

Independent Reporting Mechanism (IRM): Canada Transitional Results Report 2018–2021

This report was prepared in collaboration with Daniel J. Paré, University of Ottawa, Canada.

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I. Introduction

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with Daniel J. Paré, University of Ottawa, to carry out this evaluation. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/irm-guidance-overview/>.

This report covers the implementation of Canada's fourth action plan for 2018–2021.¹ In 2022, consistently with the IRM Refresh,² the IRM began to implement a new approach to its research process and the scope of its reporting on action plans. The IRM adjusted its Implementation Reports for 2018–2020/2021 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP national processes.

¹ Following Criteria and Standards Subcommittee (C&S) Resolution to address the delays in the implementation of national action plans resulting from the COVID-19 pandemic, Canada extended the implementation period for its 2018–2020 action plan by 12 months (until August 2021). See, <https://www.opengovpartnership.org/documents/criteria-and-standards-subcommittee-resolution-covid19-pandemic/>

² See: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

II. Action Plan Implementation

The IRM Transitional Results Report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not revisit the assessments for "Verifiability," "Relevance," or "Potential Impact." The IRM assesses those three indicators in IRM Design Reports. For more details on each indicator, please see Annex I in this report.

2.1. General Highlights and Results

The activities set out in Canada's fourth action plan complemented several initiatives from earlier action plans and were oriented around three priorities identified by the Government of Canada (GoC) and Nathaniel Heller (Results for Democracy) in their role as Co-Chairs of the OGP Steering Committee:³ inclusion, participation, and impact.⁴ During their tenure, an onus was placed on advancing gender equity and better governance at both domestic and international levels through an International Development Research Centre (IDRC)⁵ flagship initiative titled Feminist Open Government Initiative.⁶

The 2018–2021 action plan sought to address a broad range of issues, with a focus on inclusive engagement. Milestones and proposed metrics were generally broad, and lacked specificity, clear baselines, and/or measurable indicators. Additionally, misalignment between the GoC's budget process and OGP action plan cycles has long presented an obstacle to the co-creation of ambitious reforms. This fourth action plan was no exception, with many commitments representing government initiatives that already were underway. Indeed, several milestones were near completion or had already been completed as the plan was launched in December 2018. By the end of March 2019, out of 56 milestones across 10 commitments, 26 had been substantially completed, and six were completed.⁷

Most commitment milestones of the action plan have been met, with two commitments fully completed, and eight substantially completed. This level of progress parallels what was achieved for Canada's third national action plan (2016–2018).⁸

Although the implementation of the plan led to improvements in service delivery, which is in itself a positive outcome, it did not translate into significant changes to government practice.⁹ Consultations and reviews were conducted in relation to beneficial ownership, access to information, and feminist and inclusive dialogue, but there is not enough evidence to demonstrate their having major implications for open government at the domestic level during the period of implementation. Like other commitments in this action plan, these three reforms are laudable but missed the opportunity to leverage their inclusion in the OGP action plan to strengthen or expand on existing government initiatives.

In 2022, the updated OGP Participation and Co-Creation Standards came into force.¹⁰ Under the updated standards, member countries may now choose to adopt a 2- or 4-year action plan. The updated standards also allow for a more flexible action plan delivery window that enables countries to align their OGP processes with budget and election cycles.¹¹ The IRM recommends that the GoC's Open Government Team and Multistakeholder Forum (MSF) make use of this increased flexibility to co-create ambitious open government reforms that respond to stakeholder priorities.

2.2. COVID-19 Pandemic impact on implementation

In March 2020, the provinces and territories across Canada went into a state of lockdown in response to the COVID-19 pandemic. This timing corresponded with the last few months of the fourth action plan's implementation cycle. Items that had not yet been completed and/or for which unforeseen challenges¹² had been encountered were tabled, with resources re-prioritized in response to the pandemic. There is broad consensus among the government and civil society representatives interviewed for this report¹³ that the pandemic had little-to-no impact on the implementation of this plan. By the time it struck, the focus of both government and the MSF had already shifted to planning and preparing for the fifth national action plan. Equally noteworthy was the GoC's acceptance of the OGP's offer to extend the implementation timeline of the country's national action plan to June 2021.

Canada's response to the COVID-19 pandemic did not tap into any specific frameworks or tools from previous national actions plan per se. However, from the early stages of the pandemic, certain aspects of the response did make use of Canada's open data portal

(<https://open.canada.ca/en/open-data>). For instance, at a press conference on 17 April 2020, Canadian Prime Minister Justin Trudeau stated that:

*Moving forward, we will be releasing the latest figures on the CERB through the government's open data portal three times a week so academics, researchers and Canadians can keep track of the work being done. We will continue to provide and open up data so that we can get the best advice from experts and continue to help Canadians.*¹⁴

Two additional aspects of the pandemic merit mention here. First, the pandemic created a common cause that brought together the government and the MSF in working towards a shared purpose in a manner that drew upon one another's expertise and resources. Notably, this collaboration fell outside the OGP process. When queried, representatives from both government and the MSF emphasized that these collaborative efforts transcended OGP considerations and bore no direct connection with any facet of the fourth national action plan or the designing of the fifth plan.¹⁵

Second, the early stages of the pandemic highlighted various shortcomings in data gathering and sharing across federal, provincial, and territorial levels of government, spanning across departments and agencies that were not directly implicated with fourth national action plan or the federal government's OGP activities. For example, in their discussions with the IRM researcher, representatives from both government and the MSF noted that the Public Health Agency of Canada (PHAC), which did not have any commitments in the fourth national action plan, had been subject to criticism and scrutiny throughout the first few months of the pandemic for deficiencies in its communicating of COVID-related information to the public at large. Commenting on these events, one member of the MSF noted that "*PHAC was claiming to do open science but was not communicating in an open science way.*" The above-mentioned collaborations were seen as having directly contributed to aiding PHAC improve its communication of COVID-related information to the public in subsequent months.¹⁶

³ The Government of Canada and Nathaniel Heller were Co-Chairs of the OGP Steering Committee for 2018–2019.

⁴ The three priorities were also manifest in Canada's 2018–2020 National Action Plan on Open Government, and most explicitly in Commitments 8 and 10. See, https://www.opengovpartnership.org/sites/default/files/GovCan_Heller_Co-Chair-Vision_20190928_EN.PDF. See also, Canada's 2018-2020 National Action Plan on Open Government <https://open.canada.ca/en/content/canadas-2018-2020-national-action-plan-open-government>

⁵ Established in 1970 through an Act of Parliament, IDRC is a crown corporation whose mandate is "to initiate, encourage, support, and conduct research into the problems of the developing regions of the world and into the means for applying and adapting scientific, technical, and other knowledge to the economic and social advancement of those regions." It operates as a research granting agency supporting Southern researchers to find solutions to their development challenges, and is governed by a board of 14 governors. The Board's chairperson reports to Parliament through the Minister of International Development. See, About IDRC, <https://www.idrc.ca/en/about-idrc>

⁶ International Development Research Centre (2018, July 18). New Feminist Open Government Initiative.

<https://www.idrc.ca/en/news/new-feminist-open-government-initiative>

⁷ See, 2018–2020 National Action Plan Open Government Reporting Data,

<https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e>

⁸ See, Independent Reporting Mechanism (IRM): Canada End-of-Term Report 2016–2018,

https://www.opengovpartnership.org/wp-content/uploads/2019/03/Canada_End-Term_Report_2016-2018_EN.pdf

⁹ It merits noting that over time these improvements in service delivery may potentially contribute to fomenting further service delivery improvements across government.

¹⁰ See, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

¹¹ For more information on action plan length and delivery windows see the 2022 OGP National Handbook Section 2.2 "Submission of Action Plans to OGP" pages 16–19. <https://www.opengovpartnership.org/wp-content/uploads/2022/03/OGP-National-Handbook-2022.pdf>

¹² The challenges in question predominantly relate to complexities arising from need to adhere to the tenets of the [Accessible Canada Act, 2019](https://www.canada.ca/en/employment-social-development/programs/accessible-people-disabilities/act-summary.html) and the [Official Languages Act, 2017](https://www.canada.ca/en/employment-social-development/programs/accessible-people-disabilities/act-summary.html). The former seeks to make Canada barrier-free by January 2040, and the latter mandates that any member of the public be able to obtain federal services in either official language. See also, Summary of the Accessible Canada Act, <https://www.canada.ca/en/employment-social-development/programs/accessible-people-disabilities/act-summary.html>; and Modernization of the Official Languages Act, <https://www.canada.ca/en/canadian-heritage/campaigns/canadians-official-languages-act.html>.

¹³ Interviews conducted for this report include an online meeting with the Open Government Team, Treasury Board of Canada Secretariat, Government of Canada, 24 March 2022; online one-on-one interviews with the Executive Director, Open Government, Chief Information Officer Branch, Treasury Board of Canada Secretariat, Government of Canada, 8 April 2022; member, Multistakeholder Forum, 8 April 2022; Chair, Multistakeholder Forum, 13 April 2022. Email exchanges include the Executive Director, Information and Privacy Policy Division, Chief Information Officer Branch, Treasury Board of Canada Secretariat, 19 April 2022; Senior Director, Corporate, Insolvency and Competition Policy, Marketplace Framework Policy Branch, Innovation, Science and Economic Development (ISED) Canada, 20 April 2022.

¹⁴ See, Justin Trudeau Canada COVID-19 Press Conference April 17, 2020,

<https://www.rev.com/blog/transcripts/justin-trudeau-canada-covid-19-press-conference-april-17>

¹⁵ In terms of OGP activities, members of the MSF and the government met nine times between March 19, 2020, and January 22, 2021. Minutes from these discussions can be found in the MSF working documents file at: https://drive.google.com/drive/folders/18U8iVkW0P01CuqGw9mGo3rtWu0E4TT_2. The minutes are scheduled to be made publicly available via Canada's Open Government Portal

<<https://open.canada.ca/data/en/dataset/cd94b0b3-c328-4468-958e-ccd7bd140b48>> in the near future.

¹⁶ A detailed accounting of the communication- and data-related challenges encountered by the government and civil society stakeholders along with some of the solutions implemented is available at: <https://datalibre.ca/>

2.3. Early Results

The IRM acknowledges that results may not be visible within the two-year time frame of the action plan and that at least a substantial level of completion is required to assess early results. For the purpose of the Transitional Results Report, the IRM will use the “**Did it Open Government?**” (DIOG) indicator to highlight early results based on the changes to government practice in areas relevant to OGP values. Moving forward, new IRM Results Report will not continue using DIOG as an indicator.

This section focuses on outcomes from the implementation of commitments that had an ambitious or strong design as per the IRM Design Report assessment, or that may have initially lacked clarity and/or ambition but had successful implementation with “major” or “outstanding” changes to government practice.¹⁷ Commitments considered for analysis in this section had at least a “substantial” level of implementation, as assessed by the IRM. While this section provides the analysis of the IRM’s findings for the commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion of all the commitments in the action plan.

Commitment 3: Corporate Transparency	
<p>Aim of the commitment</p>	<p>This commitment saw the GoC stipulating that it would continue working with provincial and territorial governments to implement the federal, provincial, and territorial finance ministers’ December 2017 Agreement to Strengthen Beneficial Ownership Transparency.¹⁸ Specifically, it pledged to:¹⁹</p> <ul style="list-style-type: none"> • require federal corporations to hold beneficial ownership information; and • engage with key stakeholders on possible options to improve timely access to beneficial ownership information.²⁰ <p>The commitment sought to build on commitment 12 from Canada’s third action plan²¹ and was in line with broader international efforts²² at tackling money laundering, corruption, terrorist financing, and tax evasion by requiring federal corporations to retain and provide timely access to beneficial ownership information.</p> <p>The commitment promised to advance the OGP value of civic participation through milestone 3.2 which focused on government-stakeholder consultations. The commitment was not assessed to be relevant to the OGP value of access to information in the <i>Canada Design Report 2018–2020</i> because it was not clear that new information would be made available to the public as a result of its implementation.²³</p>
<p>Did it open government?</p> <p>Did not Change</p>	<p>As per the information reported at the <i>National Action Plan Open Government Tracker</i>,²⁴ the three milestones comprising this commitment were completed.</p> <p>The open government potential of this commitment hinged upon the outcome of milestone 3.2 (work across federal, provincial, and territorial governments, and key stakeholders to improve timely access to beneficial ownership information) and, specifically, the potential extending of the right to access beneficial ownership records to members of the public beyond law enforcement, security, tax, and other authorities.</p> <p>At the time of writing the <i>Canada Design Report 2018–2020</i>,²⁵ the relevant legislative amendments²⁶ to the <i>Canada Business Corporations Act</i> (CBCA)²⁷ at the core of milestone 3.1 (Implement legislative amendments) had already come into effect. Likewise, for milestone 3.3 (Continue to work with provincial and territorial governments), all elements of the Agreement to Strengthen Beneficial Ownership Transparency had been implemented by the federal government.²⁸</p>

In the period spanning 13 February to 30 May 2020, Innovation, Science, and Economic Development Canada (ISED) initiated public consultations on strengthening corporate beneficial ownership transparency in Canada, including creating an accessible central registry (or registries) of the beneficial owners.²⁹ During this consultation, representatives from ISED and Finance Canada, met in person and via telephone with 29 public, private, and non-profit organizations from across the country, and received 50 written or emailed submissions from “law enforcement and tax agencies, industry associations, privacy commissioners, individual Canadians and a coalition of civil society organizations.”³⁰ In responding to the IRM Researcher’s request for additional demographic information about the participants, ISED pointed out that the consultation engaged:³¹

- 18 private sector or business associations;
- 14 public sector organizations;
- 13 civil society organizations;
- 7 organizations from the legal, accounting or notary community;
- 4 labour unions; and
- 2 groups of university students.

The results of the ISED consultations were published in April 2021 in a [What We Heard Report](#). However, the filed submissions and notes/synopses/transcripts of the interviews informing the contents of the report are not publicly available.

The report notes there was agreement among the respondents about the desirability of housing beneficial ownership information in government (i.e., federal, provincial, and territorial) registries, but divergent views on public accessibility.³² At issue here is a reported tension between perceived benefits of full public access, on the one hand, and concerns about the privacy, security, and investment implications of full public access, on the other hand. The [What We Heard Report](#), points to seeming support among respondents for a tiered access regime “*in which law enforcement, tax and other authorities could have unrestricted access to beneficial ownership information, with other classes of users (e.g., private sector companies with anti-money laundering obligations) restricted to a more limited dataset, based on need to know,*” along with a phased approach that would begin by “*granting access to competent authorities, and gradually expanding access to other parties only once a functional, verified registry (or registries) could be put in place.*”³³

The evidence suggests this commitment contributed to supporting ongoing intergovernmental collaboration and the putting in place of jurisdictional infrastructures to enhance corporate beneficial ownership transparency for law enforcement, security, and tax authorities. What remains unclear, is whether these efforts led to concrete improvements of corporate financial transparency as expected from the commitment text. The consultations were a first step to gather information from stakeholders. However, due to the limited access to the input received, it is not possible to assess the scope and scale of these consultations. Additionally, there is no evidence to suggest that the implementation of the commitment led to disclosing more information or improving channels to disclose or request information, at least not yet for members of the broader public. Likewise, the [What We Heard Report](#) reveals a continued lack of consensus, with both civil society representatives of the MSF and other civil society interests continuing to advocate for corporate beneficial ownership registries being accessible to members of the Canadian public.³⁴

This said, it must be recognized that in its 2022 Federal Budget, the GoC did commit to:

“accelerating by two years its commitment to amend the Canada Business Corporations Act to implement a public and searchable

	<p><i>beneficial ownership registry, which will now be accessible before the end of 2023. The registry will cover corporations governed under the aforementioned Act and will be scalable to allow access to the beneficial ownership data held by provinces and territories that agree to participate in a national registry.</i>³⁵</p> <p>Following the GoC’s recent commitment to establishing a public beneficial ownership registry, Canada’s future action plans present an opportunity to accelerate progress towards transparent corporate ownership of federally incorporated businesses. The IRM recommends that those directly involved in these future developments consult the Open Ownership Principles to ensure effective disclosure.³⁶ The GoC could also consider joining the Beneficial Ownership Leadership Group to participate in learning and information sharing among governments undertaking similar efforts.³⁷</p>
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Commitment 7: Access to Information	
<p>Aim of the commitment</p>	<p>This commitment carried forward work started in previous action plans and, most recently, commitment 1 of Canada’s third action plan³⁸ to improve the 1983 <i>Access to Information (ATI) Act</i>. Prior to the passing of legislative amendments in 2019, there had been no substantive revamping of the Act since it originally was passed into law in 1983. By 2018, Canada had fallen behind other countries with regard to global standards for the right to information. The ATI Act was amended in 2019 through Bill C-58, which among many things called for a legislative review of the ATI Act within one year of the Bill receiving Royal Assent.</p> <p>Among its milestones, the commitment included a broad review of the new legislation, the releasing of details about information requests, and making it easier to use the ATIP online request service.</p>
<p>Did it open government?</p> <p>Did not change</p>	<p>As per the <i>Open Government Tracker</i>,³⁹ four of the milestones (7.1, 7.4, 7.6, 7.7) comprising this commitment were completed, two were substantially completed (7.3, 7.5), and one achieved limited progress (7.2). Overall, implementation of this commitment marginally improved Canadians’ access to information, through public consultations on the ATI Act and institutional improvements to strengthen proactive and reactive government information disclosure.</p> <p>In terms of opening government, the potential of this commitment was contingent foremost on the outputs of the review promised in milestone 7.1, along with whether and how such outputs might be implemented, and whether they ultimately contribute to producing outcomes that effectively tackled long known shortcomings with Canada’s ATI regime. At issue here are the principles that should sustain the country’s ATI regime along with how these principles are to be operationalized. In the period spanning April to August 2021, the Treasury Board of Canada Secretariat (TBS) undertook a process of virtual public engagement as part of the review specified in milestone 7.1.⁴⁰ The objective of this process was to identify issues and propose recommendations to be included in the Final Report on ATI improvement to be tabled in Parliament by the President of the Treasury Board. The terms of reference for the review set out three themes to be addressed:⁴¹</p> <ul style="list-style-type: none"> • reviewing the legislative framework; • opportunities to improve proactive publication to make information openly available; and • assessing processes and systems to improve service and reduce delays.

The engagement itself has been divided into two streams: one public engagement stream and a separate though parallel engagement with Indigenous peoples and organizations.⁴²

As reported in the *ATI-Review—Interim What We Heard Report*,⁴³ the public engagement stream involved:

- Four thematic public workshops;⁴⁴
- 294 unique responses to the Access to Information User Experience Survey;⁴⁵
- 34 written submissions;⁴⁶
- Two-stage engagement with federal institutions subject to the Act, including a workshop for individual public servants;⁴⁷
- Engagement with provincial and territorial governments.⁴⁸

At the time of writing this Transitional Results Report, the Indigenous engagement part of the review is ongoing.⁴⁹ Paralleling the public review, input from meetings with and submissions from Indigenous partners are to be summarized in an Indigenous-specific *What We Heard Report* that is scheduled to be published on the ATI Review Public Engagement Platform.⁵⁰

The full open government impact of these consultations was not yet evident by the end of the implementation period as the outcome of the consultation process was not yet public.

As noted in the *Canada Design Report 2018–2020*,⁵¹ some stakeholders, including the government, view the 2019 amendments as an improvement over the status quo. However, information rights advocates were critical of the amended Act's separate treatment of different branches of government as throwing the "*the very essence of the Access to Information Act under the bus*"⁵² and risking "*the permanent exclusion of the prime minister and ministers' offices and the House and Senate themselves from ever being subject to review under the Access to Information Act.*"⁵³ Therefore, how these concerns will be addressed remains one of the open questions for Canada's ATI legal framework.

Canadian stakeholders agree that a strengthened access to information legal regime is a priority. However, civil society representatives and other stakeholders did not consider the legislative review and technical changes proposed in this commitment as meeting the level of ambition needed for substantive change.⁵⁴ That said, the implementation of this commitment did improve instrumental elements of information request and delivery, such as the technical and human infrastructure to facilitate timely responses.⁵⁵ Despite the importance of such improvements to internal mechanisms, without a public-facing element, there is no evidence available on whether these changes increased access to government-held information, improved citizen participation, or developed public mechanisms for accountability. Additionally, the available evidence suggests that the public consultations associated with this commitment continued longstanding conversations about known concerns with existing ATI legislation, without altering citizens' ability to influence government decision-making during the period under review. Therefore, this commitment is evaluated as not having advanced open government.

Looking ahead, this commitment's impact for open government will depend, in part, on the extent to which the public consultations lead to amendments in the ATI Act that strengthen Canadian citizens' access to information.

Commitment 8: Feminist and Inclusive Dialogue

<p>Aim of the commitment</p>	<p>As noted in the <i>Design Report</i>, both civil society and government stakeholders viewed promoting feminist and inclusive dialogue as one of the three most important proposed areas of reform in the fourth action plan.⁵⁶ This commitment grew out of commitment 20 of Canada’s third action plan.⁵⁷ In line with the OGP’s call for members to “<i>enhance women’s participation and gender equality</i>,”⁵⁸ it aimed to tackle the under-representation of equity seeking groups in the Canadian federal government’s public engagement activities by undertaking a number of measures to ensure their voices and experiences are represented, heard, and considered in government decision-making processes.</p> <p>As written, the commitment set out a broad line of action that, despite including specific activities to be carried out, lacked specificity in terms of identifying concrete results or outcomes expected from implementing these activities.</p>
<p>Did it open government?</p> <p>Did not change</p>	<p>As per the information reported at the <i>National Action Plan Open Government Tracker</i>,⁵⁹ five of the milestones (8.1, 8.2, 8.5, 8.6, 8.8) comprising this commitment were completed, and three substantially completed (8.3, 8.4, 8.7).</p> <p>Substantial progress was made in terms of producing the outputs set by the milestones of this commitment. In terms of milestones that are relevant to OGP values, the outputs include:</p> <ul style="list-style-type: none"> • TBS tested best practices for accessibility and engagement at the 2019 OGP Global Summit hosted in Ottawa, Canada, and online during the COVID-19 pandemic. The Open Government Team and equity-seeking organizations hosted 20 public engagements about Feminist Open Government, many of which took place around the 2019 Ottawa Summit. This included a panel on gender mainstreaming in open government policies and actions to ensure the inclusion of indigenous women.⁶⁰ The GoC also used the 2019 Summit to test best practices such as paid travel for equity-seeking groups to participate, and spaces for prayer and breast feeding. In 2020, TBS also tested various accessibility best practices, such as captioning services for online sessions, varying timing of online sessions, and teleconferencing as an alternative to online methods.⁶¹ • Publishing the <i>Guide to Gender-based Analysis Plus (GBA Plus) and Inclusive Government</i>, last updated in 2020, and hosting an Inclusive Open Government Webinar Series in 2019 and 2020.⁶² • Women and Gender Equality Canada (WAGE)⁶³ prepared a guidance document⁶⁴ about integrating GBA Plus for federal employees (that complements other GoC guidance, such as the Privy Council Office’s [PCO] toolkit which is meant to be disseminated through WAGE’s content on internal government virtual platform GCPedia).⁶⁵ • In 2019, Statistics Canada published data on gender-based violence collected through the survey of Safety in Public and Private Spaces (SSPS).⁶⁶ The data was distilled into a series of reports focusing on various topics, namely the gendered impact of COVID-19 and specific groups such as Indigenous women, racialized, and young women. Information from the survey was disseminated through an array of tables, academic papers, and webinars.⁶⁷ • The government established a National Advisory Council on Poverty with membership that represents Canada’s diverse communities and individuals with lived experience.⁶⁸ The Council conducted consultations with over 200 individuals (additional planned consultations were cancelled due to COVID-19) to inform its first progress report, which included specific policy recommendations for the Minister of Families, Children and Social

	<p>Development. In response, the government committed to increasing funding for housing, for creating a national early learning and childcare system, and for increased poverty data collection.⁶⁹ The Council released its second report in 2021.⁷⁰</p> <p>Outputs from other milestones include:</p> <ul style="list-style-type: none"> • offering GBA Plus courses and workshops to public servants; • allocating of \$20 million funding in the 2019 federal budget to support the capacity-building and community-level work of Canadian LGBTQ2 organizations in Canada; • countrywide roundtables—Calling Men and Boys In—on engaging men and boys to advance gender equality; • establishing the Youth Working Group on Gender Equity. <p>The above outputs are all laudable and important for Canada to continue advancing participation and inclusion. One observes new information about Canadian society being gathered, analyzed, and disclosed as well as efforts to engage with a variety of publics. However, there is a lack of baselines and evidence from which to measure the extent to which these activities have enhanced the meaningful inclusion of marginalized groups in government decision-making and service delivery, and/or fostered changes in government practice.</p> <p>The lack of indicators to measure the effectiveness of GBA Plus integration is an obstacle to assessing the extent to which these activities have contributed to the overarching aim of inclusive government policies and programs. As noted in the 2022 Reports of the Auditor General of Canada, <i>Report 3—Follow-up on Gender-Based Analysis Plus</i>, there is room to strengthen consistent and effective application of GBA Plus. However, “weaknesses in monitoring and reporting on the implementation and impacts of GBA Plus across government [...] makes it difficult to assess whether actions taken are achieving better gender equality, diversity, and inclusion outcomes.”⁷¹ Although WAGE, TBS, and partners have completed the relevant milestones, these activities have thus far had limited effect on the overall objective of ensuring government-wide application of GBA Plus to inform gender-aware policies and programs. Identifying appropriate indicators to assess the impact of GBA Plus in future OGP action plans will be a key step in measuring the full effect of this commitment over the near- and long-term.</p> <p>It also merits noting that despite their constituting notable changes, many of the activities in this commitment reflected pre-existing government initiatives that likely would have been carried out regardless of their inclusion in the action plan. Indeed, many of the commitment’s results were tempered by the fact that activities—such as establishing the National Advisory Council on Poverty—were pre-existing government initiatives that were neither strengthened nor expanded as a consequence of their inclusion in the action plan.</p> <p>Looking ahead, TBS’s Open Government Team and the MSF are encouraged to make use of the greater flexibility in the timeline and length of OGP action plans introduced by the updated OGP Participation and Co-Creation Standards.⁷² This flexibility presents an opportunity to better align Canada’s OGP and budget process and to use the action plan cycle to pursue more ambitious open government reforms.</p>
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¹⁷ IRM Design Reports identified strong commitments as “noteworthy commitments” when their assessment indicated they had a verifiable, relevant and “transformative” potential impact. If no commitments met the potential impact threshold, the IRM selected noteworthy commitments from the commitments with “moderate” potential impact. For the list of Canada’s noteworthy commitments, see the Executive Summary of the 2018–2020 IRM

Design Report: <https://www.opengovpartnership.org/documents/canada-design-report-2018-2020-for-public-comment>.

¹⁸ *Agreement to Strengthen Beneficial Ownership Transparency*, <https://www.canada.ca/en/department-finance/programs/agreements/strengthen-beneficial-ownership-transparency.html>

¹⁹ For more details about the commitment text, milestones, self-identified success criteria, and estimated completion dates see, <https://open.canada.ca/en/content/canadas-2018-2020-national-action-plan-open-government#toc3-4>

²⁰ Canada Business Corporations Act (R.S.C., 1985, c. C-44) defines beneficial ownership as including “ownership through any trustee, legal representative, agent or mandatary, or other intermediary”. See, <https://laws-lois.justice.gc.ca/eng/acts/c-44/fulltext.html>.

²¹ Government of Canada. Third Biennial Plan to the Open Government Partnership (2016-18). http://www.opengovpartnership.org/sites/default/files/Canada_AP3.pdf

²² For comparative information about the progress member states of the European Union are making implementing laws pertaining to public access of beneficial ownership information see, <https://www.transparencyregisterlaws.com/#>

²³ See, *Canada Design Report 2018–2020*, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Canada_Design_Report_2018-2020_EN.pdf

²⁴ The National Action Plan Open Government Tracker has now been updated to reflect the implementation status of the current 2022–2024, or fifth national, action plan (see, <https://search.open.canada.ca/en/nap/>). The IRM researcher confirms the information for the 2018-2020 action plan was available during the time of drafting this report and that it is now available in the form of a data set at: <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e>.

²⁵ *Canada Design Report 2018–2020*, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Canada_Design_Report_2018-2020_EN.pdf

²⁶ These amendments apply only to federally incorporated private companies. Businesses operating in Canada can elect to incorporate either at the federal or provincial level. The key difference between the two options pertains to issues of name selection and protection, business reach, annual filings, and costs. See, Provincial and Federal Incorporation: What is the Difference? <https://www.lawdepot.ca/law-library/business-articles/provincial-and-federal-incorporation/?loc=CA#.XTcf21B7IRO>

²⁷ See, <https://www.ic.gc.ca/eic/site/cd-dgc.nsf/eng/cs08123.html>

²⁸ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>

²⁹ See, Strengthening Corporate Beneficial Ownership Transparency in Canada <https://www.ic.gc.ca/eic/site/142.nsf/eng/00001.html>

³⁰ Demographic information about the breakdown of respondents is not publicly available. See, Consultation on strengthening corporate beneficial ownership transparency in Canada https://www.ic.gc.ca/eic/site/142.nsf/eng/h_00000.html. It also merits noting that the discrepancy between the number of participants reported on the consultation website and that which is provided in this document is because not all parties with whom ISED met filed written submissions, and ISED did not meet with many entities who did file written submissions.

³¹ The demographic information provided here is not available online.

³² Public consultations on strengthening corporate beneficial ownership transparency in Canada: What we heard. (April 6, 2021). <https://www.ic.gc.ca/eic/site/142.nsf/eng/00002.html>

³³ Ibid.,

³⁴ See, for example, Transparency International, *The Opportunity to Stop Snow Washing in Canada*, <https://transparencycanada.ca/beneficial-ownership-transparency/overview>

³⁵ See, Government of Canada (2022). Federal Budget, Chapter 5, <https://budget.gc.ca/2022/report-rapport/chap5-en.html#2022-3>

³⁶ Open Ownership, <https://www.openownership.org/en/principles/>

³⁷ See, Beneficial Ownership Group, <https://www.opengovpartnership.org/beneficial-ownership-leadership-group/>

³⁸ Government of Canada. Third Biennial Plan to the Open Government Partnership (2016–2018), http://www.opengovpartnership.org/sites/default/files/Canada_AP3.pdf

³⁹ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>

⁴⁰ Registration and participation for these events were hosted at <https://atiareview.ca>. NOTE: This platform will no longer be accessible after February 4, 2023.

⁴¹ See, Terms of Reference for Access to Information Review, <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/reviewing-access-information/terms-reference-access-information-review.html>

⁴² The conducting of two streams is in keeping with the fact that First Nations, Inuit, and Métis peoples do not consider themselves members of Canadian civil society as commonly understood within the OGP context, nor as stakeholders in the federal government’s OGP-related activities. It is the result of Indigenous participants having expressed the necessity of Indigenous engagement taking place outside of the public review process.

⁴³ *ATI-Review—Interim What We Heard Report*, <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/reviewing-access-information/the-review-process/ati-review-interim-what-we-heard-report.html>

⁴⁴ See, https://atiareview.ca/ati-review?tool=survey_tool&tool_id=previous-events#tool_tab. NOTE: This platform will no longer be accessible after February 4, 2023.

⁴⁵ At the time of writing this Transitional Results Report, the User-Experience Survey dataset was being prepared for online publication on the ATI Review Public Engagement Platform. The IRM Research was provided with a copy of the dataset as well as the data dictionary in English and French.

⁴⁶ See, ATI Review Public Engagement Platform, <https://atiareview.ca/submissions>. NOTE: This platform will no longer be accessible after February 4, 2023.

⁴⁷ The IRM Research was provided access to notes and other materials pertaining to this two-stage engagement, but these materials are not for public disclosure.

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- ⁴⁸ The feedback received from provincial and territorial governments is summarized in the [ATI-Review – Interim What We Heard Report](#).
- ⁴⁹ See, