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Archives, Open Government and National Security Balancing Concepts of Public Ownership with Security and Intelligence in Canada

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ABSTRACT

Starting in 1967, with the issuance of an Order-in-Council by Canadaâ€™s Privy Council, the concept of providing Canadians access to their Federal Government Records was promulgated through their National Archives (now Library and Archives Canada - LAC). In the intervening decades, LAC has reviewed millions of pages of Security and Intelligence Records and, whenever possible, released them.Â Now, as the Canadian Federal Government examines changes to the Access to Information Act, as well as changes to Canadaâ€™s National Security systems, there is a new commitment to National Security Transparency. The intent of this paper is to examine the historic provision of archival access to the records of Canadaâ€™s Federal Security and Intelligence Records, in particular to the archival records of the Canadian Security Intelligence Service (CSIS).Â Through a proper application of the terms of the Access to Information Act to the Canadaâ€™s Federal Security and Intelligence files, carried out in consultation with Canadaâ€™s intelligence community, Library and Archives Canada has embraced its responsibilities to Governmental Openness and the needs and requirements of National Security. In doing so, LAC has worked to balance Â legislatively mandated commitment to chart a course between desirable accessibility and the operational needs of Canadaâ€™s Security/Intelligence community.

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Introduction

In Canada, the *Access to Information Act* (Canada, 1983) permits Canadians to access Federal government records, where it will not cause harm to the legitimate functions/activities of government, and establishes timelines for responding to requests for government information. The legislation, which came into effect in 1983, is the end-result of a 1967 Order-in-Council that established a concept of a right to access public records through a national

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archive, with certain specific and limited exceptions (exceptions that included many of the records of Canada's Federal Security and Intelligence Records). In general, exceptions include information that could affect federal–provincial relations and the safety and security of individuals, as well as information held in confidence or that belongs to third party private sector companies. Information subject to solicitor-client privilege or any information that, if disclosed, could undermine the operation of government or harm the legitimate interests of the nation, is also exempt from release. The complementary *Privacy Act*, which also came into force in 1983, extended laws that protect privacy of individuals with respect to personal information about themselves held by a Federal government institution. This act also provides individuals with a right to access information about themselves. Additional Orders-in-Council have introduced the concept of open government and the need to protect security and intelligence records. Taken together, this body of legislation means that government cannot refuse access to its recorded information without specific rationale. (Please note that in the terms of this Canadian legislation, the words "exemptions," or "exempt" means that information may be exempt from release, while the word "excluded" means the legislation cannot be applied to the information under consideration). (Canada, Treasury Board Secretariat, 2014).

Although a significant proportion of security and intelligence records meet the threshold for exclusion under the *Access to Information Act*, some of this information may be proactively released, or, released, in response to an ATIP (Access to Information and Privacy) request.

Since 1983, Canada's national archives, Library and Archives Canada (LAC) have reviewed millions of pages of records originating with the Canadian Security Intelligence Service (CSIS) and other security and intelligence functions. Now, as the Federal government sets out to review and amend its access to information and privacy legislation, there is a renewed commitment to national security transparency.

This paper offers some insight into the development of Canada's historic provision of archival access to CSIS records and related security and intelligence information. The foundations of this paper are the author's own personal experiences working with the records of Canada's security and intelligence records as held at LAC, the Canadian national archives. This includes 8 years of applying Canadian Federal access to information and privacy legislation to the archival records of the Federal government, including the records of Canada's security and intelligence agencies. Since 2002, this experience has also included activities as an archivist dealing with the archival records of the Federal government, for the past number of years as the senior archivist responsible for the Security and Intelligence portfolio.

Canadian security and intelligence

The origins of CSIS are helpful in understanding its function in government and why its records might be exempted from release under access to information legislation.

In 1867, most of the provinces of British North America united in the Dominion of Canada. The unification of these British colonies, driven, at least partly, through concerns over Canada's neighbors to the south, the United States, which had just finished its Civil War, and whose government appeared, at least to the new Canadian nation, to be militaristic and expansionist. Canadian fears were exacerbated by the rise in the United States of the Fenian Brotherhood, an Irish organization that had adopted the notion of conquering Canada and trading it to Britain for an independent Ireland. From 1866 through to 1871, the Canadian authorities viewed with grave concerns the Irish-American plots, plots which in turn resulted in several armed invasions, as the Irish-Americans, many of them veterans of the recently concluded American Civil War, attempted to seize the Canadas (Senior, 1991).

In response to the concerns over armed incursions, the new Canadian government created first the Western Frontier Constabulary, whose role was primarily the gathering of intelligence concerning the Fenians, including crossing the Canadian-American border to spy. Shortly thereafter, in 1868, the Western Frontier Constabulary was incorporated into a new agency, the Dominion Police. The new agency was tasked with guarding Federal buildings, but also took on the role of Canada's intelligence service, ever watchful of Fenian plots. (Rutan, 1985, p. 19).

In the early 1870s, the Federal government created a new police force for western Canada, named the North-West Mounted Police. Although chiefly involved in enforcing Canada's laws over the vast lands of the West, by the First World War, the influx of immigrants to the Canadian prairies, many from nations now at war with the British Empire, raised new concerns and fears of enemy intelligence operations. Throughout the First World War, the now Royal Northwest Mounted Police investigated any claims of subversive activities in the lands under their protection, while the Dominion Police appeared to have conducted at least some security work in the remainder. In 1919, the Federal government merged the Mounted Police and the Dominion Police to create a new entity, the Royal Canadian Mounted Police (RCMP), which now incorporated a distinct Security counter-intelligence service. This agency, and its security service, dominated the Canadian intelligence force for the next half-century. (Kealey, 2017)

In 1970, following various activities intended to deal with a violent separatist movement in the Province of Québec, it was determined that the RCMP had exceeded their legislatively mandated powers, and had, in fact, undertaken a number of clearly illegal actions (including destruction of private property

and burglarizing a news agency as well as a political party). (Rosen, 2000, p. 4) The ensuing scandal and investigation included a commission of inquiry (*A Royal Commission of Inquiry into Certain Activities of the RCMP*), whose recommendations resulted in the closure of the RCMP Security Service, and the formation of a new civilian security agency, the Canadian Security Intelligence Service (CSIS) (Hewitt, 2002, p. 203–204). By 2002, a brief introduction to Canada's security and intelligence function listed at least 12 agencies or offices with some responsibility for security, primarily counter-intelligence (Canada, Privy Council Office, 2001, i), including CSIS.

Accessing the archival records

Through a proper application of the terms of the *Access to Information Act* to the Canada's Federal Security and Intelligence files, carried out in consultation with Canada's intelligence community, Library and Archives Canada has embraced its responsibilities to Governmental Openness and the needs and requirements of National Security. In doing so, Canada's Federal archives have worked to balance our legislatively mandated commitment to provide access to our holdings with the legitimate need to protect some forms of information. In doing so, Library and Archives Canada has helped to chart a course between desirable accessibility and the operational needs of Canada's Security/Intelligence community.

It is almost a truism, if not a platitude, to state that the citizenship of a nation must and should have a proprietary interest in the information produced by its government. Of course, at the same time, it is clear that sometimes the legitimate interests of the state dictate against making all information immediately available. One lasting example of this information normally seen as trumping public access is in the domain of national security – where it is perceived that the premature release of information may harm the national interest. At the same time, when considering records placed within an archival context, many researchers operate under the assumption that information deposited in an archive must surely be open; any challenge to this perception may result in angry considerations as to "censorship" or Big Brother, often accompanied by other Orwellian suggestions. (Campbell, 2002)

A number of national archives seem to support this proposition, with rules that direct government records to be primarily open, and available for research without any need for additional review. The American National Archives and Records Administration clearly states "[m]ost archival records held by NARA are available to the public for research and are either unclassified or declassified." (United States, National Archives and Records Administration, 2016) Public records deposited at the British National Archives are to be open upon transfer – unless it is known that they specifically contain information exempt from release under Britain's *Freedom of Information Act*. (United Kingdom,

National Archives, 2016) The Japanese National Archives, on the other hand, does lay out extensive criteria for denying access to Public Records submitted to their care and custody (Japan, National Archives of Japan, 2009).

In Canada, contextually, access to the archival records of the Nation is somewhat differently organized. Although Canada first established an entity in 1872, which would become the national archives, for most of the first century of existence, the majority of the textual records obtained by this institution did not start their existence with the Canadian government. There were certainly various commitments made to the concept of public archives, and our institution did manage some limited government holdings, but most of our activities focussed upon gaining records from private sources, as well as an extensive program of copying records from various British, French, and any other repositories dealing with Canadian history. Even when the Canadian Federal Government passed a 1966 order that no Government information could be destroyed or otherwise disposed of without the express permission of the Dominion Archivist, it did not direct that any of these records must be deposited with the Public Archives. (Canada, 1966).

From a Government archivist's point of view, perhaps the greatest change to this process happened in 1967. As Canada marked its Centenary of the Confederation of a number of provinces of British North America to form the new nation-state, it was decided by the Federal Cabinet that more had to be done to provide access and increased transparency to the records of the Federal government. To enable this access, the government proposed to create a mechanism for accessing government records after their transfer to what was then known as the Public Archives of Canada.

Many are aware that the first formal Freedom of Information legislation was put in place by the Swedish government in 1766, and since the American Revolution happened soon after, it should come to no-one's surprise that one of the next states to adopt such a policy was the United States of America. The surprise in this case comes with the fact that they did not actually get around to doing so until 1966. Accordingly, the 1967 adoption in Canada of rules to govern access to Government records should be seen as actually part of a ground-breaking move toward a recognition of a public right to know what the government has done. (German, 1995).

In late December 1967, the Canadian Cabinet met and sanctioned a Decision by Cabinet that stated:

> "The Cabinet approved: (a) the principle of making available to the public through the Public Archives as large a portion of the public records of the Canadian Government as might be consistent with the national interest; (b) the acceptance of a 30-year rule of age for making records public, unless they fell within excepted categories which would not be automatically available; excepted categories to include: (i) security and intelligence records; (ii) personnel records; (iii) records, the release of which might violate the right of privacy of individuals; (iv) records, the release of which might be considered

> a breach of faith vis-à-vis other governments; (v) records, the release of which might tend to embarrass the Canadian government in its relations with other governments … " (Canada, 1967).

Accordingly, although it applied to many records, it barred security and intelligence records from consideration, along with any information received in confidence from another government.

While this was an excellent start to accessing public records, greater access required further change. Following several years of campaigning for increased accessibility, in mid-1973 the Federal Cabinet once more issued a Cabinet Directive, this one entitled "Transfer of Public Records to the Public Archives and Access to Public Records held by the Public Archives and by Departments," or as it was known to those familiar with it – Cabinet Directive No. 46.

The terms of this Directive provided greater access to public records, particularly while those records remained in the hands of the originating department or agency, but once again, it included a definition for an "exempted record" which means:

> a public record (a) that contains information the release of which (i) would be contrary to law; (ii) is restricted pursuant to an agreement between the Government of Canada and any other government, (iii) might be considered by any government to be a breach of faith on the part of the Government of Canada (iv) might embarrass the Government of Canada in its relations with any other government, or (v) might violate the privacy of any individual, (b) that related to security or intelligence; or (c) that is a personnel record, except that a personnel record ceases to be an exempted record on the expiration of a period of ninety years from the date of birth of the employee with respect to whom the record is made ….

