

Legal Issues in Archival Donations
Association of Canadian Archivists' Workshop
Friday, February 19, 2021
Some Readings

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Acquisition and ownership issues:

Behrnd-Klodt, Menzi L. *Navigating Legal Issues in Archives*. Chicago: Society of American Archivists, 2008. Chapters 1-2, 4-8 and 16.

Archives Association of British Columbia. "Establishing an Archives" in *Archivists' Toolkit* (2009). Available at: <http://aabc.ca/resources/archivists-toolkit/>

The National Archives. *Deaccessioning and disposal: Guidance for archives services*. (2015). Available at:
<https://www.nationalarchives.gov.uk/documents/Deaccessioning-and-disposal-guide.pdf>

Indigenous materials:

"An Agreement Concerning the Stewardship of the Witness Blanket – A National Monument to Recognize the Atrocities of Indian Residential Schools." (2019). Available at: <https://reconciliationsyllabus.files.wordpress.com/2020/01/witness-blanket-stewardship-agreement-v04.4.pdf>

Association of Canadian Archivists. "Truth and Reconciliation". Available at:
<https://archivists.ca/Truth-and-Reconciliation>

First Nations Information Governance Centre. "The First Nations Principles of OCAP." Available at:
https://fnigc.ca/sites/default/files/docs/ocap_path_to_fn_information_governance_en_final.pdf

Torsen, Molly and Jane Anderson. "Intellectual Property and the Safeguarding of Traditional Cultures: Legal Issues and Practical Options for Museums, Libraries, and Archives" (Geneva: World Intellectual Property Organization, 2010). Available at:
http://www.wipo.int/edocs/pubdocs/en/tk/1023/wipo_pub_1023.pdf

Truth and Reconciliation Commission of Canada. "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada," (2015). Available at: <http://caid.ca/TRCFinExeSum2015.pdf>

United Nations. "United Nations Declaration on the Rights of Indigenous Peoples." (2007). Available at:

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

Tax and cultural property laws:

Canadian Cultural Property Export Review Board. Available at:

<https://www.canada.ca/en/services/culture/history-heritage/movable-cultural-property/export-review-board.html>

Canada Revenue Agency. P113 Gifts and Income Tax 2020. Available at:

https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/p113/p113-gifts-income-tax.html#P157_17621

Cultural Property Export and Import Act (R.S., 1985, c. C-51) Available at: <http://laws-lois.justice.gc.ca/eng/acts/C-51/>

Home, Heather. "Monetary Archival Appraisal and Tax Receipting in Canada: An Update". *The Bulletin* Vol. 34, No. 2 (April 2010): 8-16. Available at:

<http://hdl.handle.net/1974/5569>

National Archival Appraisal Board. Available at: <http://www.naab.ca/>

National Archival Appraisal Board. *The Future of Monetary Archival Appraisal in Canada Conference Proceedings*. (2007) Available at :

<https://naabcneaca.files.wordpress.com/2018/04/2007proceedings-e.pdf>

Rogers, Simon and Curtis Sassur. « On Walden's Fonds: Life on the Frontier of Monetary Appraisal in the Canadian Archival Landscape." *Archivaria* 90. (Fall 2020), 112-145

Silversides, Brock. *Preparing for Monetary Appraisals: A Guide for Canadian Archival Institutions*. Ottawa: Association of Canadian Archivists, 2004.

Walden, David. "The Tax Credit System: Blessing or Burden?" *Archivaria* 18 (Summer 1984): 84-90. [e-article]

<http://archivaria.ca.myaccess.library.utoronto.ca/index.php/archivaria/article/view/11080/12016>

Codes of Ethics:

Association of Canadian Archivists. *Code of Ethics*. (2017) Available at:

https://archivists.ca/sites/default/files/website_files/policy/aca_code_of_ethics_final_october_2017.pdf

Society of American Archivists. *Code of Ethics for Archivists*. (2005, revised 2012)

Available at: http://www2.archivists.org/statements/saa-core-values-statement-and-code-of-ethics#code_of_ethics



UNIVERSITY OF TORONTO
 ARCHIVES
 120 St George Street
 Toronto, Ontario M5S 1A5
 978-5342

Receipt of Records

Donor copy

Donor's last name _____

Temporary location _____

_____ Date _____

Accession No. _____

Records accumulated by

Name _____ Phone _____

Address _____ Occupation _____

Brief Description of records received _____

_____ Extent _____ Inclusive dates _____

Donated / Loaned for: deposit photocopying microfilming recording appraisal

other _____

To be picked up / To be returned by _____ DATE _____ to _____ ADDRESS _____

Received from (If donor different from creator of records) _____

Received by _____

I hereby acknowledge the safe return of the material described above. (If applicable)

UTAF-007/6/85

Date _____

SIGNATURE _____

University Archives
120 St. George St.

DEED OF GIFT

The following paragraphs constitute an agreement between The UNIVERSITY OF TORONTO through its Archives Department in the University of Toronto Library (hereinafter called the "Archives") and [name[s] of donor[s] and addresses] (hereinafter referred to as the "Donor").

It is acknowledged and agreed between the Donor and the Archives as follows:

-that the Archives is authorized by the University of Toronto Library to acquire, by gift or in any other manner, material belonging to or having a bearing on the history of the University of Toronto and may, by agreement with a donor of personal records, place such restrictions on the use of the records as may be stipulated in the agreement;

-that the Donor is the [sole] owner [and creator] of the [title of personal records](the "Personal Records") and desires to give the said Records to the Archives.

- that the Donor declares that the personal records are free of debt or lien.

1. DONATION

The Donor hereby gives, transfers and assigns all right, title and interest in and to the Personal Records hereinafter described to the Archives by way of gift to the Archives, to be the sole and exclusive property of the Archives.

[describe scope and content of records; dates; extent]

[if donor has provided listing or description, append to agreement and refer to as Schedule B]

2. APPRAISALS AND TAX RECEIPTS

2.1 The Archives will arrange, at its sole expense, to have the fair market value of the gift determined based on Canada Revenue Agency's guidelines for an independent third party appraisal for gifts over \$1,000. An official receipt will be issued by the University of Toronto to the Donor in an amount equal to the appraised value of the gift. See Schedule C for details

2.2 [use only when the donor is NOT the creator] The Donor understands that the value of the gift has to be determined based on Canada Revenue Agency's guidelines on valuation. Based on these guidelines, the donor's tax receipt will be limited to the lesser of the donor's cost of property or the fair market value of the property if the:

- Property was acquired as part of a tax shelter (a situation in which the donor may profit by making the gift)
- Property was acquired in the last 3 years (unless the gift is a bequest to U of T)
- Property was acquired in the last 10 years (unless the gift is a bequest to U of T) with the intent to donate the property to charity.

3. ACCESS AND USE

Conditions attached to the access and use of the Personal Records are set out in Schedule A. [insert : "of Deed of Gift dated xxxxxxx" if this is an accrual to previous gift of Personal records]

4. DISCLOSURE OF DONOR'S NAME AND VALUE OF GIFT

4.1 The Donor authorizes the release of [his/her/its] name as the donor of this property.

4.2 The Donor [does/does not] agree to the public disclosure of the monetary value of this gift.

5. GENERAL

This Agreement shall enure to the benefit of and be binding upon the Archives and the Donor and their respective heirs, executors, administrators and successors.

Signature of Donor

Dated at _____ on _____, 2010

University of Toronto Archives Department

per:

University Archivist

Date at _____ on _____, 2010

Schedule A

1. OBLIGATIONS OF THE ARCHIVES

1.1 The Archives shall assume all expenses relating to the physical transfer of the Personal Records.
[Describe arrangements and time(s) for physical transfer].

1.2 The Archives will review the Personal Records and arrange and describe those materials which the Archives considers to be of permanent archival value and upon completion will prepare a Descriptive Finding Aid and provide the Donor with a copy thereof.

1.3 The Archives will preserve and maintain the Personal Records in accordance with archival practice.

1.4 The Archives may dispose of any culled material that the Archives decides has no archival value.

OR

1.4 The Archives will arrange, at its sole expense, for the return of any material of the Personal Records to the Donor which the Archives decides is of no archival value. [to be inserted if Donor requests return of culls]

2. ACCESS AND USE

2.1 Identification of Restricted Material; [list the restricted materials and the restrictions agreed upon by the Donor and the Archives, including time limits]

The Donor declares that no restrictions shall be placed on access to the Personal Records and acknowledges being notified that the material in the Personal Records may be copied under Section 30.21 of the *Copyright Act*.
[replaces 4.1 if no restrictions]

2.2 Copyright - The Donor acknowledges and agrees that insofar as copyright subsists in the material comprising the Personal Records, this Agreement shall act as an assignment of such copyrights to the Archives.

The Donor acknowledges and agrees that insofar as copyright subsists in the material comprising the Personal Records, such copyright is held by [the donor or name of estate etc.] [replaces 4.2 if donor retains copyright]

2.2.1 The Donor grants to the Archives the right to exhibit, reproduce or publish for Archival purposes, without payment of royalties, any item of the Personal records in which the Donor holds copyright. [use if Donor retains copyright]

2.3 Access of Archives and Appraisers - The Archives shall have access to the Restricted Material for the purpose of arranging, describing and storing such material in accordance with archival procedure. Appraisers, if applicable, shall have access for the purposes of appraising the Personal Records. [use when material restricted]

2.4 Authorized access - Requests for access to Restricted Material shall be referred to the Donor during his/her lifetime. Only the Donor, or persons authorized in writing by the Donor, shall be permitted to have access to the Restricted Material during the period of restricted access, and such access shall be on the conditions set out in the Donor's authorization. [use for material with restrictions]

3. MATERIAL THAT IS NOT RESTRICTED

3.1 The Donor acknowledges being notified that the material in the Personal Records that are not identified as restricted may be copied under Section 30.21 of the *Copyright Act*. [use only if some material is restricted]

4. DONOR'S ACCESS

4.1 The Donor shall have access to these Personal Records during the hours of public service of the University Archives and in accordance with its Reading Room regulations

4.2 [Where necessary add statement authorising the Donor or a representative of the Donor to have access to restricted material.]

5. CONFIDENTIALITY

5.1 The Archives shall use all reasonable efforts to maintain the confidentiality of all Restricted Material until such time as the Donor or the authorized representative of the Donor, by written instructions, removes the restrictions, or until the period(s) designated in the restrictions in Part 4 of this Agreement has/have expired. [use for material with restrictions]

Schedule B [if applicable]
List of Personal records

Schedule C

University of Toronto Archives
And Records Management Services
120 St. George St.

Schedule C

Provenance name: _____

1. Is the donor the sole owner of the records as property? yes No
2. Is the donor the creator of the records? yes No

(If yes proceed to 4)

3. If you are not the creator of the records but have acquired the records

3a. Have you owned this property for three or more years. Yes () or No ()

If no:

What was the cost to you to acquire the property?

Was the property acquired as a gift or as an inheritance? If so, please confirm a fair market value for the property as of the date you acquired it:

3b. Did you acquire the property within the last ten years with the intent to donate it?

Yes () or No ()

If yes:

What was the cost to you to acquire the property?

Was the property acquired as a gift or as an inheritance? If so, please confirm a fair market value for the property as of the date you acquired it:

4. Are the records free of any debt or lien? Yes No. Please explain _____

5. Are there any restrictions on access to information because of confidentiality?

No

Yes Please explain _____

6. Copyright.

Will donor agree to transfer copyright to University Archives (Choose one only)

- a) immediately upon transfer
- b) on death of donor? *
- c) On the date specified as _____ *

*The donor is advised that under the Copyright Act Section 30.21 the Archives is granted the right to exhibit, reproduce or publish for Archival purposes, without payment of royalties, any item of the Personal Records in which the Donor holds copyright.

7. Does donor agree to release of his/ her name and address if restrictions apply so that researchers can request access and/or use of records? Yes No

If No, who will be responsible for administering access requests?

