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The Information Revolutions and the Future of Research on Urban Canada

John Weaver

The information revolutions that now have converged may present the most significant set of challenges and opportunities to research on urban Canada since the introduction of quantification two decades ago. There are two major areas that ought to be of vital interest to historians, political scientists, geographers, and sociologists, not to mention journalists and public-interest groups. First, the computer and the positive or welfare state have created a glut of information the disposal of which demands careful planning by the generating agencies, archivists, and the academic community. Ironically, records managers and archivists now have discovered that the computer, once thought to promise a saving of space, has generated more paper than ever before. We will return to the issue of disposal and selection toward the end of the note. Secondly, more governments have followed Ottawa with legislation concerning freedom of information and protection of privacy legislation.

It is beyond the scope of this note to comment at length about the federal freedom of information operation which has been underway since 1977. However, it seems fair to report that the current federal government has not greatly encouraged freedom of information. Inger Hansen, information commissioner of Canada, does not believe that greatly improved legislation will appear in this century. Her feelings were expressed at a conference on freedom of information and privacy in Toronto on 22 Nov. 1988. Ottawa can spend vast sums to spew out "information," but in Hansen's estimation it provides amounts far too little to assist with the securing of information wanted in a sophisticated democracy by public-interest groups, journalists, and academics. Possibly disillusioned, she has recommended a pragmatic course for researchers: pursue informal channels first. That route regrettably might lead back to the old ways of inquiry that can result in favouritism. One of the great tasks of freedom of information legislation, surely, is to assure non-arbitrary access. And it is to be hoped that this is what will occur in Ontario as it moves ahead with freedom of information and privacy measures.

In 1991 the Ontario government will apply its freedom of information and privacy legislation (passed in 1987) to all local government bodies including library boards, conservation authorities, school boards, public utilities commissions, police departments, and municipal government departments. An estimated 2,400 government bodies will be affected. The unequivocal good news is that all such bodies will have to inventory their records, develop a retention and disposal policy, designate an official to handle requests for access, and abide by laws that spell out accessibility. Publicly, the provincial government, through Murray Elston, chairman of the Management Board of Cabinet, stands by the claim that the intent of the measure is to improve access to records. Already the province has established freedom of information coordinators in its own ministries, and, because of differences in terminology and organization, the legislation is being modified to apply to local governments. (Apparently a discussion paper on modifications is to be circulated and concerned academics may want to write to the Management Board to secure a copy.)

But is it true that the legislation is intended to improve access? Perhaps. The strong privacy sections create considerable confusion, however, and have forced the Archives of Ontario to close records that were once readily available. Thus, not only should we be alert to what is going to happen at the local level, but we need to act soon to propose amendments that will make the act more flexible in relation to all historical records. A word should be said about the act and the sections that will most interest researchers. Records pertaining to government decisions (Cabinet documents, the opinions of governemnt officials, and reports from or for ministries) are closed for 20 years, although the act spells out circumstances when this general rule can be suspended and access gained earlier. Nevertheless, there has been a problem, arising from the privacy sections of the act, with defining the scope of what is an opinion expressed not by a government agency but by a private individual. Several researchers coming into the Archives of Ontario have experienced considerable problems. Quite simply, letters to governemnt officials written by individuals in their private capacities will not be available — as personal opinions by private individuals they fall under the protection of privacy. As personal rather than governmental information, these records would be opened only 30 years after the peron's death. Some provincial freedom of information officers candidly admit that they worry about their own security and must act carefully and without specific guidelines when dealing with ambiguous areas. Moreover, the sheer volume of work involved in determining which records come under which classification has proven a burden. Imagine what will happen at the local level! Lobbying efforts that sought clarification would be welcome to archivists as much as to academics.

Soon the act will apply to local governments. It is not clear how the act will be translated to apply to records generated by decisions made at the local levels or to records containing personal opinions. And then there is the additional matter of routinely generated sources with a bounty of personal information. All governments generate files with personal information and these come under several sections of the act. For many urbanists, probably the most important aspects of the current act apply to assessment rolls. Section 41, concerning privacy, states that "an institution shall not use personal information in its custody under its control, except for the purpose for which it was obtained or compiled or for a consistent purpose." We certainly do not use assessment rolls for the purpose for which they were collected and neither do genealogists and heritage researchers. It

may be only the collecting institution that is prohibited from using the records in non-conforming ways, but the experience of the Archives of Ontario is that the act works restrictively. Then there is section 21(3)(h), which, in supplying guidelines for an invasion of privacy, declares that such would occur if the record "indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations." (From time to time assessment rolls have indicated religious denomination.) Fortunately, section 21(1)(e)(iii) allows for the release of personal information if "the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form." However, section 28(1)(b) requires that the affected party be given prior notice of the disclosure; this would be impractical, if not impossible, in many cases of historical research. There also is a statement describing how researchers and the agency might work to agree upon access that protected individual privacy. As well, records can be released where it is in the public interest to do so, but the public interest as then defined in the act will not often provide grounds for academic investigation. A further protection for access may be precedents, like that described by Quebec's access to information commissioner Carole Wallace. It is difficult, she has said, to protect information that formerly has been considered to be accessible. But it would be wrong to rely on such hope and goodwill.

At the conference sponsored by the provincial government and held in Toronto on 22 and 23 Nov. 1988, an often-heard phrase was "balance." Freedom of information coordinators, members of a newly created profession struggling for its codes of conduct and sensitive to its vulnerability, are setting out to be reasonable and to balance access with protection of privacy. Although the academic community must make certain that its interests are represented when the legislation is prepared for local governments, and that means pressing to get clarification of the status of assessment rolls and much more, the dual objectives of access and privacy are admirable. To retain the trust of freedom of information officials and future governments, researchers will have to conduct themselves, as they have to date, with a great deal of respect for the personal information routinely collected by the state. We are entering a period of great opportunity — the requirement to prepare inventories is admirable in itself — and of searching for reasonable standards of conduct.

Still there are bound to be problems. Already, as noted above, a handful of researchers have found that the act has closed access to provincial records managed by the Archives of Ontario, an organization alert to the needs of researchers. It is likely, moreover, that when the act applies to local governments there will be a period of confusion in many centres that have not yet appreciated the consequences. City clerks, usually hard pressed for space and other resources, may not welcome the added responsibilities and, understandably, not lubricate the access process for records under their control. One city clerk has voiced relief that fire destroyed about a century of records and pity for his counterparts who have been less fortunate. Sensible local governments will adequately fund a freedom of information and privacy program, including an inventory of records; otherwise they could face the inevitable pile of requests that might bring their bureaucracies to their knees, a condition that allegedly has afflicted one federal department that was ill-prepared for Ottawa's freedom of information act.

Currently, the Ontario act specifies that every ministry must publish an index of all personal information banks. These might be of interest to researchers. As well, the Management Board of Cabinet publishes a booklet on freedom of information which is a directory of ministries and agencies, including the addresses of their freedom of information coordinators. For information about the act contact:

Management Board Secretariat,
Freedom of Information and Privacy Branch,
Sixth Floor, Frost Building South,
Queen's Park Crescent,
Toronto, Ont.
M7Z 1Z6

Additionally, the Canadian Historical Association has established a "portfolio" on freedom of information and concerned researchers are invited to share their "horror stories" or their tales of good fortune so that the association can lobby for our interests. Please correspond with:

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At the beginning of this note, the sheer volume of records was depicted as a challenge. For several years archivists have been aware of the crisis and have held informative sessions on machine-readable records at the annual meetings of the Association of Canadian Archivists. Archivists admit that records do have to be scheduled for destruction, but the question is what should be retained. Let us set aside the issues that pertain to what to retain from word-processed files and focus on data banks. What should be preserved from series that contain personal information of great potential use to future generations of historians and social scientists? Let us assume that we are all in agreement that information is a resource and also that not everything can be held forever. The practical problem is how to develop sampling methods that will have the trust of future generations of scholars. This is a matter that should be of concern to Canadian scholars, given that the National Archives soon will have to start recommending sampling techniques to several ministries. Currently, for example, the

NA is experimenting with a sample of immigration records drawing on surnames that begin with F: this yields a three per cent sample and could allow for record linkage. But, even if it were a representative sample now, would it always be? To develop a sampling procedure for its records, a Montreal judicial district established a committee that included jurists, academics, and a citizen with no vested interest in the records. By trial and error, the hiring of consultants, the establishment of user committees, and other means, archives and records managers are soon going to be making decisions that will affect future research. Terry Cook and Eldon Frost at the National Archives are two contacts who would welcome comments and questions. They are in the process of preparing a major report on the problem and advance potential solutions.

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