Once more security and intelligence records, along with information received in confidence from another nation, were exempt from a right of access. (Canada, 1973)

Nor did the next attempt provide any better right of access to such material. The 1977 Access Directive simply copied the definition of exempted record from 1973's Cabinet Directive No 46 leaving those interested in access to security or intelligence records no better off. In fact, it did not even satisfy the demand for greater access to the decision-making records of the current government (Canada, 1977). In response, the government drafted Bill C-43, which was approved in June 1982 as the *Access to Information Act* (ATIA). Although there are a few sections that mention the National Archives specifically, these Acts were primarily intended to provide a means of access to the operational records of government held by the various government departments and institutions, including those agencies primarily concerned with security and intelligence. On 1 July 1983, the ATI legislation came into effect, and the world of the researcher at the National Archives changed radically (German, 1995).

With the introduction of this legislation, and the realization that it applied equally to the national archives and to the Federal police, to National Defense as well as to the Department of Agriculture, a flood of records arrived at the National Archives. Rather than retain responsibility for responding to Access to Information requests for access to government records, the various government departments and agencies transferred their dormant records, usually regardless of their security classification, along with the responsibility for managing them in accordance with security policies or reviewing them under the *Access to Information Act*, to the Archives. Due to the nature of directives established to govern the application of the *Access to Information Act*, the staff engaged by the archives to review records could provide access to the mundane matters, but were required to consult with the offices of primary interest for, among other things, issues involving national security, national defense, or foreign relations. As for security classifications, the records retained these classifications, barring specific decisions to declassify or downgrade the information (German, 1995).

Under the terms of the *Access to Information Act*, information could still be exempt from release if its release could hamper the prevention of subversive activities, harm our foreign relations, and/or injury our ability to defend our nation (sec. 15). Simply stating the information was a security or intelligence record was no longer sufficient – now there had to be some potential harm to the release in order to exempt it from release. Unfortunately, the *Access to Information Act* did not consider the passage of time lessening any sensitivity when considering national security information (German, 1995).

In addition, information received in confidence from a foreign government remained exempt from release, BUT, could be released if said release was done with the permission of the originating government. There was no longer a class exemption with no recourse for remedy; it was now incumbent upon the department holding the information to contact the originating department(s) to inquire as to whether the information should still be restricted. (German, 1995).

ATI section 2 of this legislation even explicitly stated: "necessary exemptions to the right of access should be limited and specific . . . ". (Canada, 1983) This means that, if possible, any information withheld must be redacted in part rather than in whole. It is not possible to state that a line on a page contains some information that must be withheld and use that as justification to withhold the entire page – all of the page that does not threaten the release of the exempt information must be released. This can lead to some awkwardness with what is being redacted and the amount of information severed, has been challenged by some applicants before Canada's Federal Court. Associate Chief Justice Jerome decided in one 1988 case that severing exempt information would result in the release of an entirely blacked-out document with, at most, two or three lines showing. Without the context of the rest of the

statement, such information would be worthless. The effort such severance would require on the part of the Department is not reasonably proportionate to the quality of the access it would provide. In another case, also in 1988, Jerome decided, "disconnected snippets of releasable information taken from otherwise exempt passages are not, in my view, reasonably severable." (German, 1995)

These court decisions continue to assist the governance of this legislation and it is the task of those Analysts responsible for releasing information at Library and Archives Canada, in accordance with ATIP, to weigh Justice Jerome's findings when deciding what may be releasable. At the same time, they must also remember the purpose of ATIP: to make information available. (Although the ATIP analysts normally consult with the appropriate portfolio archivists, those LAC archivists' primary duties lie with the appraisal of government records, their description once acquired, provision of research assistance, and maintenance of relations with the client departments). (Bailey, 2013)

Nor was it possible to claim that national security should trump any right to access. Certainly, the government continued and continues to hold records under tight controls or under a carefully defined system of security classifications. The Canadian Federal government's *Directive on Security Management* defines the levels of security classification based upon the concept of harm to the nation:

- *Top secret*: applies to the very limited amount of information that, if compromised, could reasonably be expected to cause exceptionally grave injury to the national interest.
- *Secret*: applies to information that, if compromised, could reasonably be expected to cause serious injury to the national interest.
- *Confidential*: applies when compromise could reasonably be expected to cause injury to the national interest.

The same government directive also states:

> The security category for information or asset repositories reflects the impact of aggregation, where more significant injury may occur when a group of information resources or assets is compromised; The security category determines, in part, security requirements and, consequently, needs to balance the risk of injury against the cost of applying safeguards throughout the life cycle of information, assets, facilities or services; and From a confidentiality standpoint, the security category for information considers the exemption and exclusion criteria of the Access to Information Act and the Privacy Act to ensure that resources are not applied to protect information that can be made public. (Canada, Treasury Board Secretariat, 2019)

Alternatively, in other words, unless it can be exempt from release under a section of the *Access to Information Act* dealing with security, defense, or

international affairs, something cannot be defined as Confidential or Secret, and certainly not as Top Secret. This does not mean that all records must be reviewed under the terms of the *Access to Information Act* as soon as they are created to determine what the proper level of security classification to be used – a situation may change with circumstances and the passage of time. A document may be written and under the circumstances may be classified as Secret, but if a question ever comes up as to whether it should keep that level the determining factor is and must be – can it be exempt from release under an appropriate section of the ATI. If the answer is yes, then the next question would be whether the harm caused by the release of this rises to the level of "serious injury" in which case it may remain as Secret, or whether the information may have lessened in sensitivity, in which case it might be appropriate to downgrade the security level to the lesser-Confidential.

If intelligence or security records of departments are sent to Library and Archives Canada, the question arises as to the scope of those materials. Frankly, thousands of boxes of security/intelligence records are held by LAC. These range from general security, such as the records of our Federal prison system, including selected inmate files, the records of the Canadian Border Security Agency, responsible as it is for customs, immigration enforcement, etc., through to those agencies with a more traditional security/intelligence role, such as records of the RCMP.

LAC's holdings of the RCMP Security Service, primarily held as part of the CSIS fonds, benefitted no doubt from the fact that soon after the decision to do away with the Security Service and create CSIS, Canada's national archives received new legislative authority with the passage of the National Archives of Canada Act. (Canada, 1987; Lacasse & Lechasseur, 1997, p. 18–19). In fact, the CSIS fonds constitutes what is probably the largest single collection of Security/Intelligence records held by LAC. At present, Library and Archives Canada holds 1478.5 m of CSIS textual records (held in 7206 containers), 71.34 MB digital and 6109 microfiche – the great majority, but by no means all, originated with the RCMP. In addition, LAC also holds records of the Communications Security Establishment, the Security Intelligence Review Committee, the Departments of Public Safety, National Defense and Global Affairs Canada, etc., all of which have added to LAC's holdings of national security/intelligence records (details concerning LAC's holdings can be easily accessed at its website – https://www.bac-lac.gc.ca). Due to the nature of these records, many of these materials may be held in Top Secret vaults – but this does not mean that there may not be access to this material.

Any Canadian citizen, or individual resident in Canada, may submit an Access to Information request to access our holdings. The sole cost at present is 5 USDCDN. In the past, this gained the requester 5 hours of search and preparation with additional time chargeable at a rate of 10 USD per hour and 0.25 USD per photocopied page, but a little less than 3 years ago, in an

atmosphere of increased transparency, the Federal Government decided to waive the additional fees for search, and even for digital copies. Since that decision, the number and nature of Access to Information requests to Library and Archives Canada have been increasing in size and scale, including one recent requests calling for access to 160+ boxes of RCMP investigation files, including 219 3.5 inch diskettes, 29 CDs and a couple of hard drives. As reported by Dean Beeby for CBC news 13 April 2018 (https://www.cbc.ca/news/politics/rcmp-access-information-money-laundering-legault-dagg-delay-extension-1.4616137), LAC's ATI office believes that it will take approximately 80 years of page-by-page examination and consultation to adequately review and prepare this material for release.