University Archives Yes No

Other (Please specify providing name & address)

8. Does donor wish monetary appraisal to be undertaken?

Yes. Tax year

No

9. The University Archives will remove non-archival material from a gift of personal papers.

Choose one only:

Donor requests culls to be returned, at cost of University

Donor requests the University Archives to destroy, at cost of University

10. Schedule for UTA staff to examine personal records to determine archival value:

Date _____

Time: _____

11. Proposed date of transfer to custody of UTA: _____

Donor's name: _____

Date:

Signature:

Canadian Lesbian and Gay Archives

P.O. Box 699, Station F, 50 Charles St. East, Toronto, ON M4Y 2N6
Charitable registration # 11883 2864 RR0001

Deed of Gift

Be it known that I, _____ (donor's name), of

(full home address) do hereby give and deliver to the Canadian Lesbian and Gay Archives absolutely and unconditionally the following property:

Gift description:

to be the sole and exclusive property of the Canadian Lesbian and Gay Archives. I am the sole owner and/or creator of the property to be gifted and it/they are free from debt or lien, and I formally request the Canadian Lesbian and Gay Archives to accept the gift.

No tax receipt required Tax receipt required, tax year _____

I understand that the value of the gift has to be determined based on Canada Revenue Agency's guidelines on valuation. Based on these guidelines, the donor's tax receipt will be limited to the lesser of the donor's cost of property or the fair market value of the property if the:

- Property was acquired as part of a tax shelter (the donor may profit by making the gift)
- Property was acquired in the last 3 years (unless the gift is a bequest to CLGA)
- Property was acquired in the last 10 years (unless the gift is a bequest to CLGA) with the intent to donate the property to charity.

I have owned this property for three or more years. Yes () or No ()

If no: ▪ What was the cost to you to acquire the property? _____

▪ Was the property acquired as a gift or as an inheritance? If so, please confirm a fair market value for the property as of the date you acquired it: _____

Did you acquire the property within the last ten years with the intent to donate it? Yes () / No ()

If yes: ▪ What was the cost to you to acquire the property? _____

▪ Was the property acquired as a gift or as an inheritance? If so, please confirm a fair market value for the property as of the date you acquired it: _____

The Donor does not agree to the public disclosure of the monetary value of this gift.

Access: Open _____ Restricted: _____
(give terms)

Copyright: Assigned to Archives: _____ Retained by donor _____ or creator _____

Signed at: _____ (town/city) on _____ (date)

Signature on behalf of CLGA: _____

Donor's signature: _____ Name printed _____

Home address: _____

Phone number: _____ Cell: _____ E-mail: _____

University of Toronto Archives

Faculty of Medicine Student records

Attachment to Certificates of Destruction dated 08/29/95 and
08/31/95

A77-004/000~~0~~ to 039
A79-0041/001 to /026
A77-0047/001 to /016
A78-0055/001 to /016
A79-0056/009 to /014
A80-0017/001 to /020
A90-0018/001 to /005
A90-0025/001 to /006
A91-0014/001 to /020

Faculty of Arts and Science student records

A69-0006/001 - /012
A72-0008/001
A85-0028/001 to /005
A70-0007/018 and part /013
A85-0008/001 to /047

Graduate Department of Philosophy student records

A81-0048 approx 19 boxes



CERTIFICATE REFERS TO INVOICE NO.: 165120

DATE: 05/29/95
MM DD YY

Shred-it Canada
2357 Royal Windsor Drive, Unit 15
Mississauga, Ontario L5J1K5
Phone: (905) 855-2540
BILLED TO:

5/29/95

* U of T - Archives
369 Huron Street
Toronto
ON M5S 1A1

U of T - Archives
369 Huron Street
Toronto
ON M5S 1A1

CERTIFICATE OF DESTRUCTION

This certificate is to certify that Shred-it destroyed confidential information on-site for the above mentioned company by

TRUCK NO.: *109* TRUCK NO.: TOTAL TIME *5* HRS. *25* MIN.

