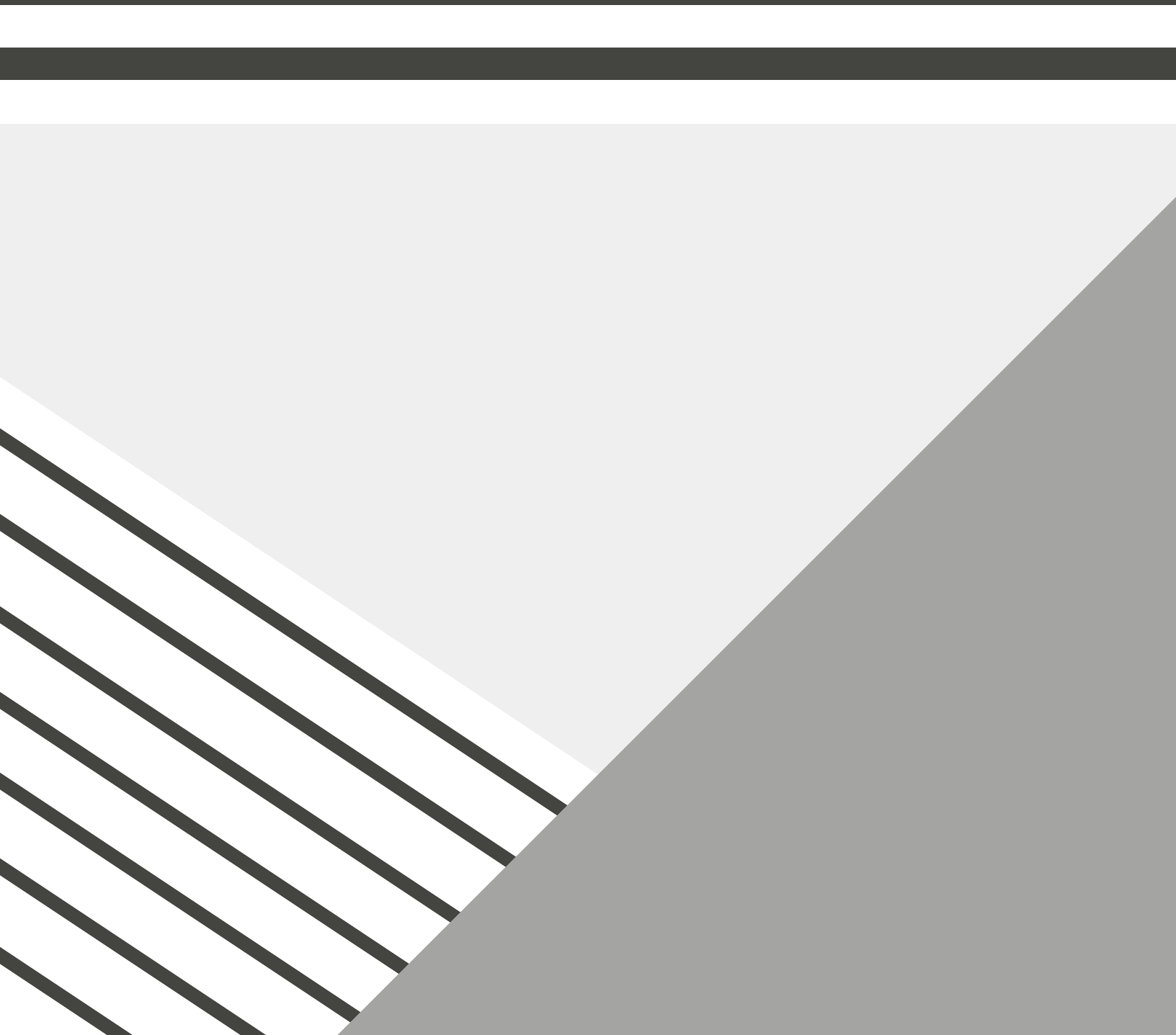


CENTRE FOR ACCESS TO INFORMATION AND JUSTICE

# DECOLONIZING FREEDOM OF INFORMATION

*ANNA EVANS-BOUDREAU, CHANELLE LAJOIE & KEVIN WALBY*



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## DEFINITIONS

- **Government body:** The group of officials that control and manage the activities and specific functions of a country, province, territory or municipality.
  - **Centre for Access to Information and Justice (CAIJ):** Located at the University of Winnipeg, the CAIJ aims to be a hub for public interest research on matters of freedom of information (FOI) and access to justice in Canada and beyond.
  - **Sovereignty:** The power of a group of people to govern themselves, without interference from outside groups.
  - **Settler-Colonialism:** Colonialism is the control and exploitation of a land and its people. Settler-colonialism is a specific type of colonialism that prioritizes and imposes the values of settlers into the institutions of society, aided by a promotion of white supremacy and a disregard of Indigenous sovereignty. Settler-colonialism works to dispossess and eliminate Indigenous Peoples and their lands. Canada is a settler-colonial society.
  - **Settler-Colonial Emergency:** When the Canadian government treats the expression of Indigenous sovereignty as a threat to the security and safety of Canada. These expressions are a resistance to colonialism (an example of this resistance may look like a protest to stop corporations from building on Indigenous lands). By treating these expressions as a security threat, the Canadian government is able to justify political and military intervention as if it was an emergency (comparable to a natural disaster emergency). The real goal of these interventions is to protect the settler state and its interests.
  - **Colonial Capitalism:** Capitalism is an economic system, where trade is controlled by private owners and is motivated by profit. Colonial capitalism recognizes that the two are closely related, and work to maintain each other. Colonialism can be achieved through economic dominance and exploitation (capitalism), and capitalism often works to benefit settlers through domination of the land and those indigenous to it (colonialism).
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## DEFINITIONS

- **National Centre for Truth and Reconciliation (NCTR):** A permanent archive for all statements, documents and materials that have been gathered by the Truth and Reconciliation Commission of Canada. The NCTR aids in remembering the legacy of the Residential School system to foster education and healing.
- **Truth and Reconciliation Commission's (TRC) Calls to Action:** The TRC was created in order for Residential School survivors to share their experiences. The TRC made 94 calls to action to work towards reconciliation.
- **Methodologies:** A system of methods and techniques used in a particular area of research. Methods are based on particular views and values that inform and guide the research.
- **Gatekeeping:** A way of filtering or hiding information so that only certain aspects of the information can be accessed.
- **Democratizing:** Making it possible for all to participate and make decisions.
- **Eurocentric:** Interpreting the world in a way that centres and favours European (Western) society and values, while devaluing non-European societies and values.
- **Turtle Island:** A name from oral tradition used by some Indigenous Peoples to describe what is known as North America.



## THE BASICS

### WHAT ARE FOI AND ATI ACTS?

Freedom of Information (FOI) Acts and Access to Information (ATI) Acts give people a right to access information and records from government bodies subject to the Act. These government bodies include municipal, provincial, territorial, and federal government agencies. Canada's Access to Information Act came into law in 1983. Distinct FOI laws were enacted in the provinces and territories around the same time.

### WHAT ARE FOI AND ATI REQUESTS?

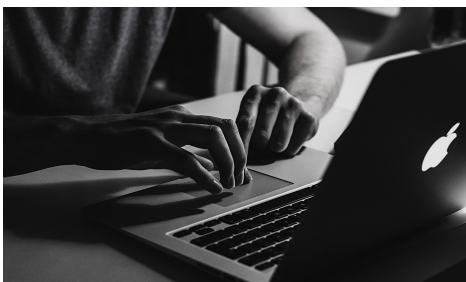
Records are obtained from government bodies by making an FOI/ATI request. **Anyone can make a request.** To make an FOI/ATI request, you must fill out the necessary application form, describing the records you want to access as clearly and specifically as possible. You sign the form, make a copy for your own reference, and then send the form to the government body you believe has the records you wish to access. You can look up the details online or you can contact the Centre for Access to Information and Justice and we would be more than happy to assist.