It is noted that exemptions from release concerning national security information, by the very nature of their subject matter, often call out for conspiratorial interpretations as to why access to some information might be denied. One scholar, concerned with issues concerning access to security records dealing with homosexuals, was adamant that denial of access was consistent with an apparent decision that homosexuality itself was and continues as a national security threat (Gentile, 2010). While it is clear that she may have misunderstood the terms under which complete access was denied (German, 2010), her basic concern that she is unable to achieve greater access is one duplicated by others. One archival luminary, Laura Millar, has recently published upon the importance of archival repositories acquiring and providing access to the records of the state (Millar, 2019).

What information is available?

A few years ago, a journalist submitted a request under the ATIA for access to the CSIS file, really the RCMP Security Service file, dealing with a particular by-then long-deceased Canadian politician, a Thomas Douglas. In order to understand how sensitive the contents of this file would be regarded, Douglas must be placed in context.

Thomas Clement Douglas, widely known as Tommy, was born in Scotland in 1904, and his family moved Canada while he was a child. While still a youth, he suffered an injury to his leg, which nearly resulted in an amputation, his leg only being saved by a prominent surgeon who used the operation as a teaching tool – something that would have an effect upon his later actions. After being ordained a Baptist minister, he moved to a congregation in the province of Saskatchewan. While serving in this role Douglas became more taken with concepts of social democracy, so much so that he ran for political office, first unsuccessfully for the provincial legislature, then successfully for a seat in Canada's parliament as a representative of a different social democratic party, the CCF. A few years later he resigned his seat in the Federal Parliament to lead the provincial wing of the party to power in Saskatchewan, holding the seat of

Premier in that province from 1944 until 1961. In that year, he moved again to Federal politics, becoming leader of the Federal New Democratic Party (NDP), the successor to the CCF. He left active politics in 1979 and passed away in 1986. (Thomas, 1982)

Douglas was a prominent politician, but in order to see just how important he was, it is necessary to explain that while in power in Saskatchewan, he thought about the fact that he could have lost his leg due to his family's inability to pay for good medical care, and decided to do something about it. While Premier he brought in increasing support financial support for patients, and in 1962, after he moved to Federal politics, his successor in Saskatchewan fought the final great battle to formally adopt Medicare, or a full public health-care program. Although it went through after he took over the Federal NDP, Douglas became known as the Father of Medicare – a system so successful that it was not long before its national adoption. His fame persisted and even 18 years after his death, a national TV contest conducted by the national broadcasting system, voted Tommy Douglas the "Greatest Canadian." (Canadian Broadcasting Corporation, 2004)

It was therefore somewhat of a shock to the Canadian news services to find that not only had there been an RCMP investigation file into Douglas, but actually an extensive one. A file, what is more, that was not totally disclosed upon first request. The Canadian Press news agency reported with great horror 10 February 2010, that "Canada's spy agency is pulling out all the stops to block the release of decades-old intelligence on socialist icon Tommy Douglas" (https://www.cbc.ca/news/canada/csis-won-t-open-full-tommy-douglas-file-1.888180).

As previously mentioned, in dealing with such a request it is a standard procedure to consult with the originating department, particularly when the information concerns security/intelligence issues – in this case, CSIS was the inheritor of the RCMP Security Service. This resulted in a partial release on information – not the majority, but a significant part. The remainder in the eyes of CSIS should be exempt from release. Under the processes established under the ATIA, upon receipt of a complaint, the office of the Federal Information Commissioner investigated the case and persuaded CSIS to release further documentation; unfortunately, CSIS, and, following CSIS's advice, LAC, continued to hold many records as exempt from release. Thereupon, the complaint moved to another stage in the process, this time an appeal to the Federal Court of Canada. In this Court, the applicant generally won, but CSIS and LAC resisted some of the terms of the decision. They, therefore, took it a step further to the Federal Court of Appeals. Although more records were released to the press, they were not very satisfied, and on 9 December 2012, the Canadian Broadcasting Corporation announced that the journalist/applicant in this case sought permission to take his demand for access to the court of last appeal, the Supreme Court of Canada. The attorney

representing the applicant declared – "It is about the balance between history and security and when national security information can and should be withheld." (https://www.cbc.ca/news/politics/fight-over-secret-tommy-douglas-file-goes-to-top-court-1.1167772).

