

Independent Reporting Mechanism

Canada Co-Creation Brief
2024

Open
Government
Partnership



Independent
Reporting
Mechanism

Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of Canada's sixth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country's context and presents recommendations. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings. This brief is intended to be used as a resource as government and civil society determine the next action plan's trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief's recommendations.

The co-creation brief draws recommendations from prior [IRM reports for Canada](#), [OGP National Handbook](#), [OGP Participation and Co-Creation Standards](#), and IRM guidance on [the assessment of OGP's minimum requirements](#). The brief aims to provide up-to-date recommendations with lessons from comparative international experience in the design and implementation of OGP action plans as well as other context-relevant practices in open government. The brief was reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in June 2024.

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Section I: Action Plan Co-Creation Process

Canada has established a robust OGP process and implemented five action plans since joining the partnership in 2011. Canada's co-creation process encompasses an engaged multistakeholder forum, broad public consultations, and a reasoned response which has set the standards for international best practice. In May 2024, Canada launched the [Trust and Transparency Strategy](#), an innovative open government strategy which reaffirms its commitment to further institutionalize open government practices.

Canada [remains](#) one of the global leaders in the open government community, showcasing a continued commitment to implement open government reforms nationally and supporting efforts to strengthen open government internationally. Implementation could benefit from better alignment of OGP commitments with the federal strategy and development of broad commitments with a coherent logic model and specific milestones.

The Trust and Transparency Strategy, in tandem with the government's decision to undertake a four-year action plan, provides ample opportunity to tackle challenges to the co-creation process and create an ambitious action plan while continuing to cement Canada's leadership in promoting open government practices worldwide.

To this end, moving forward, the IRM recommends:

1. Strengthening the multistakeholder forum and enhancing the quality of collaboration among its members.
2. Aligning OGP commitments with relevant federal budget priorities.
3. Ensuring a coherent framework that underpins action plan commitments with specific milestones and metrics.

RECOMMENDATIONS

Recommendation 1: Strengthening the multistakeholder forum and enhancing the quality of collaboration among its members

Government and civil society representatives in Canada's multistakeholder forum (MSF) conduct wide engagement with the public through consultations. Previous [IRM reports](#) and an [independent review of the MSF](#) have identified opportunities to facilitate collaboration between members of the forum. In line with these observations, the IRM recommends the MSF to establish trainings for its members to strengthen common understanding of their roles and responsibilities as well as opportunities to reflect and act on ongoing learning. This would help ensure that there is an agreement between both government and civil society members during the co-creation process and beyond. An enhanced collaboration could lead to the development of commitments that aim for more ambitious reforms.

The scope of the training for government members could include ways to engage civil society representatives more effectively. For civil society members, the training could include insights regarding the intricacies of the federal government's internal operations as well as the time and resources that are necessary to create changes.

The forum could also benefit from a more diverse membership. A strategy to reach a more diverse pool of actors could be considered for [the call for new members](#) to ensure well-qualified candidates representative of diverse policy areas—beyond open data—are included.

Recommendation 2: Aligning OGP commitments with relevant federal budget priorities

Misalignment between the government's budget process and OGP action plan cycles has [long presented an obstacle](#) to the co-creation of more ambitious open government reforms in Canada. In April 2024, the government delivered a [budget](#) proposing over CAD 50 billion in new spending over the next five years. The four-year action plan presents an opportunity for the multistakeholder forum to layer OGP commitments over budget priorities, such as [strengthening integrity in the public service](#) and using the federal government's procurement process to boost innovation. The forum could use the OGP process to advance and even

deepen those goals by layering more ambitious steps in pursuing them, while ensuring this work is properly funded.

Recommendation 3: Ensuring a coherent framework that underpins action plan commitments with specific milestones and metrics

While Canada has advanced open government reforms, the development and drafting of its OGP action plan could be enhanced by better defining the rationale, milestones, and metrics that underpin commitments. Oftentimes, commitments are broad and lack specific milestones and metrics, which make it difficult to assess whether proposed activities lead to successful outputs. To further strengthen Canada's progress in the field of open government, the IRM recommends stakeholders to ensure that there is a coherent framework that underpins the design of commitments. Influence of thematic experts and implementing government departments could address this problem and further strengthen commitment implementation. This could require coordination across levels of government to include commitments on key thematic competences that are in the hands of the provinces, like health and education.

The IRM further recommends that stakeholders ensure the application of indicators that accurately measure progress toward commitment goals. This is in line with the emphasis placed in the [Trust and Transparency Strategy](#) on measuring how well Canada is doing against the strategy's three [stated objectives](#): (1) better access to government data and information, (2) providing information and tools to hold government to account, and (3) making it easier for Canadians to be more involved in decision-making processes.

In developing indicators for measuring progress toward open government, Canada is encouraged to first establish baselines against which progress towards stated objectives can be assessed and then develop or identify appropriate indicators to be used to measure against the baseline in assessing whether progress is being made. The [Midpoint Refresh](#) process of the four-year action plan, at the two-year mark, offers an opportunity to reflect on the indicators used and make any necessary adjustments. To do so, stakeholders are expected to review the progress of commitments to date, and then decide whether an amendment or expansion of the action plan would facilitate the achievement of stronger results for open government.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

Jointly, government and civil society stakeholders could select new or ongoing reforms to be pursued under the [Open Gov Challenge](#) framework, such as open data, access to information, beneficial ownership, open justice, and public participation.

AREA 1. Open Data

Canada is a global leader in open data, according to the [Organization for Economic Co-operation and Development \(OECD\)](#) and the [Open Data Barometer](#). Canada's consistent prioritization of open data in past action plans is further emphasized in the government's recently published [Trust and Transparency Strategy](#). Publishing open data can be useful in combatting misinformation and disinformation, which is another important focus of Canada's open government strategy. Finland, for example, is implementing a [commitment](#) to prevent misinformation and disinformation through data sharing.

As Canada continues its open data journey, it could build on efforts initiated in prior action plans by focusing on government support for data re-use by civil society and citizens. The sixth action plan could include commitments that focus on ensuring access, understanding, and utilization of open data by regular citizens. This can be accomplished through awareness-raising activities and trainings such as the ['Ask Me Anything' sessions](#). Additionally, the government could provide avenues, such as hackathons, for citizens to use open data to inform or influence government policy and decision-making. Engaging stakeholders to strengthen government data release, quality, and comprehensiveness could further improve reforms in this area.

Useful resources:

- OGP: [Broken Links: Open Data to Advance Accountability and Combat Corruption](#).
- OECD: [2023 OECD Open, Useful and Re-Usable Data Index](#) and [Recommendation of the Council on Enhancing Access to and Sharing of Data](#).
- In addition to Finland, other OGP members such as [Norway](#), [the Netherlands](#), and [the Republic of Korea](#) are also working on this policy area.
- Partners that can provide technical support: [Open Data Charter](#), [OECD](#), and [Transparency International Canada](#).

AREA 2. Beneficial Ownership

Beneficial ownership commitments have been included in Canada's previous two action plans. The IRM [assessed Commitment 3 in the 2022–2024 action plan as having substantial potential for results](#) in opening government. In November 2023, parallel to OGP commitments, Canada passed [Bill C-42 on Amendments to the Canada Business Corporations Act \(CBCA\)](#), which led to the creation of a publicly accessible [beneficial ownership federal registry](#).

While Bill C-42 is [considered](#) a landmark legislation in the area of beneficial ownership transparency by civil society, it is important to note that [less than 20%](#) of Canadian companies are registered at the federal level. Most companies are registered at the provincial or territorial levels. In addition to [legislation](#) in British Columbia to establish a registry by 2025, several provinces and territories already have their own centralized beneficial ownership registries—such as Quebec's [Enterprise Registry](#) and Prince Edward Island's [Online Corporate Business Names Registry](#). However, not all provinces and territories have one, and existing ones sometimes [do not abide](#) by federal requirements. To address this issue, Canada could support efforts to reach an agreement with provinces and territories over the incorporation of existing beneficial ownership information into the federal registry, or establishing a set of unified standards. To demonstrate global leadership in this field, Canada could also work towards incorporating digital identification into the registry for data verification and adopting the latest [Beneficial Ownership Data Standard \(4.0\)](#).

Future commitments could additionally include activities to raise awareness among companies of their responsibility to submit their data to the registry. To assess the effectiveness of the federal beneficial ownership registry, Canada can undertake a review of its implementation and, where needed, develop recommendations to improve.

Useful resources:

- OGP: [Policy Progress Report: Beneficial Ownership Transparency](#).
- Open Ownership: [Publication of Revised Open Ownership Principles](#).
- World Bank: [Beneficial Ownership Data Standard](#).
- Tax Justice Network: [Beneficial ownership verification: ensuring the truthfulness and accuracy of registered ownership information](#).
- Transparency International Canada: [Canadian Company Data Transparency Index](#).
- [Australia](#), [New Zealand](#), [Portugal](#), and [Czech Republic](#) are working on this policy area.
- Partners that can provide technical support: [Open Ownership](#), [Publish What You Pay](#), [Tax Justice Network](#), and [Transparency International](#).

Potential commitments in this thematic area can also be submitted under Area 2 of the [Open Gov Challenge](#) on anti-corruption.