### WHAT IS DECOLONIZATION?

Colonization entails one group of people (European settlers) taking over the land and imposing their culture on Indigenous Peoples. These sites become "settler-colonial" countries. Decolonization is the undoing of colonialism, which involves the cooperation of non-Indigenous and Indigenous Peoples, governments, organizations and institutions to create equity and liberation.

### WHAT ARE DECOLONIZING METHODOLOGIES?

In the Canadian context, the work of the National Centre for Truth and Reconciliation and the Truth and Reconciliation Commission's (TRC) Calls to Action signal for the decolonizing of Canadian society, which involves the decolonizing of social science research. In 1999, Linda Tuhiwai Smith published her impactful book, *Decolonizing Methodologies: Research and Indigenous Peoples*. Decolonizing methodologies are ways of doing research that challenge Eurocentric research methods, which often undermine the perspectives and experiences of Indigenous Peoples. Decolonizing methodologies require a researcher to be more critical of the assumptions, motivations, and values that inform research practices. Smith offers twenty-five projects (methodologies) that can be used to decolonize research.



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## OUR RESEARCH

### HOW DOES FOI AND ATI RELATE TO DECOLONIZING METHODOLOGIES?

FOI and ATI requests are increasingly used in social science research. In some cases, these requests have been made by researchers studying government agencies that seek to control Indigenous, Inuit, and Métis peoples. They have sent requests to agencies like Crown Indigenous Relations and Northern Affairs Canada, Indigenous Services Canada, and the Royal Canadian Mounted Police, to name a few. We believe that the use of FOI and ATI requests by researchers in this area of study can be one (limited) tool of decolonization and anti-colonialism, as records requests have the potential to increase access to information, contest state classifications, and disrupt colonial control.

We believe FOI and ATI requests can be used for four of the projects discussed by Smith:

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### REFRAMING

Records or data accessed through FOI/ATI requests can help to change how Indigenous Peoples are discussed and defined in research. Records or data accessed through FOI/ATI requests can also change how we understand government agencies that work to control and manage Indigenous Peoples.

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### INTERVENING

FOI/ATI requests intervene in how government agencies release information, or rather, what these bodies choose not to release. This intervention disrupts colonial patterns of gatekeeping information. Intervention involves actively changing the 'status quo' of how research is done and how knowledge is accessed and shared.

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### DEMOCRATIZING

FOI/ATI requests can be used to show if Indigenous perspectives are valued and heard within these agencies that have historically suppressed and excluded Indigenous perspectives and knowledges. This kind of research intervention should encourage collectivity, participation, and inclusion of Indigenous perspectives throughout the research process.

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### SHARING

The main goal of FOI/ATI is that information should be made accessible to all. Similarly, this project encourages research that is accessible in all forms, so that anyone can physically access the research and that anyone can understand the research. This sort of research should be collaborative and empowering.

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## WHAT DID WE FIND?

# 13

RESEARCH PAPERS THAT MET  
OUR CRITERIA

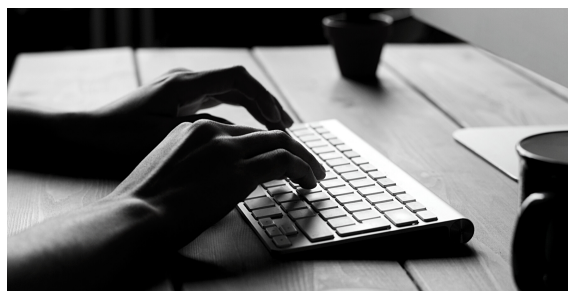
# 3

WAYS THAT FOI/ATI REQUESTS  
HELPED RESEARCHERS ADVANCE  
THEIR GOALS:



### 1) Revealed federal and provincial governments' interests in extending "colonial capitalism"

- The federal government purposefully excluded Indigenous sovereignty and perspectives in legislative framework that would have advanced their economic self-determination.
- Attempts by the federal government to grant individual property rights to Indigenous Peoples to privatize their land.
- Found urban reserves to be contradictory spaces of both Indigenous sovereignty and colonial capitalism.
- When Indigenous Peoples resisted the activities of corporations on Indigenous land, state power was given to the corporations, not Indigenous Peoples. It was decided in government meetings that corporations should be included more proactively in national security policy to make it easier for them to profit on Indigenous lands.



