the Official Secrets Act, the present classification system of government documents, the oath of secrecy, the criminal code sanctions restraining civil servants, and the Federal Court Act is "a very persuasive veil of secrecy surrounding national security matters which largely succeeds in inhibiting any possibility of extra-judicial information access."[11] He also argues that there is no constitutional, legal or practical reason preventing judicial review of access disputes. Few would disagree that an informed public is the basis of democracy. This public has the basic right to information. The courts at present are the basic protectors of our rights. Why should they not guard these rights as well?

Gordon Robertson, Secretary to the Cabinet for Federal-Provincial Relations, feels that information access is fundamentally a political decision, not a basic right. Consequently, he feels ministers responsible politically for these decisions should be the ones who ultimately make them. Government-produced information is so basic to all aspects of Canadian life, however, that this is no longer the case. "Government has become perhaps the most important single institutional repository of information about our society and its political, economic, social and environmental problems. In some areas, the government is virtually the only significant source of information."[12] Again it has been estimated that more than 70 percent of government work involves information production.[13] How can such an important aspect of our government institutions be neglected? Hugh Winsor asked "who really runs government and who really initiates, formulates and researches new policies—the politicians or the bureaucrats?"[14] What action is taken when a piece of information is in hand may well be a political decision. The information itself, however, is not necessarily political. Information produced within government should be available to the public just as it is to those within government who make policy decisions.

An efficient method of handling review would have two stages. First, an independent information commissioner would review cases of denial by investigating the documents involved and advising the inquirer and the government agency whether the information falls under an exempted category or not. Secondly, if the inquirer still wished to pursue the matter, the request would pass through the court system. This dual method would divert the majority of cases from the courts and yet give applicants an opportunity for binding review.

Information is a central issue in our complex society. It is essential that we finally face the complex questions involved in its organization and ensure consistent access to this vital national resource.

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Freedom of Information in Municipalities

Long before the present concern about freedom of information, Ontario municipalities

11 T. Murray Rankin, *Freedom of Information in Canada: Will the Doors Stay Shut?* (Canadian Bar Association, 1977).

12 Secretary of State, *Legislation on Public Access to Government Documents*, p. 17.

13 ACCESS, *Canadian Legislation Policy Report*, p. 1.

14 "Cabinet's Secrecy Habits Die Hard," *Globe and Mail*, 23 November 1976.

were subject to a law giving all members of the public ready access to a wide range of municipal documents. The current Municipal Act (1977, Section 216 [1]) states that

> any person, at all reasonable hours, may inspect any records, books, accounts and documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the corporation made to council, board of control or any committee of council, and the clerk within a reasonable time shall furnish copies of them....

The effect of this legislation is to open a wide range of documents to the public, a privilege not limited to citizens or inhabitants of the municipality. Reports are restricted only until they reach City Council, then they automatically become public documents. Recent legal decisions have confined the meaning of "inter-departmental correspondence" to a narrow range of interpretations.

Since this section of the Act does not seem to be well known by either administrators or the public, there has been very little public demand for access to municipal records. If Ottawa can be taken as an example, the public was effectively excluded by this ignorance from the city's records until the establishment of the City Archives three years ago. A decision of City Council in May, 1974 on "Privileged Information" restricts a considerable number of city records from the public on grounds of confidentiality. The City is now planning a new policy for freedom of access which will provide guidelines for the ordinary citizen.

Meanwhile, there are moves to compel Ontario's municipalities to follow a more open policy. In 1974, in the Ontario High Court, the City Clerk of Timmins was forced to produce certain financial records to a ratepayer, even though the records were kept by another City Department and not by the City Clerk. More recently, a citizen of Port Hope was successful in obtaining access to that municipality's records. It is clear that many municipalities will soon find it necessary to organize their records more effectively so that citizens can exercise their right to know.

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ACA Copyright Committee in Reply to Keyes-Brunet

In its response to the Keyes-Brunet working paper, *Copyright in Canada: Proposals for a Revision of the Law* (1977), the Association of Canadian Archivists' Copyright Committee has welcomed the improvements made upon previous statements and proposals for revising the Copyright Act, but continues to press for less restrictive and confusing provisions.

Duration of copyright is a matter of great concern to archivists. Keyes and Brunet recommended that copyright on unpublished writings continue for seventy-five years after the death of the author, or one hundred years if the material had been deposited in an archives. The committee opposes this complicated and illogical system, and recommends a term of fifty years after the death of the author in all cases. For corporate records, a term of one hundred years after the creation of the document is suggested. In the case of Crown Copyright, the committee agrees with Keyes and Brunet that the regulations should be clarified, but adds the recommendation that Crown Copyright on unpublished material should subsist for a term of fifty years after the creation of the document. For unpublished corporate records, one hundred years after the date of creation is suggested. In the case of photographs, the present term of fifty