



DEPARTMENT OF CULTURE, LANGUAGE, ELDERS AND YOUTH ARCHIVES POLICY

POLICY STATEMENT

The Government of Nunavut, with the authority of the *Archives Act*, shall preserve and make accessible records of its activities, as well as private records that are representative of the activities of individuals and organizations that are significant to Nunavut's historic and cultural heritage.

PRINCIPLES

This policy is based on the following principles:

1. Documentation of the Government of Nunavut as selected in Records Retention and Disposition Schedules for their legal, financial or historic significance; and, selected records of the Northwest Territories created before April 1, 1999, shall be preserved and made available by way of the access procedures for public records.
2. Private archives representative of Nunavut and judged to have permanent legal, financial or historic significance and obtained in accordance with the schedule for Archives Acquisition shall be preserved permanently and made accessible.
3. Archival records that document Inuit traditional knowledge and values, or *Inuit Qaujimajatuqangit*, obtained from either public or private sources shall be preserved and made accessible to the public.

APPLICATION

This policy applies to all departments, agencies and other public bodies of the Government of Nunavut subject to the *Archives Act* and their records as well as to individuals and organizations concerned with the culture and heritage of Nunavut.

DEFINITIONS

Acquisition

The process of adding to the holdings of the archival repository

Appraisal

The process of determining if records are selected for archives

Deed of Gift

A signed, written instrument containing a voluntary transfer of title to real or personal property without direct monetary compensation. Deeds of Gifts to archives are contracts which govern the transfer of title and specify any restrictions or access or use.

Archival records

Selected inactive records of government departments and agencies, private organizations or of individuals which form part of the archival holdings of the Government of Nunavut

Conservation

Any measures taken by the Archives to preserve records in its care. Conservation measures include condition assessments, remedial treatment, copying and the maintaining of proper environmental conditions.

Government of Nunavut Archives

The archival institution and its activities as established under the *Archives Act*.

Government Record

A public record, as defined by the *Archives Act* and the *Access to Information and Privacy Act*, created or controlled by a government body and transferred to the Government of Nunavut archives in accordance with the *Archives Act*.

Private Archives

Records and archives of individuals or of non-governmental organizations and institutions.

Public Body

A public body within the meaning of subsection 3 (j) of the *ATIPP Act*.

Territorial Archivist

The officer appointed under the *Archives Act* to be in charge of the Government of Nunavut Archives and its programs.

ROLES AND RESPONSIBILITIES

Executive Council

Only the Executive Council may approve exceptions to this policy

Minister

The Minister of Culture, Language, Elders, and Youth is accountable to Cabinet for the implementation of this policy.

Deputy Minister

The Deputy Minister of Culture, Language, Elders, and Youth is responsible for the administration of all provisions pursuant to this policy.

Director of Culture and Heritage

The Director of Culture and Heritage of the Department of Culture, Language, Elders, and Youth approves guidelines and procedures developed from this policy and pertaining to the operation of the Archives.

Territorial Archivist

The Territorial Archivist:

- I. approves the acquisition of both public and private sector records as well as private holdings for preservation in the Archives.
- II. recommends for disposal of records no longer considered significant to the Archives.
- III. Approves restrictions on access to non-government records in the Archives.

PROVISIONS

1. The primary role of the Government of Nunavut Archives is to identify, acquire, preserve and make accessible records of public bodies which have permanent legal, financial and historical value.
2. Records accepted into the government of Nunavut Archives will be maintained and preserved in accordance with professional and international standards.
3. Records that are no longer significant or appropriate to the Archives may be removed and disposed of in accordance with the schedule for de-accessioning.
4. Access to private archives may be restricted at the request of the donor or by a decision of the Territorial Archivist.
5. Restriction to access must be consistent and universal in their application.

6. Individuals and organizations, including Inuit heritage centres, active in community-based archival programs in Nunavut will be provided with access to professional expertise in the handling of archives and training advice.
7. Access to the Archives will be provided through, but not limited to, the production and circulation of records inventories, finding aids, exhibits, the presentation of school and public programs and on-site public research facilities.

PREROGATIVE OF EXECUTIVE COUNCIL

Nothing in this policy shall in any way be construed to limit the prerogative of Cabinet to make decisions or take action respecting the Archives and its programs.

SUNSET

This policy shall be in effect from the date of the signature until March 31, 2010.

Schedule A Access to Archival Records of Public Bodies

Objectives To ensure the right of access to the archival records of public bodies and a right of privacy with respect to personal information contained in the records of public bodies held by the Government of Nunavut Archives; and to provide a framework for implementing the provisions of ATIPP as they relate to archival materials.

- Directives**
1. The Territorial Archivist shall administer ATIPP law in accordance with records schedules approved by the Public Records Committee.
 2. The Territorial Archivist shall administer ATIPP law only in relation to the archival records of public bodies as defined by legislation.
 3. Access restriction to public records imposed with time-limits before the *ATIPP Act* came into force on April 1, 1999 shall be subject to the provisions of Northwest Territories legislation.
 4. The Territorial Archivist shall not provide access to any records of a public body access where same was restricted upon coming into force of the *ATIPP Act* without prior notification to and consultation with the Deputy Minister of the department where the record originates by the delegated ATIPP coordinator.
 5. Access restrictions to public records imposed with time-limits before the *ATIPP Act* came into force shall be subject to the provisions of Northwest Territories legislation.
 6. Access restrictions to public records of the Government of Canada in the custody of the Government of Nunavut Archives shall be subject to the provisions of Government of Canada legislation.
 7. The Deputy Minister or designated ATIPP coordinator of the department concerned shall, on receipt of legal advice, notify the Territorial Archivist in writing whether the information in the record to which the subject applicant has requested access is subject to solicitor-client privilege.
 8. The Territorial Archivist shall refuse to disclose information to an applicant in respect of which the department concerned has asserted solicitor-client privilege in relation to the substance of the application.

9. The *ATIPP Act* does not restrict access to any records to which access was unrestricted on the coming into force of the Act on April 1, 1999.
10. *ATIPP* restricts access to all personal information banks such as voters lists, and to personal information about identifiable individuals who are living or have been deceased for less than 20 years.

Schedule B

Archives Acquisition

Objectives

To provide a framework for applying the Acquisition Criteria appraisal of archival material

Acquisition Criteria

1. In general, archival records of all medium created either by the Government of Nunavut, private sector bodies, families or persons whose activities and contributions are significant to Nunavut and selected for their informational, legal and fiscal value.
2. The records of any public body within the meaning of the *Archives Act* or regulation, including records selected and identified Archives by the Records Retention and Disposal Authorities.
3. The records of predecessor and possible successor bodies of all agencies, boards, commissions, Crown Corporations and departments of the Government of Nunavut.
4. The alienated records of any former public body which has become privatized.
5. Records donated, purchased or de-accessioned from other repositories that are representative of Nunavut, including from foreign repositories.