## **2) Revealed how the government fabricates a "settler colonial emergency" to justify government intervention**

- Indigenous protests are monitored by INAC (now CIRNAC), despite this being outside of the department's scope. Information gained through this surveillance is then sent to over eleven government bodies, including the RCMP and the Integrated Terrorism Assessment Centre.
- INAC, RCMP, CSIS, and regional police specifically monitor and raid Indigenous occupations and protests, despite records stating that they are usually peaceful protests.
- Government bodies create weekly reports that describe these protestors as "militant leaders", allowing for their criminalization and arrest.
- INAC uses its public servants to monitor those that are involved in cases against the department (one request revealed that 189 public servants had been used to follow the executive director of the First Nations Child and Family Caring Society of Canada).

## **3) Revealed how the government disrupts Indigenous authority and title**

- INAC is increasing its scope of colonial control and intervention to eliminate Indigenous leadership under Section 74 of the Indian Act. This is happening through policies, laws, and discussions that work to delegitimize Indigenous governance.
- The Indian Act purposefully created unjust consequences for Indigenous Peoples (harmful policies were not an accident and are certainly not a thing of the past).
- The Canadian government has a history of using the law to undermine the meaning of consent and their duty to consult with Indigenous Peoples.
- Government assessments of drinking water in Indigenous communities are too narrow and do not account for the needs of each community. The government's failure to adequately provide safe drinking water disrupts Indigenous authority and full title to their land.

## LESSONS LEARNED FROM THE 13 PAPERS

### Reframing

FOI and ATI requests were used to unmask the operation of state colonial power through state agencies, and in this way the researchers' requests became a decolonizing method. This approach can be used as a decolonizing method, such as when the authors used information obtained through requests to support a *reframing* of the narratives surrounding relationships between state agencies and Indigenous Peoples.

Information, records, or data accessed through FOI requests were used to challenge settler colonial narratives by presenting narratives and knowledge previously suppressed. This reframing involved definitions of Canada that name colonialism, and definitions of Indigeneity that name agency. More specifically, the researchers:

- recognized laws that exhibit settler colonialism
- demonstrated how extensive colonial surveillance is
- explained how our capitalist system serves the aims of colonialism
- detailed actions that have supported Idle No More
- challenged the tendency to homogenize First Nations, Métis, and Inuit peoples
- deconstructed the framing of Indigenous resistance as 'emergency'

### Intervention

Researchers also practiced the decolonizing method of *intervention* when they made FOI/ATI requests. Each author carried out the project of intervention simply by virtue of making a request using FOI and ATI because it disrupts how government information is normally provided and accessed. The fact that these requests can be made by anyone, not only those in academia, aligns with the general goals of decolonizing methodologies as it further eliminates barriers to accessing information held by colonial state agencies.



## FURTHER STEPS

There are a number of additional steps that can be taken to further advance decolonization in FOI and ATI research:

### Sharing

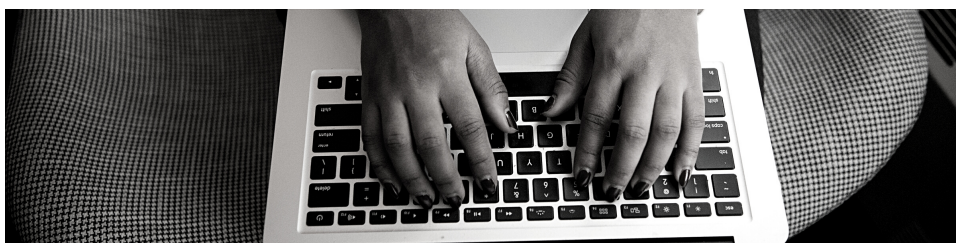
FOI research and decolonizing methodologies both place importance on making information accessible. Researchers should make efforts to move beyond colonial rules of gatekeeping so that data and results are not only physically accessible, but accessible in all forms, such as presenting information in simple terms.

