OCAP® PRINCIPLES AND FIRST NATIONS OPEN GEOSPATIAL DATA

DISSEMINATION OF OPEN GEOSPATIAL DATA UNDER THE OPEN GOVERNMENT LICENCE-CANADA THROUGH OCAP® PRINCIPLES
OVERVIEW

- The Firelight Group: Introduction
- Open Government
- Open Data
- Open Government Data
- Indigenous Data Sovereignty
- OCAP® (Ownership, Control, Access, and Possession)
- A Situated Approach
- OCAP® in Practice
- Recommendations: Best Practices
THE FIRELIGHT GROUP
COMMUNITY-BASED RESEARCH
The Firelight Group is the leading community-based research consultancy that works with Indigenous communities across North America to provide evidence-based research to support Indigenous rights and interests. We provide comprehensive and holistic services throughout all stages of the impact assessment process.
OUR SERVICES

Comprehensive Impact Assessment Research

- LAND USE
- CARTOGRAPHY
- ECOLOGY
- IMPACT ASSESSMENT
- IBA
- HEALTH
- PLANING
- SOCIO-EC
WHAT IS OPEN GOVERNMENT?

• Open Government is a movement towards **improving service delivery**, making **information more accessible**, and **supporting initiatives** that build **public trust** in government.
• Concept that **citizens have the right to access government data, documents, and proceedings** to allow for effective public oversight.
• Open Government encompasses three principles:
  • **Transparency**: the public understands the workings of their government;
  • **Public engagement**: the public can influence the workings of their government by engaging in governmental policy processes and service delivery programs;
  • **Accountability**: the public can hold the government to account for its policy and service delivery performance.
WHAT IS OPEN GOVERNMENT?

OPEN DATA

• **Open data a cornerstone** of Open Government
• **Definition:** “Open data and content can be freely used, modified, and shared by anyone for any purpose” (http://opendefinition.org)

• **Principles:**
  • Availability and Access
  • Re-use and Redistribution
  • Universal Participation
OPEN GOVERNMENT DATA
WHAT IS OPEN GOVERNMENT?

- Data produced or commissioned by government or government controlled entities
- Data which is open as defined in the Open Definition: Open means anyone can freely access, use, modify, and share for any purpose (subject, at most, to requirements that preserve provenance and openness).” (https://opendefinition.org)
- Open Government Data creates:
  - transparency
  - social and commercial value
  - participatory governance
WHAT IS OPEN GOVERNMENT?

- Citizen Engagement
- Citizen Participation
- Economic Opportunities
- Drive Innovation
- Efficient Government
- Effective Government
- Advance Accountability
- Democratic Reforms
• The Open Government License-Canada is a copyright license for Crown Copyright works published by the Government of Canada

• Approved and adopted the Open Government Licence-Canada in 2013

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“Canada grants to the licensee a non-exclusive, fully paid, royalty-free right and licence to exercise all intellectual property rights in the data. This includes the right to use, incorporate, sublicense (with further right of sublicensing), modify, improve, further develop, and distribute the Data; and to manufacture or distribute derivative products.”
OPEN GOVERNMENT

2018-2020 NATIONAL ACTION PLAN

• Fundamental need to situate Open Government within a reconciliatory framework
• Government must “respect and promote the inherent rights of Indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories, and philosophies, especially their rights to their lands, territories, and resources.” (UNDRIP 2007).
• Possibility for Indigenous Peoples to contribute to and benefit from open government data
Open Government
Reconciliation and Open Government

• Issue to be Addressed: Policies and laws impacted Indigenous Peoples and their cultures, heritage, and languages

• Commitment: Engage with Indigenous Peoples to explore an approach to reconciliation and open government

• Milestones:
  • Work with Indigenous Peoples to advance open government
  • Build capacity for Indigenous Nations and organizations
  • Identify ways for improved transparency around consultation and engagement
TWO INDIGENOUS DATA SOVEREIGNTY
<table>
<thead>
<tr>
<th>External Entities</th>
<th>Free, Prior, and Informed Consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Control Over Data</td>
<td>Poor Data, Poor Quality</td>
</tr>
<tr>
<td>Lack of Respectful Relationship</td>
<td>Taken Out Of Context</td>
</tr>
<tr>
<td>Protocols, Values, and Perspective</td>
<td>Extrative Priorities</td>
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</tbody>
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“In the past, Aboriginal people have not been consulted about what information should be collected, who should gather that information, who should maintain it, and who should have access to it. The information gathered may or may not have been relevant to the questions, priorities and concerns of Aboriginal peoples. Because data gathering has frequently been imposed by outside authorities, it has met with resistance in many quarters.”

• Incorporated **non-profit organization**; special mandate from AFN
• Committed to improving the health and well-being of First Nations people living in our 634 communities across Canada
• Every First Nation will achieve **data sovereignty** in alignment with its distinct worldview
• **Assert data sovereignty** and support the development of information governance and management at the community level through regional and national partnerships. Adhere to **free, prior and informed consent**, respect **nation-to-nation relationships**, and recognize the **distinct customs** of Nations
Created because there is no law or concept in Western society that recognizes First Nations rights and interests in their data and information.

