



Commissariat  
à l'information  
du Canada

Office of the  
Information Commissioner  
of Canada

Gatineau, Canada  
K1A 1H3

**PROTECTED A**

MAY 02 2014

Ms. Louise White  
President  
Atlantic Provinces Library Association  
SIM, Dalhousie University  
6100 University Avenue, Suite 4010 P.O. Box 15000  
Halifax NS B3H 4R2

**Subject:**       **Our file:**               3213-00870  
                  **Institution's file:** n/a

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Dear Ms. White:

I am writing to report to you the results of our investigation of your complaint, made under the *Access to Information Act* (the Act), against Library and Archives Canada (LAC).

### **Background**

On July 11, 2013, you complained to our office, on behalf of the Atlantic Provinces Library Association (APLA) membership, regarding LAC's Code of Conduct (the Code). Specifically, you contended that the Code was overreaching and limiting in freedom of expression of national library staff and that restrictions imposed on staff's professional and personally activities could have a potential effect of impeding "public awareness of, and ultimately public access to, the vast store of Canadian heritage materials and official government documents held at LAC."

In light of your concerns, you requested that our office review the Code, and if we determined that the concerns are substantiated, you asked that they be raised with LAC.

### **Investigation**

Upon review of the Code, we contacted LAC officials regarding several provisions which discussed the duty of loyalty and the approval process relating to staff participation at speaking engagements and conferences. We asked questions relating to the history and scope of these provisions which LAC answered.

During our investigations, however, LAC advised us that the Code about which you complained was being revised. We were advised that a revised Code was publicly available as of December 18, 2013, at the following link: <http://www.bac-lac.gc.ca/eng/about-us/Pages/code-conduct-value-ethics.aspx>.

This new development led us to review the newly revised Code to determine whether your concerns may have been resolved. Following our review, we concluded that the portions of the Code which you specifically questioned (i.e. identifying teaching, speaking at conferences and other personal engagements as high risk to LAC) were no longer part of the revised document.

Considering that the Code that was the subject of your complaint was no longer in effect, we contacted you and LAC to enquire whether all parties would agree to settle the complaint. On March 3, 2014, you provided us with consent to settle. In your submissions provided on behalf of APLA, you stated that although "...[t]he revised version does carry forward many of the substantive elements of the original" the document is now more respectful in tone. You concluded by noting that "...the revised version omits the alarming characterization of teaching, speaking at conferences and other personal engagements as high risk to LAC."

During the investigation, LAC also agreed to settle the complaint.

**Findings**

Based on the above, we will record your complaint as settled.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'C. Garrett', written in black ink.

Carmen Garrett  
Chief of Operations  
Intake and Early Resolution Unit  
Complaints Resolution and Compliance

c.c.: Access to Information and Privacy Coordinator  
Library and Archives Canada