

From: [Swan, Wendy TAC:EX](#) on behalf of [Jonker, Brian TAC:EX](#)
To: [Ron Greene; s.22](#) "
Subject: RBCM archives and fees for images
Date: August 1, 2019 11:27:02 AM

Ref: 36694

Ronald Greene
Email: s.22
Dr. Nick Russell
Email: s.22

cc: Honourable John Horgan
Premier@gov.bc.ca

Dear Ronald Greene and Dr. Russell:

Thank you for your letter dated May 30, 2019, addressed to the Honourable John Horgan, Premier, regarding funding for the Royal BC Museum and Archives (RBCM) and the reproduction and licensing fees for historical images. As Executive Director responsible for Arts and Culture Development at the Ministry of Tourism, Arts and Culture (Ministry), I have the pleasure of responding on behalf of Premier Horgan.

I appreciate your concerns about how the RBCM reproduction and licensing fees affect access for users. The Ministry is committed to making the RBCM and Archives more available to all British Columbians as indicated in the [Government Mandate Letter for 2019/20](#). To that end, the RBCM has focused on the digitization of its archives materials to help make the archives more readily accessible to all British Columbians, especially those residents living beyond southern Vancouver Island.

It is my understanding that the fees at the British Columbia (BC) Archives can vary as they are often scaled dependent on intended use (i.e. commercial ventures), the required administration or special handling of the archives within the institution, licensing fees and whether the archives need to be digitized before distribution. We also understand that clients may also request licensing fees to be waived by the BC Archives. If a waiver is submitted, the Chief Executive Officer of the BC Archives will evaluate the project to determine if licensing fees may be waived or reduced. If more information is required relating to submitting a waiver, please contact the RBCM directly at access@royalbcmuseum.bc.ca.

The Provincial Government provides RBCM with an annual grant of \$11.866 Million, which helps provide stable funding to support the acquisition and preservation of the documentary heritage of our province and make it publicly accessible.

Thank you for your commitment to preserving and sharing the history of BC and its peoples.

Sincerely,

Brian Jonker
Executive Director
Arts and Culture Development
Ministry of Tourism, Arts and Culture

Wendy Swan

Administrative Coordinator

Arts and Cultural Development Branch

Ministry of Tourism, Arts and Culture

778-974-3816

PO Box 9819 Stn Prov Govt, 1st Floor - 800 Johnson St, Victoria BC V8W 9W3

The Ministry of Tourism, Arts and Culture acknowledges that it carries out its work on the land of Indigenous nations throughout British Columbia. We are grateful for the continuing relationships with Indigenous people in B.C. that develop through our work together. We acknowledge and raise our hands to the Lkwungen people, known today as the Songhees and Esquimalt Nations, on whose ancestral lands we operate our main offices.

Ref: 39617

Dr. Kelly Black
Email: info@friendsbcarchives.ca

cc: Honourable Lisa Beare
TAC.Minister@gov.bc.ca

Shauna Brouwer
TAC.DeputyMinister@gov.bc.ca

Dear Dr. Black:

Thank you for your email dated May 12, 2020, regarding accessing digital files held by the Royal BC Museum (RBCM) and Archives.

I appreciate your concerns about how the RBCM processing and licensing fees affect access for non-profit cultural institutions. I am happy to share that as of May 19, 2020, RBCM has eliminated licensing fees (processing fees still apply) for non profits that meet the following criteria:

- The material is being freely distributed (e.g., no advertising or promotional use, no selling of any products or soliciting donations);
- The organization has a non-profit society or organization registration number.

The processing fee covers the costs to the museum and archives to source, process, clear the materials for use and provide the files. Work includes essential reviews, such as ensuring there are no legal restrictions to the requested materials.

In the spirit of continuous improvement, the RBCM conducts an annual review of the licensing program and its fees, ensuring both are consistent with other publicly-funded provincial museums and archives in Canada.

The Provincial Government provides RBCM just under \$12 M annually in operating funding, which helps provide stable funding to support the acquisition and preservation of the documentary heritage of our province and make it publicly accessible.

Thank you for your commitment to preserving and sharing the history of British Columbia and its peoples.

Sincerely,

Brian Jonker
Executive Director

ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Tourism, Arts and Culture
Date: Mar. 28, 2019
Minister Responsible: Hon. Lisa Beare

RBCM – Reproduction and licensing fees: BC Archives

RECOMMENDED RESPONSE:

- RBCM makes distinctions between research and non-research use, and commercial and non-commercial use in determining the cost of reproduction and licensing fees.
- This approach prevents the exploitation of the BC Archives for simply monetary gain, while providing fairness to those using these valuable resources for research and educational purposes.
- RBCM has always provided access to materials in the BC archives without cost when researchers visit in person.
- There are also no reproduction and licensing fees for Indigenous people in B.C. who request access to their cultural material.
- Reproduction and licensing fees support the operational costs of the museum.
- The Royal BC Museum annually reviews these fees and frequently consults with other cultural institutions, including Library and Archives Canada to ensure they are consistent with other museum and archives across the country.