MOBILE CUSTOMER SERVICE REP.: *CRAIG*

X *[Signature]*



WE RECYCLE



ENVIRONMENTAL IMPACT

THIS YEAR YOUR FIRM'S SHARE OF WOOD SAVED THROUGH SHRED-IT'S RECYCLING PROGRAM AMOUNTS TO *55* TREES.

Shred-it is committed to helping save the environment. All shredded material that is recyclable is brought to a recycling centre to be processed into recycled paper products.

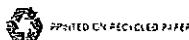
THANK YOU FOR YOUR BUSINESS

MISSION STATEMENT

Shred-it is absolutely committed to meeting our client's expanding needs. Shred-it guarantees total customer satisfaction through confidentiality, courtesy, and environmental consciousness.



SECURING YOUR OFFICE AND THE ENVIRONMENT





University of Toronto Libraries
Toronto, Ontario, Canada M5S 1A5
University of Toronto Archives, 120 St. George St.

LOAN AGREEMENT

Name and Address of Borrower:

Contact:

Telephone:

Purpose:

Date Loaned:

Date to be Returned:

Accessions to be loaned:

Accession No.

Title

The above accession(s) are provided for the use stated above only. No other use of the above listed accession(s) is permitted without the express written agreement of the University of Toronto Archivist.

The borrower agrees to credit the **University of Toronto Archives**.

The borrower assumes all responsibility for the security and preservation of the above accessions from the point of pickup to the point of return.

Signed on behalf of Borrower

Date:

Signed on behalf of University Archives

Date:

SAMPLE LOAN FORM

NEW CALEDONIA COMMUNITY ARCHIVES

34-1485 Stanton Drive, New Caledonia, B.C., XOX OXO (604) 555-7755

LOAN AGREEMENT

Received from:

Name: _____

Address and telephone: _____

I hereby loan the following material to the New Caledonia Community Archives for the purposes of duplication:

Description:

The New Caledonia Community Archives may reproduce any or all of the above described material for any purposes which promote the educational/research objectives of the Archives. The disposition of these reproductions is solely the prerogative of the New Caledonia Community Archives.

Any copyrights such as the owner may possess in this property are hereby transferred to the archives.

(Date)

(Signature of Lender)

Received
by:

(Signature of Archivist)

I hereby acknowledge the safe return of the material described above:

_____	_____
(Date	(Signature of Lender)

SEAMUS MACDONALD

Fine & Rare Books

152 Borden St. Toronto Ontario M5S 2N3

TELEPHONE: (416) 978-7657 email: seamusmacdonald@shaw.ca

MEMBER: ABAC/ALAC

February 29, 2010
King's University Archives
King's University
Toronto, ON
M5S 1A5

Re: Gift of Allan Smithee

As requested, Seamus MacDonald has completed a self-contained appraisal of the estimated fair market value for donation of the papers of Allan Smithee. This gift (approx. 3.65 meters) consists of records accrued and accumulated by Allan Smithee through his activities as Professor of Medicine, including appointment books, notes, teaching material and lectures notes, research notes, publications, photographs as well as materials relating to personal and family activities, as per the extensive finding aid supplied.

In summary, based on all available data, it is Seamus MacDonald's professional opinion that the total fair market value of the gift is \$23,850.

This appraisal estimates the fair market value effective as of the date I examined the material February 14, 2010. This report is prepared to accompany an application for certification to the Canadian Cultural Property Export review Board. For the purpose of this appraisal fair market value is the highest price, expressed in terms of money, that the property would bring in an open and unrestricted market between a willing buyer and a willing seller who are both knowledgeable, informed, and prudent, and who are acting independently of each other.

I am the sole owner of Seamus MacDonald Rare Books which has been in business since 1991 after serving an apprenticeship with Calliope Books. I have been a member of the Antiquarian Booksellers Association of Canada since 1985 and through that am affiliated with the International League of Antiquarian Booksellers. I am also a past President of the ABAC.

I have consulted the following documents in preparation of this appraisal report: archival assessment prepared by Arthur Doughty, Archivist, finding aid supplied by King's University Archives, a statement of outstanding significance and national importance provided by Arthur Doughty.

