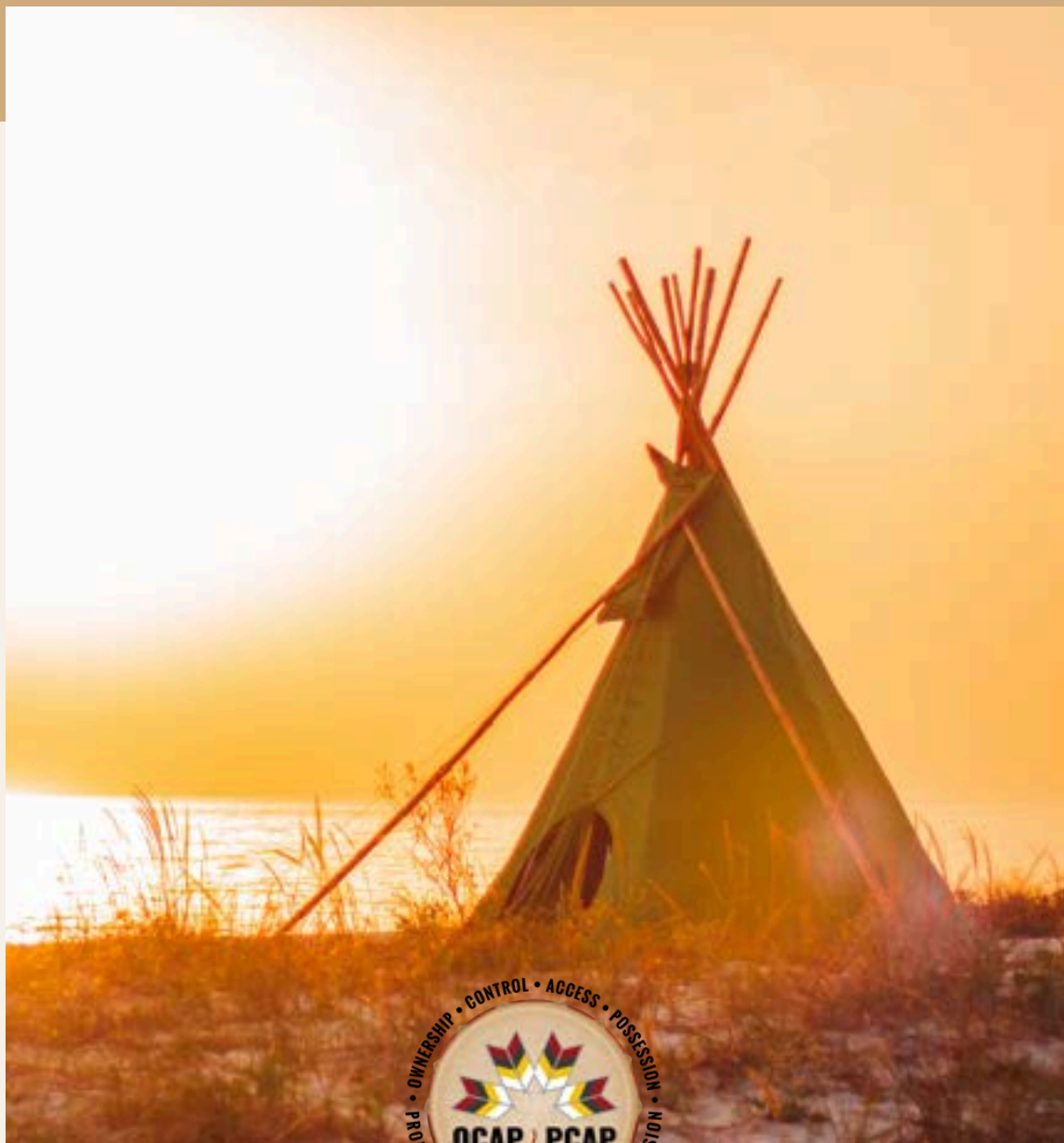# OWNERSHIP, CONTROL, ACCESS & POSSESSION (OCAP®)

FREQUENTLY ASKED QUESTIONS

ALBERTA FNIGC

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 be aware of the aspirations and distinct worldview of First Nation People and communities.

"We cannot pick and choose which elements of OCAP® that will be followed. They are one. We cannot ignore ownership or possession any more than the Four Directions can omit the East or the North." - Bonnie Healy

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 Peoples 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;

More grievances include:

- 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;
- 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 which leads to First Nations often being portrayed as poor, sick, dependent, and violent; and
- 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 Peoples and information from harmful, insensitive, and exclusive research relationships. Instead, through the principles of OCAP®, First Nation Peoples 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 Peoples 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
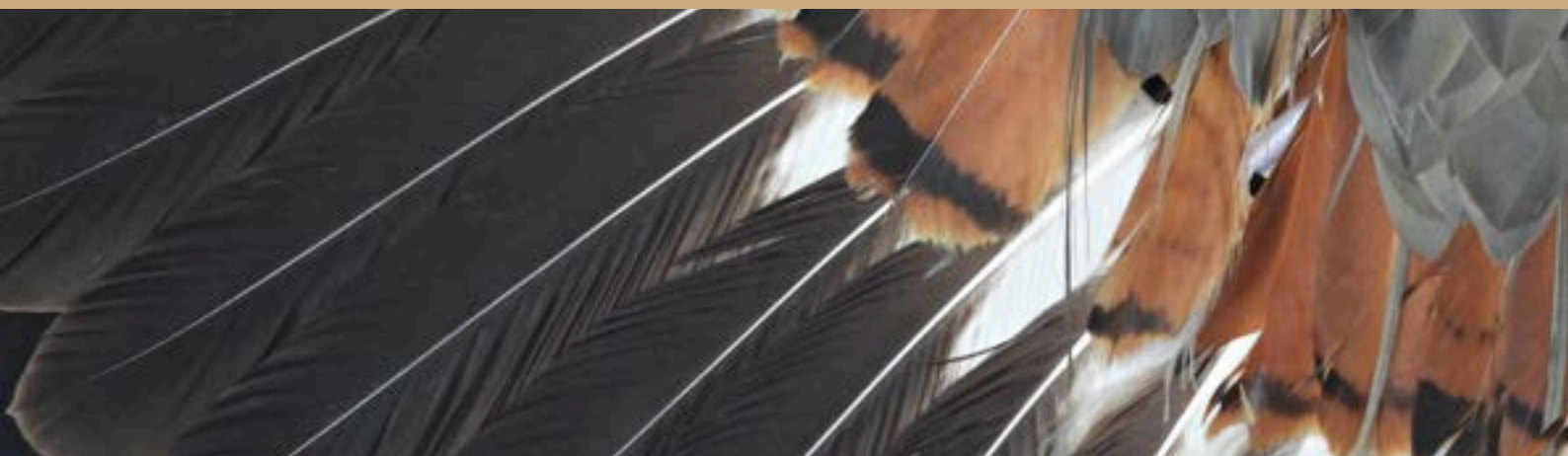- Reducing harms associated with non-inclusive research and surveillance.

How can First Nations assert OCAP® principles within their 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;
- Sharing of OCAP® knowledge within the community.

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 (Alberta FNIGC) 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.
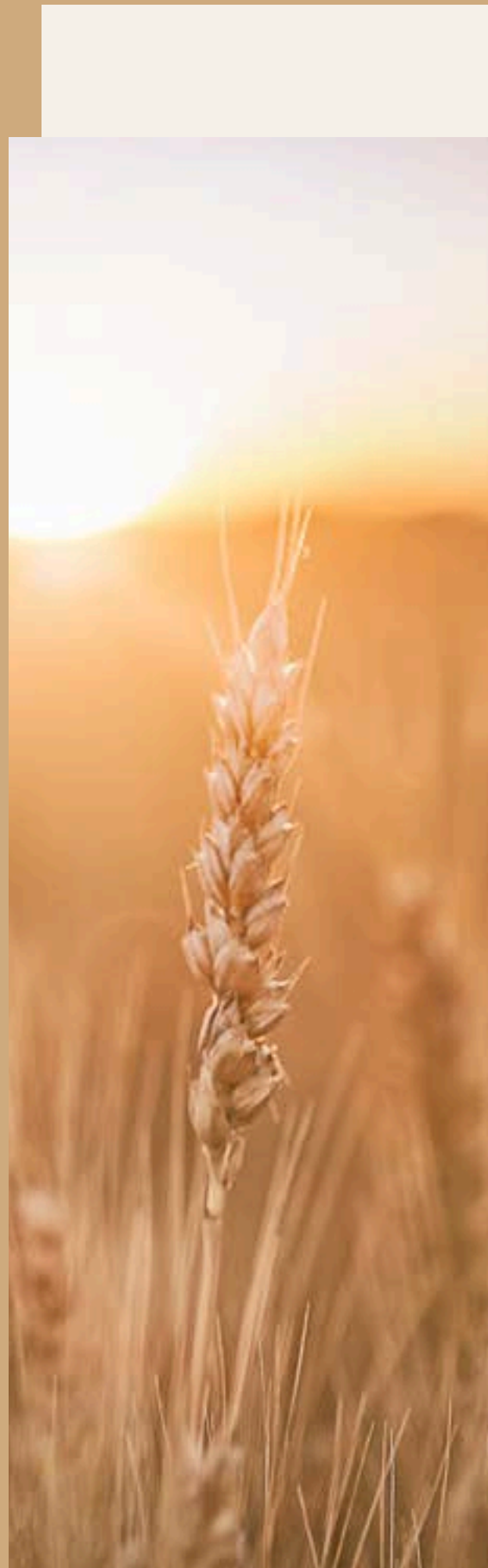
afnigc.ca

What are the barriers in implementing OCAP®?

There has been a long 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 Alberta FNIGC 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.

Also, you may contact Alberta FNIGC directly at

✉ ocap@afnigc.ca

☎ 403-539-5775

The First Nations Information Governance Centre (FNIGC) and Alberta First Nations Information Governance Centre (Alberta FNIGC) operate as data stewards committed to the protection of data guided by strict privacy protocols as well as the FNIGC Code of Research Ethics.