Unfortunately, for the applicant at least, on 28 March 2013, the Canadian Press reported that the Supreme Court refused to hear the appeal. In its brief synopsis of the case, however, it revealed that Douglas had the subject of long-term surveillance and that although records were still withheld; hundreds of additional pages had been released. (https://www.macleans.ca/news/supreme-court-wont-hear-canadian-press-appeal-in-tommy-douglas-case/)

In the end, the result of these appeals, decisions, and counter-appeals, was the release of most of the file, and the journalist who originally submitted the request perhaps came to understand why and how the file was so voluminous. Long after the RCMP had lost any really interest in Douglas' actions, the file remained open, and every time a reference to Douglas was found in a document acquired by CSIS, or rather the RCMP, a copy of that document was added to the Douglas file.

I have to think though that the Douglas story is a story of success, of a security file dealing with a prominent figure that a researcher could request, and when the researcher is unsatisfied with the result, other measures could be taken. Moreover, in the end, LAC tried to balance the sometime competing interests of public ownership of the records and the needs of national security. Perhaps the degree of success may be measured by the amount of dissatisfaction found in both sides, as compromise allowed Access to some of the Intelligence records of the nation.

Nonetheless, recent proposed changes to the Federal Government's security policies have included provision for increased transparency for Government Security. Bill C-59, *An Act respecting national security matters*, along with Bill C-58, *An Act to amend the Access to Information Act and the Privacy Act*, were both signed into law in 2019, although the latter contains little affecting national security information and is primarily concerned with streamlining some bureaucratic processes. Subsequent to the introduction of this legislation, the Federal Government has made a public commitment to National Security Transparency. It recognizes that there are difficulties with this proposal, but states:

> The field of national security presents a unique challenge to this imperative. There are adversaries who would use information about how the Government protects national security to harm us. Government must find a way to enable democratic accountability without providing information that could compromise Canada's security.

This initiative outlines how the Government is fulfilling its commitment to transparency through action in three areas:

•Information transparency, to show what departments and agencies are doing to protect national security.

•Executive transparency, to explain the legal structure for protecting national security, and how choices are made within that structure.

•Policy transparency, to engage Canadians in a dialogue about the strategic issues impacting national security (Canada, Public Safety, 2019)

Also in 2019, the Information Commissioner of Canada, the official responsible for oversight over the Federal *Access to Information Act*, hosted a session at Open Government Partnership Summit, held that summer in Ottawa, the Canadian capital. The session dealt explicitly with declassification of archival records and included representation from the United States and Britain, as well as two archivists from Library and Archives Canada. Later, the Information Commissioner's official website posted a paper proposing a national strategy for declassification of security and intelligence records, with special emphasis upon those held by Library and Archives Canada. (Wark, 2020)

Of course, these statements merely constitute aspirational intent. It will be incumbent upon Canadians to review the processes in coming years to determine which trumps which – the proposition that appeals to National security must prevent access or the proposition that public accountability and freedom is only attainable through completely Open Government. I would suggest that neither should totally overrule the other, and as with the Douglas case, the success of the changes may eventually be measured by the degree of dissatisfaction found with the results by the adherents to the occasionally competing propositions, Open Government *versus* the necessary elements of national security.

Notes on contributor

Daniel German has been with Canada's national archives, Library and Archives Canada, since 1992. His experience with this organization has included applying freedom of information legislation to the archival records of the federal government, in particular to highly classified records originating with agencies and departments responsible for issues of national security. He has also worked as an archivist organizing the personal papers of several former prime ministers, and since 2001 has been an archivist working with the archival records of the Canadian government. For the last decade he has been the senior archivist responsible for the security and intelligence portfolio.

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