AREA 3. Access to Information

Previous reports by the [Canadian House of Commons](#) and the [IRM](#) have identified several weaknesses in the provisions of the 1983 [Access to Information Act](#). The Global Right to Information Rating also [underlines](#) issues in Canada's access to information system around lax timelines and broad list of exceptions. The government has highlighted the importance of the issue in its [Trust and Transparency Strategy](#) and presented an [Access to Information Modernization Plan](#).

To strengthen citizens' access to government information, the multistakeholder forum could leverage the sixth action plan to propose a commitment to support and subsequently implement a review of the Access to Information Act, which is [set to take place](#) no later than June 2025. The review may lead to reforms that ensure compliance with [time frames for processing](#) access to information requests as well as looks at reforming blanket exceptions for certain public authorities, such as ministries, the Prime Minister's office, ministerial advisors, and cabinet confidences. It may also further expand the authority of the information commissioner to make binding orders to government institutions.

Useful resources:

- OGP: [Right to Information Fact Sheet](#) and [Policy Paper](#).
- World Bank Institute: [Proactive Transparency: The future of the right to information?](#)
- [United States](#), [New Zealand](#), [Germany](#), and the [Netherlands](#) are working on this policy area.
- Partner that can provide technical support: [Centre for Law and Democracy](#).

Potential commitments in this thematic area can also be submitted under Area 1 of the [Open Gov Challenge](#) on access to information.

AREA 4. Open Justice

Canada's fifth action plan marked the first time a justice commitment was included in the country's OGP action plans. The commitment reflected broad societal priorities and included milestones targeted at introducing open government strategies in the Royal Canadian Mountain Police (RCMP).

The IRM encourages Canada to continue supporting the introduction and institutionalization of open government strategies within the RCMP. A commitment could include supporting the RCMP to ensure the sustainability of the newly implemented open government processes, both in terms of improving organizational culture and securing resources for capacity building. The commitment could also include ways to address information disparities between the RCMP and the public, as well as ensuring that relevant stakeholders are included in the process to catalyze commitment sustainability.

In response to broader societal priorities, Canada could also commit to ensure that the implementation of its [Indigenous Justice Strategy](#) or [Black Justice Strategy](#)—currently in development—advance open government values. This could include an open and participatory monitoring process of their implementation.

As one of the founding members of the [OGP Coalition on Justice](#), Canada could continue demonstrating its leadership by participating in the coalition’s future learning and information sharing opportunities. This could include by submitting an ambitious Open Gov Challenge commitment under the theme of justice and sharing its experience in implementing open justice reforms.

Useful resources:

- OGP: [Justice Policy Series](#), [Justice Fact Sheet](#), and [Skeptic’s Guide to Open Government: Access to Justice](#).
- [Norway](#), [Chile](#), [the United States](#), and [the Netherlands](#) are working on this policy area.
- Partners that can provide technical support: [Open Society Justice Initiative](#), [Pathfinders for Peaceful, Just and Inclusive Societies](#), [OECD](#), and [World Justice Project](#).

Potential commitments in this thematic area can also be submitted under Area 8 of the [Open Gov Challenge](#) on justice.

AREA 5. Public participation

In its open government scan of Canada, the OECD [found](#) that citizen and stakeholder participation has been conducted outside of the purview of open government. The newly published [Trust and Transparency Strategy](#) took this feedback and included a pronounced focus on improving avenues for public participation in federal government policymaking.

Canada could leverage the next action plan to strengthen the public participation priorities set out in the Trust and Transparency Strategy. Ireland, for example, is implementing a [commitment](#) to create best practice templates for stakeholder engagement in public consultation and policy development which draws upon existing models established among government agencies.

Canada’s commitment on this area could include assessment of current public participation practices and their effectiveness in facilitating public participation at the federal level as well as creation of new opportunities for citizens to participate in policymaking. E-participation tools that employ digital technologies could increase public participation in policymaking, service design and delivery, and provision of feedback on proposed measures and identification of priority issues. Canada is also encouraged to dedicate resources to raising public awareness of public participation opportunities.

Useful resources:

- OGP: [Embedding Citizen Participation in Government](#).
- People Powered: [The Participation Playbook](#) and [Mentorship Program](#).
- OECD: [Evaluating Public Participation in Policymaking](#).
- International Center for Not-for-Profit-Law: [Enhancing Digital Civic Space through the OGP Process](#).
- [Finland](#), the [Netherlands](#), and [Germany](#) are also working on this policy area.
- Partners that can provide technical support: [People Powered](#), [International Center for Not-for-Profit Law](#), and [Involve](#).

Potential commitments in this thematic area can also be submitted under Area 10 of the [Open Gov Challenge commitments](#) on public participation.