

## Government Documents in the Classroom

Government documents, such as federal and provincial acts and regulations, royal commissions, data from Statistics Canada, reports generated by intergovernmental organizations including United Nations and World Health Organization, and maps, are important tools in classroom instruction. The following screencast will assist you in using government documents in the classroom within the limits of copyright legislation. We will cover

1. Open Government Initiative
2. Crown Copyright
3. Federal Government Documents
  - a) Department of National Defense
  - b) Statistics Canada
4. Provincial Government Documents
5. Municipal Government Documents
6. International Government Documents
7. Maps
8. Desire2Learn and Government Documents
9. UNB Libraries' Course Reserves

1. The *Open Government Partnership* is an international initiative that, since 2011, has been encouraging governments around the world to make their activities and decisions more transparent to the public. By September 2011, and in response to this initiative, the Canadian government launched *Canada's Action Plan on Open Government*.

The following quote from their website gives you a sense of the government's mandate: *Canada's Action Plan on Open Government* recognizes "the importance of providing open access to public sector information and data and, in particular, the need to improve the availability of data to researchers and the private sector with fewer restrictions on reuse of these information assets."

Government of Canada. "Introduction." *Canada's Action Plan on Open Government*. 22 April 2015. Web. 23 April 2015. <http://open.canada.ca/en/canadas-action-plan-open-government>.

Go to the provided url to learn more about the Government of Canada's commitment in this area.

2. Works published by any level of government are subject to copyright. Most federal, provincial and territorial government publications are subject to Crown Copyright, which exists for the duration of the year in which a work was published plus fifty years. Section 12 in the *Canadian Copyright Act* <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html> outlines the Crown Copyright provision.

3. Since November 18th 2013, each government department and agency look after their respective copyright inquiries and requests. For a complete list of departments and agencies, go to [www.publications.gc.ca](http://www.publications.gc.ca) and, under the Services tab, choose Crown Copyright and Licensing [www.publications.gc.ca/site/eng/ccl/index.html](http://www.publications.gc.ca/site/eng/ccl/index.html).

In addition to the individual specifications of a given government department or agency, here are a few general rules when reproducing federal government documents.

Unless otherwise specified in the work you would like to reproduce, written permission is not required if the reproduction will be used for personal or public non-commercial purposes or for cost-recovery purposes only. However, you are required to comply with the conditions:

- Exercise due diligence in ensuring the accuracy of the materials reproduced.
- Indicate both the complete title of the work reproduced, as well as the author organization.
- Indicate that the reproduction is a copy of an official work that is published by the Government of Canada and that the reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.

3a) Let's take a look at one example of how federal government departments and agencies approach copyright: the Department of National Defense. Section 5 of the "Terms and Conditions" page <http://www.forces.gc.ca/en/terms-conditions.page> states:

In order to use Crown copyright protected materials managed by the Department of National Defense or the Canadian Armed Forces (DND/CAF), such as the photographs and videos available at [www.combatcamera.ca](http://www.combatcamera.ca), the textual material available on this website, or the recordings and performances of CAF bands, please follow the instructions below.

NOTE: The instructions below do not apply to trade-marks such as CAF badges, crests, flags and insignia, as well as the Yellow Ribbon associated with the "Support Our Troops" program.

Permission is not Required

- a) When the use is non-commercial.
- b) When the use is commercial but the anticipated revenue is under \$10,000.

Permission is Required

- a) When the material is being revised, adapted, modified, or translated.
- b) When the material will be used commercially and the anticipated annual revenue exceeds \$10,000.

To request permission for (a) or (b) above, please apply for a license.

3b) Here is another example of how federal government departments and agencies approach copyright: Statistics Canada. The "Terms and Conditions" of their Open Licence Agreement <http://www.statcan.gc.ca/eng/reference/licence-eng> state:

Licence Grant

Subject to this agreement, Statistics Canada grants you a worldwide, royalty-free, non-exclusive licence to:

- use, reproduce, publish, freely distribute, or sell the Information;
- use, reproduce, publish, freely distribute, or sell Value-added Products; and,

- sublicense any or all such rights, under terms consistent with this agreement.

In doing any of the above, you shall:

- reproduce the Information accurately;
- not use the Information in a way that suggests that Statistics Canada endorses you or your use of the Information;
- not misrepresent the Information or its source;
- use the Information in a manner that does not breach or infringe any applicable laws;
- not merge or link the Information with any other databases for the purpose of attempting to identify an individual person, business or organization; and
- not present the Information in such a manner that gives the appearance that you may have received, or had access to, information held by Statistics Canada about any identifiable individual person, business or organization.

In the Acknowledgment of Source section, Statistics Canada requires that

(a) You shall include and maintain the following notice on all licensed rights of the Information:

*Source: Statistics Canada, name of product, reference date. Reproduced and distributed on an "as is" basis with the permission of Statistics Canada.*

(b) Where any Information is contained within a Value-added Product, you shall include on such Value-added Product the following notice:

*Adapted from Statistics Canada, name of product, reference date. This does not constitute an endorsement by Statistics Canada of this product.*

\*“Value-added Products” means any products you have produced by adapting or incorporating the Information, in whole or in part, in accordance with this agreement.

