

## OCAP® Registered Trademark

In 2014 FNIGC's Board of Directors started a trademark process for OCAP® in reaction to incidents of misuse, misapplication, or improper interpretation of the OCAP® name, logo, and principles. In August 2015 the Canadian Intellectual Property Office granted registered trademark status to the OCAP® name (and its French equivalent, PCAP®) and logo, marking the end of a four-year process initiated by FNIGC.

As a result FNIGC now holds the registered trademark for the OCAP®/PCAP® name and logo, and is charged with defending the integrity of them on behalf of all First Nations people.

“In Canada, as First Nations take control of their own data and participate in a society in which digital record keeping is the norm, the importance of OCAP® has grown from a set of principles and standards for the conduct of research to a path for First Nations' information governance.”

## Why is OCAP® important?

There is no law or concept in Western society that recognizes community rights to, and interests in, their information, which in large part inspired the creation OCAP®. The notions inherent in OCAP® are not new: First Nations have been advocating for these rights over their information for decades, in part because of the breaches they have witnessed over the years.

The right of First Nations communities to own, control, access, and possess information about their peoples is fundamentally tied to self-determination and to the preservation and development of their culture. The First Nations principles of OCAP® asserts that First Nations own their information and that they are stewards of their information, in much the same way that they are stewards over their own lands.

OCAP® has been successfully applied in dozens of First Nation communities across Canada, as communities and individuals

have increasingly begun to assert jurisdiction over their own data. First Nation communities are passing their own privacy laws, establishing research review committees, entering data-sharing agreements, and setting standards to ensure OCAP® compliance.

This is why OCAP® is important, and why anyone interested in conducting research with First Nations should get fully acquainted with OCAP® before they begin.

## Looking for more information about OCAP®?

FNIGC.ca is the go-to source of information about OCAP®. In addition to a dedicated OCAP® FAQs section, the site also includes videos which help explain the history and importance of the First Nations principles of OCAP® (“Understanding the First Nations Principles of OCAP™: Our Road Map to Information Governance”).

For those looking for a deeper understanding of OCAP®, FNIGC offers **The Fundamentals of OCAP®**, the only online training course dedicated to OCAP®. Developed with Algonquin College, the certificate course offers unprecedented access to FNIGC's body of knowledge about the First Nations principles of OCAP® in an easily accessible and user-friendly platform.

To learn more about the First Nations principles of OCAP®, how they apply to First Nations people and communities, and researchers and academics, please visit [fnigc.ca/ocap](http://fnigc.ca/ocap).

[www.FNIGC.ca](http://www.FNIGC.ca)



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# The First Nations Principles of OCAP®



## What is OCAP®?

The **First Nations principles of OCAP®** are a set of standards establishing how First Nations data should be collected, protected, used and shared.

Standing for Ownership, Control, Access, and Possession, OCAP® asserts that First Nations have control over data collection processes in their communities, and that they own and control how this information can be used. It also reflects a First Nations commitment to use information in a way that brings benefit to the community while minimizing possible harm.

OCAP® means that First Nations control data collection processes in their communities, and that they own, protect, and control how their information is used. Access to First Nations data is important, and First Nations determine—under appropriate mandates and protocols—how access to external researchers is facilitated.

OCAP® is not a doctrine or a prescription: it respects a community to make its own decisions regarding why, how, and by whom information is collected, used, or shared.

**OCAP® is an expression of First Nations jurisdiction over information concerning their community and its members.**

It's also important to note that OCAP® is an expression of First Nations jurisdiction over information about their communities and its community members. As such OCAP® operates as a set of specifically First Nations—rather than Indigenous—principles.

### How did OCAP® come to be?

OCAP® originated at a 1998 meeting of the National Steering Committee (NSC) of the First Nations and Inuit Regional Longitudinal Health Survey. Originally coined as OCA, the NSC later added a “P” in recognition of the importance of First Nations’ possession of their data, forming OCAP® as we now understand it.

In the ensuing years, the NSC transformed into the **First Nations Information Governance Committee**, which in 2010 was incorporated into the non-profit **First Nations Information Governance Centre** (FNIGC), with a mandate from the Assembly of First Nations Chiefs in Assembly.

The principles of OCAP® are integral to the Vision and Mission of FNIGC, which envisions that every First Nation will achieve data sovereignty in alignment with its distinct world view.

FNIGC oversees and administers large-scale surveys of First Nations communities, such as the First Nations Regional Health Survey (FNRHS), The First Nations Regional Early Childhood, Education, and Employment Survey (FNREEES) and the First Nations Labour and Employment Development Survey, (FNLED), which are designed, shaped, and guided by OCAP®.

“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” - *Report of the Royal Commission on Aboriginal Peoples (1999)*

### The Elements of OCAP®

OCAP® has four key components, **Ownership**, **Control**, **Access**, and **Possession**, each of which is equally important. In order to be compliant with OCAP® each individual component must be respected and fulfilled.



**Ownership** refers to the relationship of First Nations to their cultural knowledge, data, and information. This principle states that a community or group owns information collectively in the same way that an individual owns his or her personal information.



**Control** affirms that First Nations, their communities, and representative bodies have the right 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. The principle also extends to the control of resources and review processes, planning processes, management of the information including data collection, data use, disclosure, and the ultimate destruction of data.



**Access** refers to the fact that First Nations must have access to information and data about themselves and their communities, regardless of where it is held. The principle of access also refers to the right of First Nations communities and organizations to manage and make decisions about who else (if anyone) has access to their collective information. In practice this may be achieved through formal, binding protocols.



**Possession** is the mechanism by which ownership can be asserted and protected. While ownership identifies the relationship between a people and their information in principle, possession or stewardship is more concrete and refers to the physical control of data.

These descriptions offer a useful understanding of OCAP®; however they should not be considered strict definitions. OCAP® represents principles and values that are intertwined and reflective of First Nations’ world views on jurisdiction and collective rights, and therefore cannot be strictly defined by each word in the acronym.

All First Nations own OCAP® and as such, the interpretation of OCAP® is unique to each First Nation community or region.