

Ottawa, December 19, 2013

Mr. Hervé Déry
Acting Library and Archivist
Library and Archives Canada

550 de la Cité Blvd.
Gatineau, Quebec K1A 0N4

Dear Mr. Déry,

We are writing to you to ask for some clarification with respect to Library and Archives Canada's (LAC) retention and disposal policies in the case of government documents, including digitized documents, coming out of the Prime Minister's Office (PMO). We do this in light of the recent controversy over the emails of Mr Benjamin Perrin - special advisor and legal counsel to Prime Minister. As you know, it was initially reported by the Royal Canadian Mounted Police (RCMP) that Mr. Benjamin Perrin's emails had been deleted soon after leaving his position with the PMO in March this year. The public was also notified that deleting the emails and email accounts of departing PMO employees is standard practice. While the Privy Council Office has recently released a letter noting instead that Mr. Perrin's emails were in fact frozen, this was apparently done only because he is at present involved in on-going litigation. The implication is that had this not been the case, his emails would have indeed been deleted.

As historians, we find this situation very worrying, since disposing of such important government documents will seriously hamper attempts to conduct in depth research on central aspects of Canada's history. The situation is all the more troubling that deleting government documents apparently contravenes LAC guidelines and is clearly illegal under the *Library and Archives of Canada Act*. Section 12(1) of that Act clearly stipulates that:

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 whom the Librarian and Archivist has, in writing, delegated to give such consents.

In view of this, we would like to know if you, or your delegates, have in fact given written consent to delete the emails of PMO's departing employees. And, if so, may we have a current copy of that written consent, and be informed of how long ago this consent was granted? More broadly, our members would also like to get a better sense of how LAC has addressed the challenges of preserving digital documentary heritage coming out of the PMO? It is only by knowing what is being kept, what is being discarded and why that as historians we can hope to produce the most reliable accounts of our country's history.

We look forward to hearing from you in the near future,

Sincerely,



Dr. Dominique Marshall
President



Dr. Nicole Neatby
LAC Liaison Officer