![The Alberta First Nations Information Governance Centre logo]

**The Alberta First Nations
Information Governance Centre**

Ownership, Control, Access, and Possession

What is OCAP™

OCAP™, which stands for ownership, control, access, and possession guides a community in making decisions regarding why, how, and by whom information is collected, used, or shared. Coined by the National Steering Committee of the First Nations Regional Longitudinal Health Survey (RHS) during a 1998 brainstorming session, OCAP™ reflects First Nation commitments to use and share information in a way that brings benefit to the community while minimizing harm. It expresses First Nation jurisdiction over information about the First Nation – a key aspect in self-determination for First Nation people in Canada.

OCAP™ is an opportunity for First Nation people to express their unique worldview and protocols related to ideas of community privacy and information governance currently not protected by Canadian privacy laws, while concentrating on all aspects of information governance including creation and management. The principles of OCAP™ have altered the way First Nation research and information governance is undertaken and has broad applications over research, monitoring, surveillance, surveys, statistics, and cultural knowledge.

What do the 4 principles of OCAP™ outline?

Ownership refers to the relationships of a First Nation community to its cultural knowledge, data, and information. Ownership asserts that a community, as a group, owns information collectively in the same way that an individual owns their personal information. This is distinct from concepts of stewardship.

Control asserts that First Nation people, their communities, and representative bodies must control how information about them is collected, used, and disclosed. This extends to all aspects of information management, from collection to use, disclosure, and ultimately, destruction of data.

Access determines that First Nations must have access to information and data about themselves and their community regardless of where it is held. It is within the rights of First Nation communities and organizations to manage and make decisions regarding who can access their information.

Possession reflects the state of stewardship of data. Possession is the mechanism to assert and protect ownership and control; possession puts data within First Nation jurisdiction and therefore, within First Nation control.

These descriptions help to provide some understanding of the context of OCAP™, but they are not a definition. It is important to understand that OCAP™ goes beyond a strict reading of these terms.

Why was OCAP™ developed?

The challenges regarding the use of First Nation information stem from who is in control and how research and information governance are implemented. Government officials, researchers, and non-First Nation organizations may or may not understand, support, or are aware of the aspirations and distinct worldview of First Nation people and communities.

"OCAP™ articulates the First Nation ways of knowing about information, recognizing that everything is inter-related. A holistic, community-centered view must be taken for everything; from policy and planning, to relationship building." AFN, 2007.

The priorities we have as First Nation people represent a unique worldview and perspective that is key to self-determination for our communities through the principles of OCAP™. It is time for First Nation people to serve the interests and priorities within their communities and build relationships that are respectful of First Nations worldview and protocols.

How does OCAP™ protect First Nations?

OCAP™ has emerged from a backdrop of harmful and intrusive research relationships between First Nation people and communities and non-First Nation researchers, government, and outside institutions that have come to study them.

The following are just some of the grievances that have been voiced over the years of research relationships that have shaped the current landscape in First Nation information governance:

- First Nations have been subject to too much research whereby they have been treated as merely a source of data;
- Researchers have not explained their studies in a manner adequate to ensure fully informed consent;
- A lack of regard for cultural taboos and confidentiality by publicizing sensitive cultural information;
- The presentation of cultural information out of context, resulting in inaccurate conclusions;
- Research results are not returned to the community or they are returned in a form or language that is inaccessible and of no use to the First Nation community;
- Research projects that are initiated, paid for, and carried out by non-First Nations from universities, government, and industry are often not consistent with the priorities of the communities;
- Selection of research subjects that are of personal or academic interest to the larger society, but have no interest in First Nation priorities;
- Researchers have pre-empted meaningful community involvement by presenting completed research plans, often already funded, for community approval rather than collaborating from the beginning;

- Governments gather data and First Nations have no influence over the use or disclosure of that data; First Nations have been apprehensive about asserting/implementing OCAP™ when required to share data with their funders, for fear of loss of funding;
- First Nation data is analyzed, interpreted, and reported on without consent, approval, review, or input by First Nations;
- Researchers that have profited professionally and economically from First Nation research without employing local people or compensating research subjects;
- Disrespect of the basic human dignity of research participants or their religious, spiritual, or cultural beliefs;
- Researchers have recklessly sensationalized problems without looking at the positive; this leads to First Nations often being portrayed as poor, sick, dependent, and violent;
- Benefits to First Nation individuals and communities are often unclear, while a holistic view of potential harm is not considered.

OCAP™ is a vision and protocol for principled research that protects First Nation people and information from harmful, insensitive, and exclusive research relationships. Instead, through the principles of OCAP™, First Nation people take control over their information; information and research is governed by First Nations in a manner that is beneficial to communities and respectful of each First Nation's protocols and practices.

How can the implementation of OCAP™ principles benefit First Nation communities?

OCAP™ provides opportunities to meet the immediate needs of First Nation communities while exercising self-determination over information and developing capacity support in information governance, ultimately making First Nations people the custodians of their own data. OCAP™ is about enhancing First Nation resources and facilitating nation building while maintaining legitimacy and accountability for First Nation authorities and institutions.

Communities can benefit from OCAP™ in the following ways:

- Assistance in rebuilding community trust in research;
- More democratic (participatory) methods with higher participation rates;
- Promotion of First Nation analyses and perspectives with minimal bias and misinterpretation;
- Contributing to community empowerment and self-determination while encouraging meaningful capacity enhancement;
- Production of more relevant and useful results, which lead to change; and
- Reducing harms associated with non-inclusive research and surveillance.

Through the principles of OCAP™, First Nation communities benefit from unified information governance principles to better protect individual and community privacy. OCAP™ also assists First Nations communities in creating cultural safety within an ethical space of mutual understanding.

How can First Nations assert OCAP™ principles within their own communities?

The best way for First Nations to implement OCAP™ is for First Nations and their organizations to be the stewards of their own data, facilitating OCAP™ principles through physical possession and repatriation of First Nation data.

It is important to understand how OCAP™ is implemented within individual communities, as each First Nation should determine their own specific requirements to meet their community's needs and values. First Nation organizations must reach out to their own communities, to government partners, and to anyone who may wish to collaborate with First Nations in research or assist with First Nation information governance. First Nations can participate in OCAP™ implementation through the following practices:

- Create a new OCAP™ culture through knowledge sharing;
- Tackle bureaucratic and legal roadblocks through recommendations to existing institutions;
- Create partnerships with universities, and within academic culture;
- Apply OCAP™ principles to preserve ownership, and other intellectual property rights;
- Template data-sharing agreements that are OCAP™-compliant;
- First Nation privacy laws;
- Privacy and security policies and procedures for First Nations; and
- Sharing of OCAP™ knowledge within the community.

OCAP™ principles call for ownership and control, not just by individuals, but also by the First Nation community that the information or data describes. There are unique aspects in play for each First Nation group and each community should be able to express their values in a way that is meaningful to them.

How can OCAP™ assist First Nations in building community capacity in research management and data ownership?

As First Nations take control of their own data and participate in a society where digital record keeping is the norm, the importance of OCAP™ has grown from a standard for the conduct of research to a path for First Nation information governance. Many First Nations experience insufficient funding, hardware, software, or support for capacity development. Additionally the security of existing infrastructure for First Nations to be stewards of their own data is limited. The Alberta First Nations Information Governance Centre (AFNIGC) would like to change that through building awareness of the principles of practice through OCAP™.

We want data to be transferred into First Nation stewardship by communities who implement privacy laws supported within their own membership. OCAP™ helps to facilitate this by building upon existing knowledge structures within First Nation communities. One of the first steps to implement OCAP™ is for communities to create their own organizational policies to assert jurisdiction and enhance the capacity to hold information. Most communities currently have privacy policies and procedures already in place, while some have already enacted their own Privacy Laws. These are all steps towards building upon existing knowledge structures that are built on OCAP™-compliant principles.

Is OCAP™ both respected and accepted by non-First Nation organizations and institutions?

There have been a number of barriers identified that hinder the implementation of OCAP™-compliant practice in many institutions. These include universities, government departments, and research teams, among others. Through education, advocacy, and the trademarking of OCAP™ principles, the regional AFNIGC and national FNIGC are creating growing interest and support within non-First Nations institutions such as universities and government.

We are continuously working toward building new knowledge practices and relationships with government partners and universities; knowledge practices and relationships that are relevant to the principles of OCAP™ and comply with standards held in the highest regard from First Nations people and their communities. OCAP™ is a tool utilized in bridging gaps in perspective while facilitating ethical practice, data repatriation, and respect of First Nation priorities, protocol, and practices.

What are the barriers in implementing OCAP™?

There has been a long and sorry history of research and data relationships between First Nations and non-First Nation organizations and institutions. This has shaped the current environment in information and data governance. As a result, various barriers and myths that affect the progression of OCAP™-compliant research initiatives have arisen. Some of these roadblocks include:

- Legal barriers such as the Privacy Act, Access to Information Act, Library and Archives of Canada Act, among others;
- Lack of knowledge;
- Perceptions that First Nation control will bias research;
- Perceptions that First Nations can't protect personal privacy;
- Capacity; and
- Institutional barriers and academic culture that have created a "standard practice" for the conduct of research, combined with lethargy or fear of change.

Through knowledge sharing, OCAP™-compliant research relationships, advocacy, and awareness the AFNIGC hopes to mitigate these barriers and dispel any myths that negatively impact First Nations information governance.

How do I learn more about OCAP™?

For more information regarding OCAP™ please visit the FNIGC national website at www.fnigc.ca or the AFNIGC regional website at www.afnigc.ca. Also you may contact the AFNIGC directly at 403-539-5775 for additional resources that are available.

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