

**Access to Information
Six Nations Land Research Office**

Compiled by the Staff of the Six Nations Land Research Office,
February, 1993

The following information was taken from the Researching and Writing Tribal Histories Workshop, August 12-15, 1991, presented by Duane K. Hale, Ph.D.

Some material is restricted from public viewing. However, access to information may be obtained under Privacy Regulations and by Treasury Board Policy under the Privacy Act. The following summary identifies the acts and regulations that govern the National Archives of Canada's authority to grant permission to view its records:

Privacy Regulations, Section 6

Access to information may be granted for archival or historical purposes to any person or body for research or statistical purposes under the following conditions:

- a) disclosure would not constitute an unwarranted invasion of privacy of the individual to whom the information relates
- b) disclosure is in accordance with paragraph 8(2)(j) or (k) of the Act
- c) 110 years have elapsed following the birth of the individual to whom the information relates
- d) when census or survey information used, 92 years have elapsed following the census or survey

Treasury Board Policy and the Privacy Act

The President of the Treasury Board is the designated minister responsible for the administration of the Privacy Act and the government policy with respect to legislation.

In sections 7 and 8 of the Privacy Act a code of fair information practice governs the use and disclosure of personal information under the control of a government institution in certain circumstances with or without the consent of the individual to whom the information relates.

The following factors must be considered when interpreting provisions of the Privacy Act:

- a) applies only where no other such statutory provisions exists
- b) only permits use and disclosure as specified in subsections 8(2) and 8(3), therefore no right granted to third parties
- c) applies only to personal information about a living individual or to those who have been deceased for 20 years or less

Privacy Act, Subsection 8(2)(j) states:

"Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed: to any person or body for research or statistical purposes if the head of the government institution

- (i) is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates, and
- (ii) obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates".

Privacy Act, Subsection 8(2)(k) states:

"Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed: to any association of aboriginal people, Indian band, government institution or part thereof, or to any person acting on behalf of such association, band, institution or part thereof, for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada".

Privacy Act, Subsection 8(3) states:

"Subject to any other Act of Parliament, personal information under the control of the Public Archives that has been transferred to the Public Archives by a government institution for archival or historical purposes may be disclosed in accordance with the regulations to any person or body for research or statistical purposes".

The Privacy Act, Subsection 8(3) is subject to Privacy Regulations, Section 6, and to review by the Privacy Commissioner in accordance with the Privacy Act, Subsection 37(1).

The Privacy Act, Subsection 8(3) does not apply to records under the control of another institution held in storage at the Public Archives, or records transferred to the Public Archives for administrative purposes.

The National Archives of Canada will grant access to information under the Privacy Act, Subsection 8(2)(j) if ALL the following conditions are met:

- a) NAC determines that no other section of the Privacy Act applies
- b) NAC is satisfied that the purpose of the information cannot be accomplished unless the information is provided in a form that would identify the individuals to whom it relates
- c) NAC conducts an invasion of privacy test
- d) Researcher agrees in writing not to make any disclosure that will identify individual to whom it relates

The National Archives of Canada will grant access to information under the Privacy Act, Subsection 8(2)(k) if ALL the following conditions are met:

- a) the researcher obtains written accreditation from responsible officers of the association, band or institution stating that the researcher is acting on behalf of the organization with respect to a specific claim, dispute or grievance
- b) the researcher agrees in writing not to use the information for any purpose other than that for which access is granted

Obtaining Access

There are two ways to obtain access to information, one is informally and the other is under the Access to Information Act.

Request an informal access review with the Access to Information and Privacy Review Officer at the National Archives of Canada under Privacy Act, Subsections 8(2)(j) or 8(2)(k). Depending on the workload of the review board, the results of the review may be determined in a few days or weeks.

For access to information using the informal method contact Carol White, Access to Information and Privacy Review Officer, Government Archives Division, Historical Resources Branch, National Archives of Canada. (613) 995-5493. OR Sarah M. Gawman, same title and division (613) 995-9429.

To gain permission to view records under the Access to Information Act, send a signed letter requesting information under this Act or a completed Access to Information Request Form to the Federal Department or Agency that has the information. Include a five dollar application fee for each request. Additional costs may be charged, but notification will be made in advance of any additional costs and a deposit may also be requested.

Government Departments must acknowledge a request within thirty days; however, in special cases, more time may be needed to process the request.