IF ASKED ABOUT WHETHER THESE FEES ARE A VIOLATION OF THE MINISTER'S MANDATE:

- No, RBCM has always provided researchers access to the BC archives materials without cost when they visit in person.

ADVICE TO MINISTER

BACKGROUND:

On March 18, 2019, CBC on the Island featured an interview with *The Friends of the BC Archives*, an advocacy group asserting that the current cost to access BC Archives is unacceptable. The group has released a new report calling on the RBCM to lower or eliminate costs associated with accessing and using these archived photos and documents.

There are seven key recommendations in the report for RBCM and Archives. This includes at RBCM take immediate action to eliminate licensing fees for non-commercial use of digitized items, as well as the re-evaluate licensing fees for commercial use of digitized items within works published/distributed in British Columbia.

The report also highlights that the January 2018 mandate letter from Minister of Tourism, Arts, and Culture Lisa Beare to the RBCM identifies an expectation that the institution will support the “government’s agenda to help manage the daily cost of living for British Columbians.” The letter also asks that the museum continue to work toward a “goal of making the museum and archives more available to all British Columbians.”

The CBC segment also featured an audio clip from David Alexander, the head of archives access and digital at the RBCM.

Copyright

The Province provides almost \$12 million annually in operating funding to the Royal BC Museum, which is approximately 54 per cent of the museum’s operating budget. The remaining 46 per cent is generated through ticket sales, philanthropy and business development streams, including reproduction and licensing fees.

Communications:	Rachel Nesbitt	250-387-0104
Program:	Brian Jonker	250-217-3991
Approvals (initials only)		
Program ED	ADM/DM	CD
BJ		

From: [Jonker, Brian TAC:EX](#)
To: [Swan, Wendy TAC:EX](#)
Subject: FW: Accessing the Archives - A Report
Date: May 12, 2020 2:40:56 PM

Cliff and to Maggie for draft response please.^{s.13}
s.13

Brian Jonker
Executive Director
Ministry of Tourism, Arts and Culture
Arts and Culture
250 217-3991

COVID-19: We are committed to supporting B.C.'s artists and cultural organizations through this difficult time. This includes updating our policies and programs as necessary to match the challenges the sector is now facing. The most up-to-date information will always be posted on our dedicated [COVID 19 FAQ page](#) and individual program pages. Updates will also be announced on our [Facebook](#), and [Twitter](#) accounts.

From: Kelly Black <info@friendsbcarchives.ca>
Sent: May 12, 2020 2:26 PM
To: Jonker, Brian TAC:EX <Brian.Jonker@gov.bc.ca>
Cc: Minister, TAC TAC:EX <TAC.Minister@gov.bc.ca>; Bhat, Asha TAC:EX <Asha.Bhat@gov.bc.ca>; TAC Deputy Minister TAC:EX <TAC.DeputyMinister@gov.bc.ca>
Subject: Re: Accessing the Archives - A Report

Hello Brian,

I hope you are well.

As you may be aware, cultural organizations are moving exhibits and projects online due to the pandemic. For museums and heritage sites across the province, accessing digital files held by the Royal BC Museum and Archives (RBCM&A) has been cost prohibitive due to licensing and reproduction fees charged by the institution. This is a matter that we previously corresponded about (see below)

Given the pandemic and the pressure to move cultural content online, as well as the arrival of BC/Canada 150 Confederation anniversary next year, most small cultural organizations will not be able to use the collections held by our provincial museum. The costs are simply too high for reproduction (\$40.00 per file).

I would like to suggest that the ministry develop a form of funding to support the Royal BC Museum and Archives in waiving licensing and reproduction fees for digital files that are used by BC non-profit cultural institutions. This would go a long way to helping small orgnaizations across the province tell the stories of their communities. According to the RBCM&A, the revenue generated from collection

of fees is currently around \$120,000.00 - this provides a good sense of how much such an initiative could cost.

To me, it seems like a low cost way for the Minister and Ministry to support small cultural organizations, as well as the RBCM&A, through the pandemic. I know finances are difficult at the moment, though the spread effects of this small investment are significant - there would be reach across all communities in the province.

Are you or someone from the ministers office available to discuss this with me further?

Thank-you,

On Sat, Jun 22, 2019 at 12:35 PM Kelly Black <info@friendsbcarchives.ca> wrote:

Hello,

In your reply to my email you noted that I should respond directly to you should I have any additional questions or concerns. I did have additional questions which were posed in my email dated April 17, 2019, but I have not received a reply - it has been two months. Please let me know if I should be directing my questions to another person.

I look forward to your prompt response.

On Wed, Apr 17, 2019 at 3:09 PM Kelly Black <info@friendsbcarchives.ca> wrote:

Mr. Jonker,

Thank-you for taking the time to reply to my inquiry and address some of the concerns we raise in our report on reproduction and licensing fees at the Royal BC Museum and Archives.