OCAP® principles inform First Nations data governance.

Ownership, Control, Access, Possession.

Emerged from a backdrop of harmful and intrusive research relationships between First Nations and external entities in Canada.

Reflects a First Nations’ view of jurisdiction and collective rights.

Unique to each First Nation or region.

Name and Logo registered trademark of First Nations Information Governance Council.
• **Ownership:** First Nations community or group owns information collectively in the same way that an individual owns his or her personal information

• **Control:** First Nations are within their rights in seeking to control all aspects of research and information management processes that impact them. First Nations control of research can include all stages of a particular research project—from start to finish

• **Access:** First Nations must have access to information and data about themselves and their communities regardless of where it is held

• **Possession:** Possession is the mechanism by which data ownership can be asserted and protected
OCAP®, OGL-C, AND OPEN GEOSPATIAL DATA

- Increased **spatial dimension** of open government data
- Unique frame to explore the **benefits, limitations, and contradictions**
- Determine the **ethical and reconciliatory tensions** between OCAP® and Open Government Licence-Canada for First Nations open geospatial data
- Explore recent **applied approaches** to Indigenous data sovereignty and First Nations open geospatial data in resource management projects
- Provide **recommendations for best practices** to respect OCAP® for open government geospatial data
INDIGENOUS DATA
DATA ACTIVITIES AND INDIGENOUS PEOPLES

DATA AS A STRATEGIC RESOURCE

DIGITAL INFRASTRUCTURE AND CAPACITY

DATA COMMONS AND OPEN DATA
• **Barriers:**
  - Must consider historical and cultural context of data collection
  - Data used against First Nations
  - OCAP® promotes right and jurisdiction over data; First Nations lose control over data when their geospatial data released under the OGL-C

• **Opportunity:**
  - Increase interest to develop partnerships for geospatial research that supports and reflect First Nations’ needs and priorities
  - OCAP® emerged from Nation-to-Nation partnership
  - Data released on a data spectrum
Barriers:
- Lack of digital infrastructure impacts capacity to benefit from and contribute to open geospatial data initiatives
- Lack of geospatial capacity (insufficient funding, hardware, software, or support)

Opportunity:
- OCAP® and capacity building are intertwined
- Data sovereignty is about controlling all aspects of data collection, use, and storage
- Support geospatial capacity development
- Work with First Nations to enhance access to digital infrastructure (i.e., broadband)
OCAP® AND OGL-C
DATA COMMONS AND OPEN DATA

• **Barriers:**
  - First Nations experience a multitude of data governance issues; inundated by data requirements from external entities
  - OCAP® expresses a Nation’s unique worldview and protocols in relation to data governance
  - Different concepts of data-sharing and ownership; guided by customary law, social norms, and protocols

• **Opportunity:**
  - Work with First Nations to develop First Nations-specific Open Government Licencing
EXCHANGE FOR LOCAL OBSERVATIONS AND KNOWLEDGE OF THE ARCTIC
OCAP® IN PRACTICE
COLLABORATION THROUGH DATA MANAGEMENT

Data Sovereignty

• Indigenous Nations as co-creators and co-collaborators in data initiatives
• Data-sharing and user agreements to be informed by the Indigenous Nation’s customs, laws, and social norms
• Data collection, use, and disclosure is controlled by the Indigenous Nation
• Indigenous Nations control access to local observations and data contained in a respective database
• Indigenous Nations decide what data can be widely available and what data is sensitive
• Data and information must be taken in context
Data Sovereignty

- Data collection, use, distribution, and analysis is based on ongoing collaborative, community-based initiatives.
- The confidentiality and sensitivity of Indigenous Knowledge requires data management, sharing and access principles based on Indigenous Nation protocols, ethics, and customary law.
- Indigenous Nations retain control over who can access data, how data are analyzed, forms of data, and how data is managed.
- Understand Indigenous Nations as sovereign bodies, thereby promoting Indigenous data sovereignty.
Data Sovereignty

- DataStream data management policies and practices are rooted in OCAP® principles
- Data contributors maintain ownership over datasets through open data licence
- DataStream uses Open Data Commons licences to determine intellectual property rights over data and databases
  - Attribution License (ODC-By) V1.0
  - Public Domain Dedication and License (PDDL)
- Datasets do not contain any information of a sensitive nature
- Possible exemption from the open data licence for sensitive data
OCAP® IN PRACTICE

COMMUNITY-BASED WATER MONITORING

Lessons Learned

- Community-based data must be community-led
- Indigenous Nations can benefit from the collection, use, and distribution of data
- Open Data Commons Attribution License V1.0
- Genuine collaboration must extend beyond a public goal or objective
MOVING FORWARD
BEST PRACTICES TO OPERATIONALIZE OCAP®
QUESTIONS?