

Ad Hoc Technical Support Group for the BC Network of Lead Communities Investigating Missing Children from Residential Schools

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A DRAFT summary of Data Sovereignty/OCAP principles for communities, by Andrew Martindale, UBC.

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Data sovereignty is a core legal and ethical principle in the search for missing children. It means that information (also referred to as data) is owned, and that owners have rights that must be respected. Like other things that are owned, information cannot be shared or used without the permission of the owners. The knowledge of missing children is information that is owned by survivors, their families, and communities. The First Nations Information Governance Centre has developed these ideas as OCAP: that Indigenous people must have Ownership, Control, Access, and Possession of their information ([The First Nations Principles of OCAP® - The First Nations Information Governance Centre \(fnigc.ca\)](https://www.fnigc.ca/)).

What is Data Sovereignty?

Data sovereignty is the legal and ethical principle that information is owned. In the case of missing children, any information about residential school institutions, events that occurred in this history, places that are relevant to these events, [archives](#) that relate to these, or new information collected about these landscapes such as [GPR](#) are the property of survivors and their families and communities. No one is allowed to use or access this information without permission. Survivors must be allowed access to this information and be in control and possession of it. The current state of information in Canada does not yet achieve data sovereignty for survivors, but work is underway to change this.

What Role Can Data Sovereignty Play in Identifying Missing Children?

[Archives](#), [GIS](#), and ground search technologies such as [GPR](#) and [LiDAR](#) collect information about missing children. They draw information from historical documents and modern landscapes. They also include the knowledge of survivors. All this information is owned by survivors, but most of it is controlled by other entities. Data sovereignty is the process of identifying who owns information and ensuring that owners have control, and access to it and that no one else uses this information without permission.

What Are the Challenges of Data Sovereignty?

Many survivors, their families and communities do not know what information is held or who controls this information about missing children. Fortunately, the NCTR is the main national [archive](#), is fully compliant with OCAP principles. However, information exists in many places and new information is being collected and discovered. The challenges ahead are to 1) determine what information exists and is being collected and ensure the sovereignty of survivors is recognized, 2) provide access to survivors, perhaps through archives in their own communities, 3) limit the use of this information without permission, and 4) change the practices and laws to ensure data sovereignty is respected and enforced. There are two additional challenges. Some information was collected from individuals in the specific claims process that is scheduled to be destroyed in 2027 because Canadian law only recognized ownership of individuals not communities as in Indigenous law. Second, access by communities to [archives](#) has to work around Canadian legal rules about individual ownership.

This document is one of a series that the British Columbia Technical Working Group on Missing Children and Unmarked Burials has created to help those involved in ground searches for missing children

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