SEAMUS MACDONALD

Fine & Rare Books

152 Borden St. Toronto Ontario M5S 2N3

TELEPHONE: (416) 978-7657 email: seamusmacdonald@shaw.ca

MEMBER: ABAC/ALAC

I have personally examined the material on February 14 at the King's University Archives in the presence of Arthur Doughty and Joan Smith. The material contained in this archives was in fine condition and good order. I found the finding aid adequate for the purposes of appraisal. In the report following I have used reasoned justification and consideration of other archives in order to establish fair market value. I am aware of the restrictions placed on certain files in this archives and I find the restrictions to be reasonable and prudent. I have taken these restrictions into account when assessing value and the restrictions do not affect the fair market value of this archive.

The donation is a continuation of Allan Smithee's previous donation of his working papers to the King's University Archives. This accrual compliments the material in the previous donations, adding research value on his history of Canadian public health and his subsequent involvement in many related projects. There are large areas of personal records which will be useful for future scholars interested in both Smithees' university activities and his continuing professional contributions to the many national public health projects for the Government as well as for others who have solicited his expertise. As stated in my letters accompanying the previous donations, Professor Smithee has been associated with just about every major public health initiative since the Trudeau administration. The grasp and range of his medical knowledge and experience is truly stunning and the files in this acquisition relation to both his Faculty of Medicine activities and research and publications attest to this. His archives will be used by scholars studying Canadian public health history in the second half of the twentieth century.

The market for this archives is primarily institutional. As I have never seen a doctor's archives equal to Professor Smithee, my system of comparison is based largely on my previous appraisals of his archives. However, I have also considered the archives of Dr. Ida Moreau who like Smithee was also involved in many aspects of our public health and cultural life outside his professional activities.

Seamus MacDonald hereby certifies to the best of his knowledge and belief that the statements of fact contained in this report are true, correct and relevant for the purpose of this appraisal. The reported analyses, opinion and conclusions are limited only by the reported assumptions and limiting conditions, and are arm's length professional analyses opinions and conclusions. I have not, not have I ever had, any interests in this property. My appraisal fees are always based on the amount of time it takes to do the appraisal and has nothing to do with the amount of the appraisal. As stated previously, in all appraisals of archival fonds I establish whether or not restrictions on access have been imposed by

SEAMUS MACDONALD

Fine & Rare Books

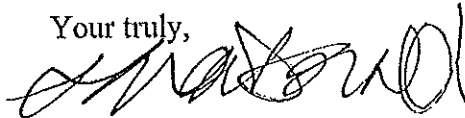
152 Borden St. Toronto Ontario M5S 2N3

TELEPHONE: (416) 978-7657 email: seamusmacdonald@shaw.ca

MEMBER: ABAC/ALAC

the donor and take this into consideration when assessing value. In this case there are restrictions on portions of the archives, as outlined on the finding aid. I found the restrictions to be both prudent and reasonable and do not affect my assessment of fair market value.

Your truly,

A handwritten signature in black ink, appearing to read 'Seamus MacDonald', written in a cursive style.

Seamus MacDonald

Joan Smith Books

P.O. Box 67, Kingston, ON, R2C 3P0

Phone: (316) 260-8853 Email: joansmith@joansmithbooks.com

February 29, 2010
King's University Archives
King's University
Toronto, ON
M5S 1A5

As requested Joan Smith has completed an appraisal of the estimated fair market value for donation purposes of the Allan Smithee records.

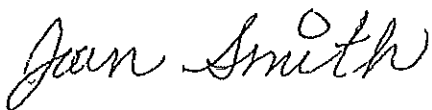
Physical Extent:

Textual, graphic, artifacts, [189-?]-2006 [predominantly 1999-2006] 3.65 33 boxes

Further personal records of Allan Smithee, Professor Emeritus of Medicine, consisting of correspondence, certificates, appointment books notes, teaching material and lecture notes, research notes, publications, minutes of meetings, photographs, and other materials relating to personal and family activities, Faculty of Medicine and other King's University activities, the promotion of his Canadian Public Health: a history, the writing of an unpublished manuscript, his memoirs, and a number of articles, his work as a consultant to government organizations, and other professional activities.

