Time: Mondays, 6:00-8:00  
Location: TBA  
Instructor: Loryl MacDonald  
Office Phone: (416) 978-7657  
Email address: loryl.macdonald@utoronto.ca  
Office Hours: Mondays, 4:00-6:00 or by appointment

Course Goal:  
The course will introduce students to the legal framework that applies to the creation, management, preservation and use of public and private archival documents in Canada.

Course Objectives:  
Upon completion of the course, students will be able to discuss and demonstrate an understanding of:  
• the fundamental concepts of the Canadian legal system  
• the implications and challenges of the law for public and private sector archival institutions  
• the course topics listed below.

Course Topics:  
• Overview of the Canadian legal system  
• Archives’ legal framework  
• Legal issues in acquisition and ownership  
• Cultural property and tax laws  
• Freedom of information and protection of privacy laws  
• Intellectual property law  
• Evidence law  
• Ethics and the archival profession

Prerequisite: INF1330 Archives Concepts and Issues

Format of the Course:  
The class will meet for two hours each week. The format of the course will consist of lectures, class discussions, in-class activities and guest-speakers.

Course Website:  
Course documents are available electronically through Blackboard. Please check Blackboard periodically for newly posted materials including syllabus updates, lecture notes, assignments, or announcements. An instruction sheet is at the end of this syllabus.
INF2150H – Legal Issues in Archives (Fall 2010)

Assignments

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Due Date</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Short paper on legal issue / archives current event</td>
<td>October 18</td>
<td>15%</td>
</tr>
<tr>
<td>2. Formal Paper</td>
<td>November 15</td>
<td>35%</td>
</tr>
<tr>
<td>3. Final Exam</td>
<td>December 13 (6:00-8:00 TBA)</td>
<td>35%</td>
</tr>
<tr>
<td>4. Class Participation</td>
<td>Throughout</td>
<td>15%</td>
</tr>
</tbody>
</table>

Assignment 1: Short Paper on a Legal Issue / Archives Current Event
A short paper about a news items related to law and archives. The topic does not necessarily have to be a recent current event. The assignment will be graded on your ability to summarize the news item concisely and to demonstrate critical analysis of the legal/archival issue.

**Length:** 1000-1500 words (5 pages)

**Due:** October 18

Assignment 2: Formal Paper
A formal paper exploring in greater detail a legal issue covered in the course. Some suggestions for topics include:

- How do archives and archivists balance the competing values of access to information and protection of privacy?
- What issues do copyright law present for the administration of archives?
- Has the tax credit system been a blessing or a burden for archivists?
- What impact does archival practice have on the admissibility of documents as evidence?
- What roles can archives play in enhancing accountability?
- What is the relationship between archival ethics, the law, and acquisition?

The paper will be graded on evidence of a critical analysis of the topic, relevant content, use of appropriate sources, organization of material into a coherent structure, and clear style.

**Length:** 3000-3500 words (10 pages)

**Due:** November 15

Format of Written Assignments:
Papers must be formatted in 11 point font, 1.5 spacing with one-inch margins.

Over Length Assignments:
Assignments that run over length will be reduced by one grade point (e.g., from A to A-, from B+ to B).
INF2150H – Legal Issues in Archives (Fall 2010)

Submission of Assignments:
Please submit your assignments in both paper and electronic format.

Late Assignments:
Unless the instructor and student have reached a prior agreement, late assignments will be reduced by one grade point (e.g., from A to A-, from B+ to B) for each week to a maximum of two weeks. Thereafter any passing assignment will receive a B- grade.

Extensions within Term:
All requests for extensions must be submitted to the instructor in written form at least one week before the due date. The instructor may ask that requests for extensions be accompanied by appropriate documentation from relevant authorities.

Grading:
Grading for the course will be based on the FI Grading Guidelines. The Guidelines are included at the end of this document.

Class Participation:
Regular participation in class activities and discussions are expected.

Academic Integrity:
Always cite your sources and credit the authors whose work or ideas you use. Plagiarism is taken very seriously at the U. of T.; be aware of the relevant policies. Please review Governing Council’s Code of Behaviour on Academic Matters for the University’s policy on plagiarism, cheating, and other forms of academic dishonesty. (http://www.utoronto.ca/govcncl/pap/policies/behaveac.html).

