissions as part of the federal budget process and conducted a survey on the impact of federal budget cuts on Canada's libraries. These activities are nicely summarized in a new periodical, the *National Voice*^[28]. In addition, the CLA GIN is

attempting to document and monitor web content losses via a submission form on their blog^[29].

On June 1, 2013 the TBS's *Procedures for Publishing*^[30] replaced the *Procedures for the Depository Services Program and Central Publishing Database*. These procedures support the *Communications Policy of the Government of Canada*^[31]. The *Procedures* confirm the continuation of the DSP, stating that departments must maintain an index of published works and provide copies of listed publications to the DSP. While the creation of these indexes is an improvement, language around the DSP's role in deposit compliance remains essentially unchanged. Also, as before, some federal agencies are exempt from the DSP's collection mandate. While this and compliance issues in general are not new, it is worth noting that even DSP employees are unsure of the scope of agency exclusions, which read as follows:

2.1 These procedures apply to all departments listed in Schedules I, I.1 and II of the Financial Administration Act, unless excluded by specific acts, regulations or orders in council.

In order to identify excluded agencies, then, one would have to sift through and monitor acts, regulations, and orders in council. Thus, a true auditing of compliance remains an issue. In fact, compliance issues are at least threefold in nature.

First, the *Procedures* clearly state that monitoring and reporting responsibilities are shared between departmental Heads of Communications and staff at the PWGSC/DSP and LAC. However, Heads of Communications (or their designates) are also

responsible for approving all communications products (which includes publications). Thus, the very people who decide what should be published are also responsible for reporting on whether or not they were in compliance with sending those publications to the DSP and/or LAC.

Second, the PWGSC/DSP and LAC are responsible for measuring compliance but the main tool for doing so would be the indexes of publications, which are created by the Heads of Communications. In addition, it should be noted that “publications” as defined in the *Procedures* are a relatively narrow subset of “communications products” with the former excluding “promotional or short-lived items, such as calendars, news releases, advertising, backgrounders, forms and presentation decks.” In addition, “Publications do not include HTML webpages.” Thus, these items will not be subject to indexing and distribution to the DSP and/or LAC.

And finally, the penalties for non-compliance are vague and give the TBS final determination as to what consequences are “appropriate and acceptable in the circumstances.”

Conclusion

The path to digital publishing, dissemination, and access at the GC has taken some interesting turns over the past few years with encouragement coming from the construction of new partnerships like the nascent CGI-PLN and the continuation of the

DSP's Library Advisory Committee. While much web content and born digital publications have been lost, we are hopeful that renewed web archiving programs at LAC and Statistics Canada's willingness to reinstate some publications on their website will set the stage for the future^[32].

The TBS *Procedures for Publishing* will be reviewed in 2018. In the past, the DSP's Library Advisory Committee was an important vehicle for discussing issues of compliance and bibliographic control. While this Committee is no longer able to meet in person due to budget cuts, its continuation in a virtual realm could provide the forum necessary to assess the effectiveness of the new *Procedures*. Given the joint compliance responsibilities set out in the *Procedures*, however, a joint DSP-LAC Library Advisory Committee would seem to be a logical progression of this group.

Further Reading

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