In summary, based on all available data, it is Joan Smith's professional opinion that the fair market value of the property is:

\$22,075



Joan Smith

This monetary appraisal estimates fair market value effective as of December 31, 2009, the date of the deed of gift. In my opinion the valuation of the materials remains current as of the above date of this report.

The definition of fair market value, as endorsed by Canada Revenue Agency and the the Canadian Cultural Property Export Review Board is:

The highest price, expressed in terms of money, that the property would bring in an open and unrestricted market between a willing buyer and a willing seller who are both knowledgeable, informed, and prudent, and who are acting independently of each other.

I am the sole proprietor of Joan Smith Books, established in 1979. I have been a member of the Antiquarian Bookseller's Association of Canada for thirty years. I have conducted appraisals for Canadian institutions such as Librarian Archives Canada, the University of Toronto Archives, Queen's University Archives, the Art Gallery of Ontario, the Clara Thomas Archives of York University, Simon Fraser University Archives, and the Archives of Ontario.

Information Provided from Other Sources:

The following information has been consulted in preparation of this appraisal report:

- Condition report prepared by Arthur Doughty, King's University Archivist
- Statement of authenticity prepared by Arthur Doughty
- Statement of outstanding significance and national importance prepared by Arthur Doughty
- Donation agreement
- Archival assessment prepared by Arthur Doughty: access restrictions
- Finding aid as provided by the King's University Archives

Inspection:

This appraisal is based on personal inspection of the property on February 14 2010 by Joan Smith at the King's University Archives in the presence of Seamus MacDonald (appraiser) and several members of the staff of the Archives. At the time of my inspection, the property was found to be in good condition. I have considered the physical condition of each item in my evaluation.

Authenticity:

The authenticity of the subject property is based on the statement of authenticity prepared by Arthur Doughty.

Physical Property:

The appraisal estimates the fair market value of the physical property and any acquired characteristic of value only.

Market Context:

Like most contemporary Canadian legal fonds, the primary marketplace for this material is institutional. I believe this market context offers the best opportunity to achieve Fair Market Value. Most Canadian institutions acquire fonds through donation, and purchases are uncommon. This property has been acquired through donation.

Reasoned Justification:

Allan Smithee is regarded as Canada's leading scholar on public health. As a whole, the Allan Smithee fonds is amongst the most important research collections for public health history held by a Canadian institution. This accession / accrual will add significantly to the fonds. In particular, the manuscripts, research materials and textual records relating to Smithee's memoirs will broaden the dimension and scope of the collection. Records relating to activities undertaken by Smithee since his retirement, particularly those as an advisor to the Canadian government, reflect his ongoing influence and importance within Canadian public health circles. Smithee was inducted as a Companion of the Order of Canada in 2005.

Comparable Fonds:

1. Ida Moreau fonds (Clara Thomas Archives)
2. Gerald Fitzgerald fonds (University of Toronto Archives)
3. Richard Dancy fonds (Simon Fraser University Archives)

This material will attract scholars to the King's University Archives. The acquisition of these records will also serve to fulfill the King's University Archives' collecting mandate by preserving and making accessible the records of their professors and distinguished scholars. It provides research materials relating to the Faculty of Medicine, Smithee's teaching notes, and lectures notes.

Access Restrictions:

I am aware of the access restrictions placed on this material. As the restrictions are reasonable in nature and duration they do not affect the appraised value of the material.

Scope of Work:

The scope of work undertaken for this report consisted primarily of comparison to other legal fonds of which I am familiar and manuscripts and research materials relating to the writing and publishing of memoirs.

Appraiser's Attestation:

Joan Smith hereby certifies that, to the best of her knowledge and belief:

- The statement of fact contained in this report are true and correct and relevant for the purpose of the appraisal,

- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are arm's length professional analyses, opinions, and conclusions.
- That Joan Smith does not have any undisclosed past, present, or prospective interest in the property that is the subject of this report and has not previously sold the property, nor has any personal or commercial interest or bias with respect to the parties involved.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favours the cause of a client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

Joan Smith