To add to the record, it is important to note that the chairperson of the Archives Committee of the Canadian Historical Association which represents some 1,600 professional historians and researchers across Canada is also concerned about certain provisions of this proposed Bill. They wish to see it modified and they are prepared to appear and make representations for the needed changes before our committee.

The Social Science Federation of Canada in correspondence with me indicates serious concern in that Bill C-95 limits the jurisdiction of the Archivist to those institutions listed in Schedule 1 of the Access to Information Act and in the Schedule to the Privacy Act. Consequently, records of royal commissions and national institutions such as Air Canada, the CNR and the CBC, would not be covered. Unless the Archivist is given jurisdiction over the records of these national agencies, there is the real possibility that invaluable records of Canada's cultural past may be dispersed or simply destroyed. Similarly, Clause 5(1) of the Bill subjects the jurisdiction of the Archivist to other statutory provisions such as privacy and access to information legislation.

The problems which these new provisions can create for researchers are demonstrated by the passage of the Young Offenders Act which required the destruction of all case files related to juvenile delinquents retroactive to 1908. Experiences of a similar nature came to the public attention with the destruction of immigration files which were needed during the Deschênes Commission hearings.

In our view, such wholesale destruction of records virtually precludes in-depth scholarly assessment of the new judicial initiatives embodied in the Bill and required for informed decisions on future public policy. Moreover, there already exists under the Privacy Act a provision whereby the head of an agency of the Government of Canada may release to a researcher personal information, provided that the researcher gives a written undertaking not to publish his or her results in such a way as to constitute an invasion of personal privacy.

• (1410)

We believe that such a system should be extended to all personal information collected by the Government of Canada and that all statutory provisions requiring the non-release or destruction of such records should be amended by the new Archives Bill so that the Archives will have the final authority to decide what records are to be preserved, always subject to the provisions of the Privacy Act concerning the release of personal information. What must be avoided is the complete destruction of important records until their value to policy analysts and researchers can be assessed through the Chief Archivist.

Bill C-95, the legislation being proposed as a mandate for the Archives of Canada, has several links to access to information and privacy legislation. It is worthy to note that the implementation of the access to information and privacy legislation has had a significant impact on records management in federal institutions. Though the value of sound records management has long been recogized by government institutions as an administrative necessity, and sometimes a nightmare, there has been a heightened awareness of this need in order to meet the requirements of this legislation.

Descriptions of all classes of information as well as decisions on access to them is difficult where records are not adequately organized within a corporate records classification system. Furthermore, each government institution is required to compile schedules or timetables which list their record holdings, the period of time the information must be retained for its administrative value and the ultimate disposal of each file, whether through destruction or transfer as an archival record to the Public Archives. Such records retention and disposal schedules must be approved by the Archivist. Much work remains to be done by government institutions in the scheduling of their information which is the sole method that ensures that information is maintained and disposed of with due consideration for its administrative, archival and historic value.

Nearly everything remains to be done in computerized records over which records management has not effectively been extended. I would ask the Minister to pay particular attention to this absence of administrative codification.

As part of a code of fair information practice, the Privacy Act in Sections 4 to 6 sets out a framework for the collection, retention and disposal of personal information. Subsequent regulations, directives and guidelines establish that government institutions shall schedule personal information for retention and disposal in accordance with specific principles recognizing that the interests of individuals are to be protected. For example, personal information that has been used by a government institution for a purpose affecting an individual must be retained by an institution for a minimum of two years.

References to records retention and disposal schedules in regulations pursuant to the Privacy Act were developed to protect the interests of individuals as well as the standard values of information for use by the institution and for future archival and historic use. By directive, schedules for retention and disposal of personal information must indicate, once personal information has been designated by the archivist as having archival or historical value, when the information shall be transferred to the control of the public Archives. When personal information has not been so designated, the schedule must indicate when the information will be destroyed. Government institutions are directed to follow the records schedules they develop including the transfer of records to the Archives.

Although compliance by federal agencies with records management policy is being monitored and assessed by the public Archives through evaluations of records management operations and regular reporting to Treasury Board on the state of records management in Canada, much work remains