

# **2022 Federal Budget – CARL Brief**

## **to House of Commons’ Standing Committee on Finance**

JULY 30, 2021

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## Summary

### Recommendation 1:

That the Government of Canada increase Library and Archives Canada's base budget by 5% (approximately \$7M) to support fulfillment of its ATI responsibility and accelerated transition to digital government record-keeping.

### Recommendation 2:

That the Government of Canada provide funding in the amount of \$10M to Canada's three research granting agencies, administered through the Social Sciences and Humanities Research Council, for a pilot program supporting the production of Canadian Open Education Resources in both official languages.

### Recommendation 3:

That the Government of Canada maintain ongoing annual funding in the amount of \$3M for the Centre for Equitable Library Access and \$1M for the National Network for Equitable Library Services.

### Recommendation 4:

That the Government of Canada introduce legislation to ensure that Canada's public and academic libraries and users have access on reasonable terms to e-content from multinational publishers.

## Introduction

The Canadian Association of Research Libraries (CARL) is the leadership organization for Canada's research library community. The Association includes the 29 largest university libraries across the country. CARL's mission is to enhance the capacity of Canada's research libraries to partner in research and higher education, seeking effective and sustainable scholarly communication and public policy encouraging of research and broad access to scholarly information.

This submission focusses on measures to support access and preservation of content in a digital environment. Over the past 18 months, the urgency of ensuring that the provision of content is possible via digital means has become clear. Within higher education and scholarly research, the COVID-19 pandemic had a sudden and disruptive impact. Much instruction and research shifted rapidly to online, and both students and faculty have faced barriers to accessing academic library resources via electronic means.



## Recommendations

### 1. Increased Funding for Access to Information and Digital Record-keeping at Library and Archives Canada

The *Library and Archives Canada Act*<sup>1</sup> stipulates that the institution is “to be the permanent repository of publications of the Government of Canada and of government and ministerial records that are of historical or archival value”. As such, Library and Archives Canada (LAC) holds archival records for 107 active and over 100 defunct government departments; and it is access to these departmental records that form 99% of Access to Information (ATI) requests to the institution. LAC ranks fifth in the number of ATI requests received at 2,131 reported for 2019-2020. This accounts for 5% of their operating budget (7% if one considers the cost associated with digitizing the records).

There are many factors under the current *Access to Information Act* and the *LAC Act* that create barriers for fulfilling ATI requests. LAC’s funding levels were set in the print-based past; the institution has not been provided with the proper support to achieve its mandate effectively in a digital environment. It needs to take a risk-based, default-to-open approach to its government records role as part of its digital transformation, but there are hindrances.

First, records received from other departments often come in paper format, leaving LAC responsible to digitize the records to make them available to the public. LAC is not funded for this, nor does it receive reimbursements from the departments whose records it digitizes. Support for both digital and analogue operations must grow and be properly supported.

Second, while LAC has this responsibility of records retention, the *LAC Act* does not compel government departments to transfer records it deems to have archival value to LAC in a timely manner, which can cause significant gaps in the archival records available to the public.

Third, while a department with good information management could (and, in fact, *should*, according to the Directive on Open Government clause 6.5) send their records to LAC with restrictions removed or reduced to a minimum, in practice, most records are still transferred closed-by-default. This creates additional delays in satisfying requests while LAC reviews every requested document and sometimes

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<sup>1</sup> Library and Archives Canada Act, Section 7(c) <https://laws-lois.justice.gc.ca/eng/acts/l-7.7/page-1.html#h-345240>



consults with the departments to release information. Adopting an open by default approach would reduce this additional work.

LAC has developed an innovative proactive records review process, called 'block review', that opens large blocks of older, closed records deemed, through a sampling process, to be low risk. After ten years of work, in 2020, LAC hit the 50 million pages reviewed mark. Widespread use of this process would lower the need for laborious and costly case-by-case reviews to be undertaken. This program merits increased funding from the Government of Canada.

Recommendation: That the Government of Canada increase Library and Archives Canada's base budget by 5% (approximately \$7M) to support fulfillment of its ATI responsibility and accelerated transition to digital government record-keeping.

## 2. New Federal Support for Canadian Open Educational Resources

Academic libraries provide access to a broad range of course materials through print and electronic reserve collections, print textbook collections, customized digital course readings, electronic and print books, and Open Educational Resources. As students face increasingly high costs for post-secondary studies, libraries help level the playing field by providing the information resources students need to achieve academic success.

The cost of textbooks and other course materials can present major financial hurdles for students.<sup>2</sup> With textbooks costing students between \$800-\$1,000 per year, some are forced to make difficult financial choices between life necessities and their education.<sup>3</sup> Libraries are working with instructors, publishers, and vendors to ensure course materials come at a reasonable cost. But another key strategy within higher education is the creation, adoption, and use of openly licensed, high-quality open educational resources (OER).

OER carry no financial costs to the user and are released under a license that allows for a full spectrum of uses. For students, OER provide free permanent access to texts and materials; for instructors, they enable flexible course design and delivery, including the ability to build tailored resources that can be altered as events and

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<sup>2</sup> "Educational Materials Beyond Textbooks: Learning in the 21st Century," 2019, CASA-ACAE <https://bit.ly/36smiqh>

<sup>3</sup> "Budgeting for student life," Financial Consumer Agency of Canada <https://bit.ly/3eV1J5C>, and "Fixing The Broken Textbook Market," 2nd ed. 2020, <https://bit.ly/3kqxYL6>



information change, and to contextualize important social, economic, and political developments.