To make formal complaints arising from the Access to Information Act about denial of access, fees charged, response time, and refusal to give access in the language requested, contact the Information Commissioner.

If the Information Commissioner recommends that you be given access and the Department or Agency still refuses access, an appeal may be made to the Federal Court.



OHSWEKEN, ONTARIO

CANADA NOA 1M0

Office: (519) 445-2201
Public Works: 445-4242

Research: 445-2053
Welfare: 445-2084
Fax: (519) 445-4208

Economic Development: 445-2201
Housing: 445-2235

September 11, 1991

Ms Carol White
Access to Information and
Privacy Review Officer
Government Archives Division
Historical Resources Branch
National Archives of Canada
395 Wellington Street
Ottawa, Ontario
K1A 0N3

Dear Ms White:

The Six Nations Land Research Office, which is a Department of the Six Nations Band Council, investigates all issues pertaining to Six Nations be it land affairs, financial issues, administration of the Department of Indian Affairs, statistics, etc. on an ongoing basis. Therefore, to save your valuable time and ours, we are requesting an informal access review to all restricted material pertaining to Six Nations regardless of reference number.

In accordance with your existing policy, enclosed is a Research Application Form re: Disclosure of Personal Information for Aboriginal Research, Privacy Act, Paragraph 8(2)(k).

I am also enclosing a copy of a Band Council Resolution #62-1991/92 dated August 26, 1991, authorizing myself and Gail C. Montour to undertake research on behalf of the Six Nations Band Council.

The Six Nations Land Research Office generally receives material through the Microfilm Loan System of the National Archives of Canada, via Interlibrary Loan, therefore it would be greatly appreciated if you would advise the Microfilm Loan System Department of our unrestricted access.

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1991 (Sep 11) - off.

Ms C. White

-2-

September 11, 1991

Also be advised that any information received will only be used to research and validate Six Nations' claims.

If you require any further information please do not hesitate to contact me.

An early response would be appreciated.

Sincerely,

SIX NATIONS LAND RESEARCH OFFICE



Phil Monture
Research Director

PM:ld

Encl.

RESEARCH APPLICATION FORM

Disclosure of Personal Information for Aboriginal Research
Privacy Act, Paragraph 8(2)(k)

FORMULE DE DEMANDE DE RECHERCHES

Communication de renseignements personnels aux fins de recherches concernant les revendications des autochtones aux termes de l'alinéa 8(2) k) de la Loi sur la protection des renseignements personnels

File/Dossier	Date September 11, 1991
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PART A / PARTIE A

Name/Num Gail C. Montour & Phil Monture

Address/Adresse Ohsweken P.O.

Ohsweken, Ontario NOA 1M0

Affiliation Six Nations Band Council

Nature of Research/Nature des recherches

Land claims research

Ottawa Address/Adresse à Ottawa

Same as above/Même qui ci-dessus

Phone/téléphone (519) 445-2053

PAC Research Pass No./
N° du laissez-passer des APC 22763 #14948/91

B / PARTIE B

I request access under the terms of paragraph 8(2)(k) of the Privacy Act to the following archival records in the custody of the federal Archives Division:

Je demande à avoir accès, en vertu de l'alinéa 8(2) k) de la Loi sur la protection des renseignements personnels, aux documents d'archives suivants qui sont en possession de la Division des archives fédérales:

Record Group Groupe d'archives	Volume / Reel Volume / Rubrique	File Number Numéro de dossier
1. ALL	ALL	ALL
2.		
3.		
4.		
5.		

If the records are in the custody of a Division other than federal Archives Division, list the records desired here:

Si les documents sont en possession d'une autre division que la Division des archives fédérales, indiquez ci-dessous les documents souhaités:

Division	Reference/Référence
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PART C / PARTIE C

Researcher's Undertaking:
In obtaining access to personal information under provisions of paragraph 8(2)(k) of the Privacy Act

Engagement du chercheur:
En obtenant accès à des renseignements personnels en vertu de la Loi sur la protection des renseignements personnels, je soussigné(e)

Gail C. Montour & Phil Monture

of the / de

Six Nations Land Research Office

I hereby undertake to ensure that the personal information obtained in this way will not be used for any purpose other than that specified by law, i.e., for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada.

