



Canadian Federation of Library Associations  
Fédération canadienne des associations de bibliothèques



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**TO:**

Hon. Steven Guilbeault, Minister of Canadian Heritage  
Hon. Navdeep Bains, Minister of Innovation, Science and Industry  
Hon. Jean-Yves Duclos, President of the Treasury Board

September 16, 2020

Dear Ministers,

**Canadians Need Unfettered Access To Government Publications In Face Of COVID-19**

The Canadian Federation of Library Associations (CFLA) and the Canadian Association of Research Libraries (CARL) are calling on federal and provincial governments to make official publications more accessible to Canadians by assigning a Creative Commons Attribution Licence (CC BY) to publicly available government information. We see this as a necessary and immediate response to COVID-19 and the appropriate default model for accessing government information.

Over the past months, as they faced unprecedented challenges caused by COVID-19, Canadians have relied on their governments for information related to the novel coronavirus and its impact. Now more than ever, unfettered access to taxpayer-funded government information is of fundamental importance to a democratic society and to the health of its citizens.

Unfortunately, pre-existing barriers and confusion related to Crown copyright have exacerbated the issues associated with accessing government information. For example, onerous and unnecessary permission requests to government departments are subject to extensive delays; existing digital content remains unnecessarily restricted; and questions about the control and dissemination of both print and digital works, as well as data collections, hamper their sharing and redistribution.

The appropriate action would be the assignment of a recognized open licence to publicly accessible government content.

Specifically, the retroactive and ongoing assignment of a Creative Commons licence<sup>1</sup> to all publicly available government publications would help alleviate copyright-related

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<sup>1</sup> As with other jurisdictions, the Creative Commons Attribution licence (CC BY) as a default licence should be suitable in the majority of cases, with exceptions as needed for the Creative Commons Attribution Noncommercial licence (CC BY NC) and the appropriate application of Indigenous knowledge protocols.

legal barriers that prevent preservation, reproduction, and redistribution of these important reports and parliamentary proceedings, many of which relate directly to health and safety issues. Such a licence would improve on the implementation of the existing Open Government Licence and mirror policy decisions in [other jurisdictions](#) including Australia and New Zealand.

A retroactive default CC BY licence would immediately open up hundreds of thousands of digital and print government publications, including tens of thousands that have already been digitized by members of the library partnership [HathiTrust](#). This international non-profit organization is currently investing hundreds of staff hours to review Canadian government publications for copyright clearance -- time and energy that would not be necessary with the assignment of a comprehensive, standard open licence. Assigning a recognized open licence would also resolve the constraints associated with the digitization and sharing of published material in library and archival collections.

Canadians deserve unfettered access to information produced by their government for the purpose of broad dissemination. A retroactive and continuing default CC BY licence would help move Canada closer to its aims with Open Government and to the re-examination of section 12 that was recently suggested by the Supreme Court of Canada<sup>2</sup> and the parliamentary committee that reviewed the *Copyright Act*.<sup>3</sup>

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**CC to:**

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Greg Fergus, Parliamentary Secretary to the President of the Treasury Board and to the Minister of Digital Government

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<sup>2</sup> Keatley Surveying Ltd. v. Teranet Inc. 2019 SCC 43. <https://www.scc-csc.ca/case-dossier/cb/2019/37863-eng.aspx>.

<sup>3</sup> Parliament of Canada. Standing Committee on Industry, Science and Technology. Statutory Review of the *Copyright Act*. June 2019. <https://www.ourcommons.ca/DocumentViewer/en/42-1/INDU/report-16/>

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### **About CFLA-FCAB**

The Canadian Federation of Library Associations/Fédération Canadienne des associations de bibliothèques (CFLA-FCAB) is the national voice of Canada's library associations. Our purpose is to advance library excellence in Canada, champion library values and the value of libraries and influence national and international public policy impacting libraries and their communities.

### **About CARL**

CARL is the voice of Canada's research libraries. Our members include Canada's twenty-nine largest university libraries and two federal institutions. CARL enhances its members' capacity to advance research and higher education; promotes effective and sustainable knowledge creation, dissemination, and preservation; and advocates for public policy that enables broad access to scholarly information. CARL's two federal member institutions contribute to Canada's research enterprise and collaborate in coordinated efforts with the academic library community, but do not engage in CARL's federal advocacy.