The production of OER in Canada has grown over the past few years, due to some provincial governments' investments and support from individual institutions. These investments have increased adoption of OER textbooks and reduced student expenses<sup>4</sup>. However, provincial funding has been far from consistent across Canada, ranging from long-standing programs to limited short-term project funding – or, sometimes, no contributions at all.

To ensure that all Canadian post-secondary students can benefit from regionally relevant OER, to increase the availability of Canadian OER in both official languages, and to support instructors who wish to adopt OER, CARL and other post-secondary education stakeholders believe that a national commitment to OER is needed. That commitment should start with a pilot granting program, administered through Canada's three granting agencies, to support production of new Canadian OER in both official languages. The pilot could prioritize content specific to Indigenous perspectives or topics about which Canada has proven itself as an international leader.

Recommendation: That the Government provide funding in the amount of \$10M to Canada's three research granting agencies, administered through the Social Sciences and Humanities Research Council, for a pilot program supporting the production of Canadian OER in both official languages.

### 3. Ongoing Funding for the Centre for Equitable Library Access and the National Network for Equitable Library Services

The Centre for Equitable Library Access (CELA) and the National Network for Equitable Library Services (NNELS) are national not-for-profit organizations that depend on federal funding to produce accessible reading materials to serve the approximately 3 million individuals with visual, physical or learning disabilities in Canada.

Measures in the 2020 Fall Economic Statement would have cut these organizations' funding. While CARL supports that publishers meet international accessibility standards at the time of production, most publishers are still far from routinely producing their works in accessible formats. Currently, less than one in ten published works in Canada is produced in an accessible format for Canadians with print

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<sup>4</sup> See <https://bccampus.ca/2020/10/31/20-million-in-2020/> and <https://openlibrary.ecampusontario.ca/impact/>



disabilities, and the percentage of accessible works in French and Indigenous languages is even smaller.

CARL believes there is a strong case for sustained federal government funding for CELA and NNELS, continuing beyond the one-year reprieve announced in March 2021. There remains a large corpus of existing works that need conversion, and many Canadians rely on formats other than e-books or audio books, such as braille and printbraille picture books. These are the gaps that CELA, NNELS, and Bibliothèque et archives Nationales du Québec fill right now. Furthermore, continued government funding for the production and discovery of accessible formats is required for Canada to meet its obligations under the Marrakesh Treaty. Finally, as Canada works to implement the United Nations Sustainable Development Goals by 2030, governments must continue to invest in reducing inequality and increasing access to knowledge.

Recommendation: That the Government maintain ongoing annual funding of \$3M for the Centre for Equitable Library Access and \$1M for the National Network for Equitable Library Services.

#### **4. Introduction of Legislation to Ensure Reasonable Terms for Library Subscriptions to E-content**

Education and research in Canada are publicly supported and, as such, the market for educational materials should be based on fair and equitable access. Libraries encounter the following barriers:

- For the majority of course textbooks, publishers do not allow libraries to purchase electronic editions. In those cases when they do allow that, the quoted prices are in the tens of thousands of dollars for access by one user, or a handful of users, at a time.
- Publishers increasingly offer titles solely through highly restricted access models geared towards extracting the maximum amount of money from students. For example, e-textbooks are rented to students, with access limited to one semester. Publishers often add an additional, recurring fee for platform access, while also charging a per-title cost for materials, both of which must be paid annually to retain access.
- Many e-books are only available to libraries in bundles, the cost of which frequently reach tens of thousands of dollars. It is not justifiable to pay for an entire bundle of e-books when only one book title is required for student use.
- Publishers often lock e-books into platforms that use digital rights management to control the number of users and prevent normal online reading activities (like downloading or printing). Limits create complications for reasonable use,



particularly when texts are being used in instruction and by students studying in a variety of locations with a range of connectivity realities.

- Core textbooks and e-books that have been available to libraries in the past can disappear from publisher lists without notice, leaving instructors and librarians unaware when a book being used in a course is suddenly unavailable.

Libraries in the United States have experienced similar problems and legislation was recently passed in New York, Maryland, and Texas to ensure library access to e-content. In those states, publishers who offer e-books to the public are required to also offer licenses for those e-books to libraries on “reasonable” terms. The laws are designed to ensure that “widely accepted and effective industry practices remain in place while prohibiting harmful practices that discriminate against libraries and harm library patrons.”<sup>5</sup>

In the pre-budget submission by the Canadian Urban Libraries Council (CULC), CULC raises this issue and proposes the below recommendation. CARL supports that request and advocates for the same recommendation, due to the impacts of limited digital licensing on academic libraries specifically.

Recommendation: That the Government of Canada introduce legislation to ensure that Canada’s public and academic libraries and users have access on reasonable terms to e-content from multinational publishers.

Submitted for CARL by  
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<sup>5</sup> <https://www.publishersweekly.com/pw/by-topic/industry-news/libraries/article/86637-new-york-legislature-passes-library-e-book-bill.html>