Statistics Canada also provides more restrictive licenses for use of data files available via the [Data Liberation Initiative \(DLI\)](#). These data files are to be used for academic purposes only.

For a list of data and statistics resources at UNB Libraries, see the Data Services webpage <http://www.lib.unb.ca/gddm/data/>.

4. As mentioned earlier, provincial and territorial government documents are also subject to Crown copyright. The Queen’s Printer for each province usually holds the copyrights and sets the terms under which materials can be reproduced. As such, it is necessary to inquire with each province for copyright information. Here are a few examples of provincial copyright terms of use:

Government of New Brunswick

Non-Commercial use:

The legislation on this site has been posted with the intent that it be readily available for personal, educational and public non-commercial use and may be reproduced, in whole or in part

and by any means, without charge or further permission from the Queen's Printer, provided due diligence is exercised in ensuring the accuracy of the materials reproduced.

[http://www2.gnb.ca/content/gnb/en/departments/attorney\\_general/acts\\_regulations/content/disclaimer\\_and\\_copyright.html](http://www2.gnb.ca/content/gnb/en/departments/attorney_general/acts_regulations/content/disclaimer_and_copyright.html)

By contrast, the Government of Nova Scotia provides no concrete policy on reproduction.

The Government of Quebec gives no permission for free reproduction. Licenses must be obtained under prescribed procedures to reproduce Government of Quebec's content.

<http://www.droitauteur.gouv.qc.ca/en/autorisation.php>

5. Although not subject to Crown copyright, municipal governments control the distribution of all documents that were created on their behalf and must be contacted for copyright information. In the case of municipal publications with personal authors, the rule of copyright "term of life of the creator plus 50 years" applies.

For instance, on the City of Fredericton's website <http://www.fredericton.ca/en/disclaimer.asp>, the terms of use disclaimer says:

"You may use documents you obtain from this site solely for informational, non-commercial and personal use. You may not post these documents on any network computer or broadcast them in any media. You may not modify any such documents and the copyright notice must appear on all copies. Use of these documents for any other purpose is prohibited by law and may result in severe civil and criminal penalties."

6. In the case of international government documents, regardless of the origin of the document, apply the copyright laws of the country in which you are making and using the copy. For instance, when you are copying government documents from outside of Canada for use in a UNB classroom, follow the general rules of the *Canadian Copyright Act*.

7. The copyright status of maps is the same as the copyright status of images. Publishers of maps, such as Canadian Geographic, retain copyright for the term of the life of the author or creator plus 50 years. However, maps produced by Crown publishers in Canada, such as Natural Resources Canada, are subject to Crown copyright, which exists for the duration of the year in which a work was published plus 50 years.

The Fair Dealing exception in the *Copyright Act*, lately interpreted as a user's right, allows you to copy short excerpts of copyright-protected works for the purpose of research, private study, education, parody or satire, criticism or review, and news reporting.

In the context of UNB Libraries' Fair Dealing Guidelines, a short excerpt means generally up to 10% of a copyright-protected work (including an image, musical score, and an audiovisual work).

Fair Dealing also enables instructors to make short excerpts of copyrighted material available digitally for further distribution to the class, for example, as part of an online course, using the D2L platform, restricted by a password.

Depending on the outcome of fair dealing analysis, in some instances, it may be fair to copy more than 10% of a work, such as an entire image. For a detailed outline of fair dealing analysis in the context of images, please see the Images in the Classroom screencast <https://youtu.be/mAJtbDiDLbU> or contact the UNB Libraries' Copyright Office for guidance on specific examples.

8. Desire2Learn and Government Documents

As this diagram from our copyright webpage demonstrates [www.lib.unb.ca/copyright/TeachingandD2L.php](http://www.lib.unb.ca/copyright/TeachingandD2L.php), Desire2Learn is best suited for uploading material to which you, as an instructor, own the copyright, material freely available on the web, material from UNB Libraries' licenced electronic resources, and material that exists in the public domain.

In accordance with the UNB Copyright Policy <http://media.lib.unb.ca/copyright/unbCopyrightPolicy2014.pdf>, you are responsible for ensuring that any copyrighted content you post on D2L meets the limits of fair dealing, respects the terms of digital licences, and is removed at the end of term.

9. Note that UNB Libraries provide a hassle-free Course Reserves system

<http://www.lib.unb.ca/faculty/reserves.php> that delivers copyright-protected content to your students via the reserves tab on the library's home page and D2L.

The Advantages of Using the UNB Libraries' Course Reserves system are that:

- Students can easily retrieve information from one place;
- Course Reserves are embedded in D2L;
- Library staff maintain the electronic reserves system and take care of any access issues; and
- Library staff look after all licensing and copyright aspects of your Course Reserves.

Feel free to contact the Copyright Office with any questions at [copyright@unb.ca](mailto:copyright@unb.ca) and be sure to check out our website at [www.lib.unb.ca/copyright/](http://www.lib.unb.ca/copyright/).