This can look like *sharing* research results in spaces outside of academia, and in ways that avoid theory, methodologies and terms from the Eurocentric academic world. It may also mean sharing stories of research on, or experiences with, government agencies.

### Democratizing

Research as it relates to Indigenous Peoples must not only consider, but work with, Indigenous perspectives, communities and organizations, meaning the research is *democratized*. This demands a process of working with Indigenous communities throughout the research project to avoid the colonial practice of simply talking about these communities.

Research that speaks to the need for self-determination, that demands consent and inclusion, but does not apply these beliefs through practice will continue to keep decolonization in the world of theory. Future FOI and ATI investigations should more closely resemble Indigenous-led community-based research.



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## WHAT CAN WE LEARN FROM THESE FINDINGS?

There are many authors who have carried out their research in a way that works towards decolonization. ATI/FOI are government mechanisms, and we realize there may be scepticism among Indigenous communities and among activists as well. If used craftily and collectively, though, these requests for records can be empowering for Indigenous communities, Indigenous researchers, critical researchers, and allies. To summarize, the following steps can be taken to decolonize FOI and ATI research:

### 1. ETHICS APPROVAL

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FOI research is normally understood as secondary research, so ethics approval is not typically required. We argue that when the focus of FOI research requires consultation and learning from Indigenous communities, ethics approval should be required. This has implications for Chapter 2 of the TCPS 2 (national ethics policy in Canada).

### 2. USE SMITH'S PROJECTS

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We argue that when FOI research relates to First Nations, Métis, and Inuit peoples or their lands, a decolonizing approach must be used. Smith's projects, especially the four that we have highlighted (reframing, democratizing, sharing, intervening), can act as a helpful guide on how to do this.

### 3. TEACHING

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What we have argued about research should apply to teaching research methods in the social sciences and humanities.

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#### HELPFUL LINKS

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**First Nations Information  
Governance Centre**  
<https://fnigc.ca>







**Centre for Access to  
Information and Justice:**  
<https://www.uwinnipeg.ca/caij/>

**Information Commissioner  
of Canada:**  
<https://www.oic-ci.gc.ca/en>

**MuckRockCanada:**  
<https://muckrock.ca/>

## REFLECTIONS

### WHAT HAVE WE DONE TO DECOLONIZE OUR OWN RESEARCH?

-  Evans-Boudreau and Walby acknowledge our social location (we are both white Canadian settlers writing on settler-Indigenous relations on this part of Turtle Island)
-  Our research was guided by Indigenous scholar-activists, particularly Linda Tuhiwai Smith
-  We shared our work with the chair of the Indigenous Advisory Research Ethics panel and the Aboriginal Student Services Centre at our university
-  We seek to consult with local Indigenous and Métis governments and organizations and agencies
-  We have summarized our findings in this report to make sure that our research could be accessed outside of academia
-  As a long-term project, we will turn our paper into a zine to increase accessibility and openness

### POSITIONALITY AND LIMITATIONS IN OUR EFFORTS TO DECOLONIZE OUR OWN RESEARCH

We recognize the ethical harm that may be caused by writing about settler-Indigenous relations as white Canadian settlers. We also recognize the possible harms that may be caused by the potential to misinterpret or misuse Smith's methods of decolonization.

While these limits exist, it is by using Smith's projects, and listening to the perspectives of Indigenous scholars and activists, that we may work toward decolonization in research. We have taken steps to collaborate to make sure we are writing with, and not simply about, Indigenous, Métis, and Inuit peoples.

Nevertheless, efforts to decolonize our research are still constrained by the spaces in which we do this work, spaces that value colonial ways of doing over Indigenous ways of knowing. Ethical considerations for the settler-researcher are not confined to the subject matter on which we write but extend to the academic spaces in which we occupy while writing.

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