



Canadian Council of Archives
Conseil canadien des archives

February 17, 2021

The Honourable Steven Guilbeault P.C. M.P.
Minister of Canadian Heritage
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Guilbeault,

On behalf of Canada's 800 archives, the *Canadian Council of Archives* (CCA) would like to bring to your attention concerns regarding the 2020 revisions to the *Canadian Cultural Property Export Review Board's* (CCPERB) *Guide to Monetary Appraisals*. Despite a concerted effort by CCA and others in the archival community, the *Guide* was drafted without meaningful consultation with the organizations and professionals most familiar with the repercussions of those changes. We have serious concerns about CCPERB's administrative processes and accountability. More importantly, CCPERB's new approach regarding valuation methodologies and its narrow interpretation of fair market value will have, and indeed already has had, serious and detrimental consequences for archives and their ability to attract records of outstanding cultural significance for inclusion in the documentary heritage of Canada.

Canadian archival institutions have, for decades, relied on the monetary appraisal expertise provided by the National Archival Appraisal Board (NAAB). NAAB is an independent not-for-profit corporation created to provide appraisal services for donations of archival records to Canadian cultural institutions. NAAB's appraisal framework is an established time-tested approach to monetary appraisal and techniques. CCA provides secretariat services to support NAAB operations; this relationship is a natural fit as CCA's mandate is to improve the administration, effectiveness and efficiency of Canada's archival system. NAAB is an essential part of this system and its monetary appraisal methodologies have now been deemed insufficient by CCPERB. NAAB's methodologies, in particular using past appraisal precedents previously accepted by CCPERB, were developed because sales precedents rarely exist for archival material, especially for materials of outstanding cultural significance, and particularly for large aggregations of any kind or for newer formats such as digital records.

Under the revised *Guide*, CCPERB has declared that documented sales transactions are now the only acceptable basis for an appraised value of archival materials. If sales precedents do not exist, as is the case for most archival material, especially the level of aggregated collections, a donor will not receive the financial benefits associated with certification. Thus, the *Guide* effectively eliminates this donation incentive and therefore the ability of archival institutions to

attract significant donations of archival materials. The repercussions of this change will be severe: without the offer of taxable benefits, records of significant heritage value will most certainly be lost to the Canadian public -- records which CCPERB fully acknowledges are of historical value to Canada.

When the revised *Guide* was disseminated last fall, CCA and other affected bodies contacted CCPERB to voice their concerns and asked for the opportunity to have an open discussion in which either solutions or reasonable alternatives could be reached. CCA solicited input from its members and provided this to CCPERB on 19 October 2020. Our letter was not acknowledged, and the amended *Guide* sent out in late December 2020 ignored the concerns identified by the archival community, without any additional discussion.

Further, it has come to our attention that several applications that were under consideration before the Board prior to the new *Guide* coming into effect have now been rejected, as they do not meet the terms of the revised *Guide*. When donors and institutions received responses from CCPERB on December 30, 2020 for applications submitted in 2018 through to early 2020, they were given until approximately January 29, 2021 to re-submit a revised appraisal – an impossible turnaround time. The situation was made worse by the timing of the communication from CCPERB, which was poorly planned. In several cases, the archival institutions did not receive the rejection letters until days or weeks after the donors. This, understandably, has caused anger and frustration among these notable donors and undermined the credibility of the archival institutions, NAAB and CCPERB, particularly in the cases where the donations in question were accruals and the appraisals were consistent with previously accepted submissions.

If the path set by CCPERB's new *Guide* is carried forth, Canada's archives will be unable to acquire records of outstanding significance which portray the daily and extraordinary lives of Canadians. Particularly alarming is the systemic bias that will be reinforced by the open market, which tends to reflect popular and conservative taste. Sales precedents are far less likely to exist for archival material pertaining to a wide array of nationally important figures, including those from racialized populations, women, and creative trailblazers. By requiring proof of sales transactions to receive financial benefit from CCPERB certification, the recent changes to the *Guide* will deny financial benefits to those donating such records, thereby perpetuating systemic racism within the certification process and threatening to exclude many from the future documentary heritage of Canada. As memory institutions confront the urgent need to reflect the diversity of Canada's peoples in their collections, this narrowing of the definition of "fair market value" by CCPERB is a massive step in the wrong direction for our cultural heritage.

At this time, we would sincerely appreciate a review of the situation by the Department of Canadian Heritage. We believe the damage that has been done can still be mitigated, and that it is possible to devise a fair and reasonable process to ensure that the donation of archival records with outstanding historical value will continue, as the legislation intended.

I hope the information that I have provided herein will be of assistance to you. CCA welcomes the opportunity to work together with you to support our common objective -- the transfer of outstanding materials of Canada's creative, historic, and scientific heritage from private hands to public collections.

Please don't hesitate to contact me with any further questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Joanna Aiton Kerr".

Joanna Aiton Kerr
Chair, Board of Directors