I appreciate the points that you raise regarding current levels of access at the archives. The exception for Indigenous people is an important and notable exception that has been made in an effort to increase access and affordability and contribute to reconciliation efforts.

I am not sure that the base standard of free access for those who visit the archives (located in Victoria) can really be considered a means of providing affordable access to all British Columbians. As you might imagine, it is not easy, nor is it affordable, for most British Columbians located outside southern Vancouver Island to arrange a trip to Victoria to visit and use the provincial archives. Affordable access to high quality digital materials is one of the primary ways British Columbians outside Victoria make use of these public resources. As the FBCA notes in our report, the current fee schedule set up by the RBCM&A is a barrier to access for the majority of British Columbians.

The FBCA has heard from the Province and the RBCM&A that reproduction and licensing fees

are used to support the operational costs of the RBCM&A. Can you please provide some details regarding this? What was the amount of revenue generated by these fees in the 2017/18 fiscal year? Understanding how much revenue the RBCM&A generates from charging these fees could help us better understand what financial efforts and advocacy are needed to reduce these fees and increase access for all British Columbians.

Finally, you will note from our report that the RBCM&A's fees are in fact not consistent with either Library and Archives Canada's fee structure, nor are they consistent with the majority of provincial and territorial archives in Canada.

Again, I want to thank you for taking the time to reply to our message. I look forward to further details on this matter.

All the Best,
Dr. Kelly Black
President, Friends of the British Columbia Archives

On Wed, Apr 17, 2019 at 2:23 PM Jonker, Brian TAC:EX <Brian.Jonker@gov.bc.ca> wrote:

Ref: 35801

Dr. Kelly Black
President
Friends of the BC Archives
Email: info@friendsbcarchives.ca

Dear Dr. Black:

Thank you for your email of March 15, 2019, to the Honourable Lisa Beare, Minister of Tourism, Arts and Culture, in which you express your concerns about the reproduction and licensing fees charged by the Royal British Columbia Museum and Archives. I have been asked to respond on Minister Beare's behalf.

I would like to thank you and the Friends of British Columbia Archives for your dedication in supporting local and regional archives in BC. Thank you also for forwarding a copy of your report, "Accessing the Archives: Reproduction and Licensing Fees at the Royal BC Museum & Archives".

The Royal British Columbia Museum (RBCM) provides free access to materials in the BC archives when researchers visit in person. There are also no reproduction and licensing fees for Indigenous people in BC who request access to their cultural material.

In determining the cost of reproduction and licensing fees, the RBCM distinguishes between research and non-research use and commercial and non-commercial use. This approach

enables use of the archive's priceless collection for research and educational purposes at lower fee-levels, while charging increasing fees for commercial ventures depending on the scope of use.

It should also be noted that reproduction and licensing fees are used to support the operational costs of the museum and that RBCM annually reviews fees and frequently consults with other cultural institutions, including Library and Archives Canada to ensure they are consistent with other museum and archives across the country.

Thank you again for writing and for your interest in and support for the arts, culture and heritage in British Columbia. Please contact me directly (Brian.Jonker@gov.bc.ca or 250 217-3991)

if you have additional concerns or questions.

Sincerely,

Brian Jonker
Executive Director

From: Kelly Black [<mailto:info@friendsbcarchives.ca>]

Sent: Friday, March 15, 2019 4:30 PM

To: TAC Deputy Minister TAC:EX; Avison, Claire TAC:EX; Minister, TAC TAC:EX

Subject: 35801 Incoming Accessing the Archives - A Report

Dear Minister Beare and Ministry of Tourism, Arts and Culture Staff,

As the Ministry responsible for the Royal British Columbia Museum and Archives, I am sending along a report that our organization, the Friends of the BC Archives, released this week.

The report details our concerns with the high cost of reproduction and licensing fees at the RBCM&A. In the report, you will note that we reference Minister Beare's mandate letter to the RBCM&A. We find that the high cost to reproduce and license images from the archives is contrary to that letter, and contrary to the core values of the institution. The RBCM&A a public institution tasked with caring for and making accessible the documentary heritage of BC and we hope that our report will prove helpful for increasing access and affordability for all British Columbians.

We look forward to hearing from you on this matter. Thank-you.

Dr. Kelly Black
President, Friends of the BC Archives



Accessing the Archives: Reproduction & Licensing Fees at the Royal BC Museum & Archives

A report by the Friends of the British Columbia Archives

March 2019

Info@FriendsBCArchives.ca

FriendsOfBCArchives.Wordpress.com

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Withheld pursuant to/removed as

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Bhangu, Taran MAH:EX

From: Swan, Wendy TAC:EX on behalf of Jonker, Brian TAC:EX
Sent: April 17, 2019 2:23 PM
To: 'info@friendsbcarchives.ca'

Ref: 35801

Dr. Kelly Black
President
Friends of the BC Archives
Email: info@friendsbcarchives.ca

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Brian Jonker
Executive Director

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Sent: Friday, March 15, 2019 4:30 PM

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Dr. Kelly Black
President, Friends of the BC Archives