Accommodation of Students with Disabilities:
Students with diverse learning styles and needs are welcome in this course. In particular, if you have a disability or health consideration that may require accommodations, please feel free to approach me and/or the Accessibility Services Office as soon as possible. The Accessibility Services staff are available by appointment to assess specific needs, provide referrals and arrange appropriate accommodations. The sooner you let them and me know your needs, the quicker we can assist you in achieving your learning goals in this course.

Writing Support:
The SGS Office of English Language and Writing Support provides writing support for graduate students. The services are designed target the needs of both native and non-native speakers of English and include non-credit courses, single-session workshops, individual writing consultations, and website resources. These programs are free. Please avail yourself of these services, if necessary.
INF2150H – Legal Issues in Archives (Fall 2010)

Draft Course Outline
(Subject to Revision)

<table>
<thead>
<tr>
<th>Class Date</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. September 13</td>
<td>Introduction to course and assignments.</td>
</tr>
<tr>
<td>Readings:</td>
<td>No readings assigned.</td>
</tr>
<tr>
<td>2. September 20</td>
<td>The Canadian legal system.</td>
</tr>
<tr>
<td>Readings:</td>
<td>Forcese, Craig and Aaron Freeman. “The Laws of Government” in</td>
</tr>
<tr>
<td></td>
<td>Christopher Dunn, The Handbook of Canadian Public Administration.</td>
</tr>
<tr>
<td></td>
<td>Toronto: Oxford University Press, 2002. Chapter 4, Part B.</td>
</tr>
<tr>
<td>3. September 27</td>
<td>Archives’ legal framework (mandates, policies and procedures).</td>
</tr>
<tr>
<td>Readings:</td>
<td>Archives Association of British Columbia. “Establishing an Archives” in</td>
</tr>
<tr>
<td></td>
<td>Archivists’ Toolkit (2009). Available at:</td>
</tr>
<tr>
<td></td>
<td><a href="http://aabc.ca/TK_00_main_page.html">http://aabc.ca/TK_00_main_page.html</a></td>
</tr>
<tr>
<td></td>
<td>Behrnd-Klodt, Menzi L . Navigating Legal Issues in Archives. Chicago:</td>
</tr>
<tr>
<td>4. October 4</td>
<td>Acquisition and ownership issues (donation agreements, loans,</td>
</tr>
<tr>
<td></td>
<td>deaccessioning, and replevin).</td>
</tr>
<tr>
<td>October 11</td>
<td>Thanksgiving</td>
</tr>
<tr>
<td>5. October 18</td>
<td>Cultural property and tax laws.</td>
</tr>
<tr>
<td>Readings:</td>
<td>Archer, John. “Donors, Taxmen and Archives: Conference Coverage:</td>
</tr>
<tr>
<td></td>
<td>Canadian Historical Association” Canadian Archivist Vol. 2, No. 2</td>
</tr>
<tr>
<td></td>
<td>(1971): 29</td>
</tr>
</tbody>
</table>


National Archival Appraisal Board. Available at: http://www.naab.ca/


**6. October 25** Freedom of information and protection of privacy laws.

**Readings:**  


INF2150H – Legal Issues in Archives (Fall 2010)


Office of the Ontario Information and Privacy Commissioner. Available at: http://www.ipc.on.ca/


University of Toronto Freedom of Information and Protection of Privacy Office. Available at: http://www.fippa.utoronto.ca/site3.aspx

7. November 1  Freedom of information and protection of privacy laws (continued).  
Guest-speaker.

Readings: Please see October 25.


Readings:  Access Copyright. Available at: http://www.accesscopyright.ca/

Canadian Council of Archives Copyright Committee. Available at: http://www.cdncouncilarchives.ca/copycomm.html


INF2150H – Legal Issues in Archives (Fall 2010)


**Readings:** Please see November 8.

10. November 22 Evidence law.


Gurushanta, Vigi. “Legal Admissibility of Electronic Records.” Available at: [http://evidagroup.com/pdfs/Legal%20Admissibility%20of%20Electronic%20Records.pdf](http://evidagroup.com/pdfs/Legal%20Admissibility%20of%20Electronic%20Records.pdf)
INF2150H – Legal Issues in Archives (Fall 2010)


11. November 29 Ethics and the archival profession. Guest Speaker.

Association of Canadian Archivists’ Code of Ethics. Available at: http://archivists.ca/about/ethics.aspx

12. December 6 Wrap up and review of course.
Readings: No readings assigned.

13. December 13: Final Exam