I engage par la présente à veiller à ce que les renseignements ainsi obtenus ne soient pas utilisés à des fins autres que celles mentionnées par la loi, c'est-à-dire l'établissement des droits des peuples autochtones ou le règlement de leurs griefs.

[Signature]
Researcher/Chercheur

[Signature]
Date

PART D / PARTIE D PAC Use Only - Réserve aux APC

Records Review: Completed Date Reviewer/Examinateur
Aven des documents: Effectué

Access Approval: / Accès approuvé pour:

- 1. To all the records listed in Part D / tous les documents énumérés dans la partie D
- 2. To a portion of the records listed in Part D / une partie des documents énumérés dans la partie D
- 3. To none of the records listed in Part D / aucun des documents énumérés dans la partie D

If access is not granted in full, please specify the files and/or documents that cannot be disclosed and give reasons (use a separate sheet if necessary).
Si l'accès accordé n'est pas total, prière de préciser les dossiers et (ou) documents qui ne peuvent être communiqués et d'indiquer les raisons (utiliser au besoin une feuille distincte).

Researcher Notified: Date Reviewer/Examinateur
L'chercheur avisé:



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Indian and Inuit Affairs

Affaires indiennes et inuit

Chronological No. - Numéro consécutif

1992/93 - 71

File Reference - N° de réf. du dossier

BAND COUNCIL RESOLUTION No. 7
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds
NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	SIX NATIONS	Current Capital Balance <i>Solde de capital</i>	\$ _____
AGENCY DISTRICT	BRANTFORD DISTRICT	Committed - Engagé	\$ _____
PROVINCE	ONTARIO	Current Revenue balance <i>Solde de revenu</i>	\$ _____
PLACE NOM DE L'ENDROIT	ORSWEKEN	Committed - Engagé	\$ _____
DATE	<u>17</u> <u>DECEMBER</u> AD 19 <u>92</u> DAY - JOUR MONTH - MOIS YEAR - ANNEE		

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

That Philip A. Monture, Research Director; Charlene Bomberry, Researcher Administrator; Gail C. Martin, Senior Title Searcher Researcher; Lisa A. Davis, Title Searcher Researcher; Constance Davey, Research Clerk; Patricia Skye, Research Clerk and Marcie Curley, Research Clerk of the Six Nations Land Research Office are hereby authorized to undertake land claims research on behalf of the Six Nations Elected Council until advised otherwise.

They are hereby authorized to research into our ancestral, territorial and 1784 Haldimand lands as deeded to the Six Nations Indians; lands which are no longer being used for our benefit, lands for which payments remain outstanding, the monies and trust funds associated with the same or any other Land Research as requested by this Council necessary to settle a claim, dispute or grievance.

A quorum for this Bande
Pour cette bande le quorum est

consists of 5
fixé à

Council Members
Membres du Conseil

[Signatures of Council Members]
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(Councillor - conseiller)
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FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépense	4. Authority - Autorité Indian Act Sec Att. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenu
	A. Capital	B. Revenue - Revenu			
\$	\$	\$			
4. Recommended - Recommandable			Approved - Approuvable		
Date			Date		
Recommending Officer - Recommandé par			Approving Officer - Approuvé par		

**SIX NATIONS LANDS RESEARCH
Request to Access Information**

PART A:

Name: _____
 Address: _____

 Employer: _____
 Address: _____
 Telephone: _____

Nature of Research: _____

PART B:

I request access to the following archival records located within the Six Nations Lands Research office.

<u>Reference Number</u>	<u>Document Date</u>	<u>Document Description</u>
_____	_____	_____
_____	_____	_____
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_____	_____	_____

Six Nations Lands Research will endeavour to produce/reproduce requested information but reserves the right to accessibility

Researcher's Undertaking

In obtaining access to information in the possession of the Six Nations Lands Research office, I _____ of the _____ hereby undertake to ensure that the personal information obtained in this way will not be used for any purpose other than _____. I also understand that some information may be restricted and not accessible as the documents may be in too delicate a state and should not be handled.

Researcher's Signature

Date

PART C:

OPTIONAL ONLY	ACCESS DENIED
<input type="checkbox"/> to all records listed in Part B	
<input type="checkbox"/> to a portion of records listed in Part B	
<input type="checkbox"/> to none of the records listed in Part B	

If access is not granted in full, please specify the files and/or documents that cannot be disclosed and give reasons (use separate sheet if necessary).

Researcher Notified:

Date:

Reviewer:
