



Canadian Association of  
Research Libraries

Association des bibliothèques  
de recherche du Canada

## **CARL Response to the Canadian Digital Information Strategy**

The Canadian Association of Research Libraries commends Library and Archives Canada (LAC) on initiating a dialogue to develop a Canadian Digital Information Strategy and sees the AlouetteCanada Open Digitization Initiative as a valuable precursor. A strategy, backed by an action plan and sustainable funding, is critical if Canada is to ensure that our digital assets are created, used and preserved for future generations; and that Canada has a strong presence in the digital universe.

CARL welcomes the opportunity to provide feedback on the draft strategy.

### **Challenge 1: Content Creation**

**1.1** As the founder of AlouetteCanada CARL strongly supports the objective of mass digitization on a national scale. CARL also agrees with the action items outlined in this section, especially the emphasis on collaborative approaches. This is a model adopted by AlouetteCanada, which draws on the strength of provincial strategies such as Knowledge Ontario and The Alberta Library Lois Hole Campus Alberta Digital Library and others. These examples and others could be usefully highlighted in the final document.

[**Note:** *CARL also recommends* that CDIS promote the use of open source tools and software for digitization.]

**1.1.4 Orphan works:** The draft strategy appropriately and importantly highlights the necessity of being able to digitize orphan works if Canada is going to be able to preserve and provide access to Canadian content.

**CARL supports** recommendation:

**1.1.4** Obtain a new digital copyright regime that will enable digitization of orphan works by not-for-profit institutions without a motive of gain.

[**Note:** The text at the top right of page 16 has an error which should be corrected. The phrase “Canada should develop a licensing regime” should be corrected to say “develop a *copyright* regime”, consistent with recommendation 1.1.4.]

**1.4.3 Comment:** Provide tools and services, including technology solutions where necessary, that enable communities to create, preserve, access and use their own digital content. CDIS may wish to acknowledge that there are already a number of such tools e.g. the OurOntario.ca VITA toolset, which has been used widely for many years by libraries, historical societies, archives and museums. Especially notable is the AlouetteCanada Metadata Toolkit that will assist digitizers in creating appropriate and interoperable metadata. The Toolkit will be available in March 2008.

## **Challenge 2 - Ensuring preservation**

There is a growing urgency around the issue of digital preservation. Canada will lose a significant body of data, research materials and our documentary heritage if we do not act quickly. The need for a digital preservation infrastructure cannot be underestimated, and should be strongly stated in the final document. *CARL recommends* that the following elements be included in this section:

- 1. Implement a national program for digital preservation.** As stated in the strategy document, Canadian academic and research libraries are developing a network of institutional repositories. CARL recommends that there should be funding to support this and other digital preservation infrastructure. Many countries already have funding programs that support the development and ongoing funding of preservation activities. For example, the Joint Information Systems Committee in the UK, the Library of Congress and National Science Foundations have announced significant funding for the development of preservation infrastructure, such as digital repositories.
- 2. Emphasize the role of ‘memory institutions’ in the preservation of digital information.** Memory institutions such as libraries, archives, and museums have traditionally been the stewards of printed materials; they have an equally important role to play in terms of digital information. The commitment of Library and Archives Canada to preserve Canada’s documentary heritage in all formats should be highlighted.
- 3. Authorization of preservation activities should be explicitly recognized in copyright legislation.** Digital preservation methodologies and technologies, such as the Open Archival Information System (OAIS) Reference Model and LOCKSS (Lots of Copies Keep Stuff Safe), require participating organizations to make multiple copies, reformat works, and transfer mediums for preservation purposes, where there is a danger of technological obsolescence. Such activities must be legally sanctioned to ensure the preservation of, and future access to, Canada’s digital heritage.
- 4. Develop sustainable solutions for the preservation of scholarly and other materials.** More and more academic journals are published in digital format. When

research and academic libraries license scholarly electronic journals they do not 'own' a copy as they did with print issues. *CARL recommends* that the CDIS investigate ways and means to secure ownership rights to such materials in order to ensure continuing access and long-term curation.

## 5. Challenge 3: Maximizing Access and Use

*CARL recommends*

**3.3 Implement appropriate funding mechanisms to support open access journals and institutional repositories.** As a signatory to the Budapest Declaration on Open Access CARL believes that the results of publicly funded research should be made available to the public without charge. However, there are still publication costs to meet. An example of a new funding mechanism is the SSHRC Aid to Open Access Research Journals program. Similarly, institutional repositories are an invaluable infrastructure component in the open access environment. A growing number of funding agencies worldwide require that their funded researchers make their content openly accessible through such institutional or disciplinary repositories. Additional funding is needed to support this new research information infrastructure.

**3.3 Implement the recommendations of the NCASRD report.** This 2005 report outlines a comprehensive strategy for managing research data. The first step is the formation of a task force to implement the recommendations. CARL strongly endorses a cooperative approach to the management of research data. A data taskforce must have representation from all stakeholder communities, including the research granting agencies, government departments, scholarly societies, and the research libraries. This kind of model is being adopted in the US and elsewhere. For example, the US government has plans to form an Interagency Working Group on Digital Data in 2008, which will set up a robust public infrastructure so all researchers have a permanent home for their data. To investigate the role of libraries in collecting, preserving and providing access to research data, CARL is establishing a Data Management Working Group.

**3.4 Copyright reform.** The Government of Canada has announced its intention to introduce copyright legislation. In order to carry out its ambitious strategy, CDIS should recommend changes to the current legislation, notably in the treatment of orphan works, crown copyright and the right in prescribed circumstances to circumvent technological measures (TM) for non-infringing purposes. The latter is especially important for preservation and related purposes.

3.4.5. *CARL strongly recommends* that Action Item 3.4.5 **be deleted**. The points raised are fully dealt with under Action item 3.4.1 ("Foster public understanding of ...the variety of licensing models available in the information marketplace"). *Moreover*, the use of the term "promote" when the other action items are prefaced by "foster," "develop" and "contribute" is inappropriate.

*CARL further recommends* that Action item 3.4.1 be re-worded as follows

3.4.1. Foster public understanding of:

- copyright
- fair dealing (in the light of the Supreme Court decision in the case of *CCH Canadian Ltd. v. Law Society of Upper Canada*);
- the critical importance of a robust public domain; and
- the variety of licensing models available in the information marketplace.

*CARL also recommends* that the following action item be added to section 3.4:

**The circumvention of technological measures (TM) for non-infringing purposes should be permitted by law.** Technological measures should not hinder users from making lawful uses of their legitimately acquired materials in any format. *CARL recommends* that such rights should be made explicit under the law.

### **Specific Questions**

- Do you agree with the overall vision, scope and challenges outlined in the strategy?

*CARL supports the underlying vision, scope and challenges outlines in the strategy.*

- Are the objectives and actions set out in Part II the right ones? Which do you view as the most important or pressing?

*CARL identifies the following as the most important issues:*

1. *The preservation of digital content. Despite AlouetteCanada and numbers of local and regional initiatives, Canada will continue to lose a significant part of its digital research and its documentary heritage if it does not act quickly to develop a comprehensive digital preservation strategy.*
  2. *Full and immediate free access to Canadian-funded research outputs, including data, research papers, and government information.*
  3. *The implementation of copyright legislation for the digital environment that will enable CDIS to be undertaken successfully.*
  4. *The development of new skills for the preservation and management of digital information. CARL is pleased that this element has been included in the strategy.*
- What do you consider to be the critical next steps to advance the strategy? What role can you or your community play?

*The organizers of the CDIS may take great credit for initiating and overseeing a consultation process that has led to the present consultation draft. The document highlights a number of disparate initiatives being undertaken in Canada. However, what is needed, and has been lacking until now, is coordinated leadership to address the issues in a comprehensive way; as well as the political will and the funding to make the vision a reality. The Canadian Association of Research Libraries is prepared to play a full part in such an implementation, on its own behalf, and as the lead organization for AlouetteCanada.*

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CARL is the leadership organization for the Canadian research library community. The Association's members are the 27 major academic research libraries across Canada plus Library and Archives Canada, the Canada Institute for Scientific and Technical Information (CISTI) and the Library of Parliament.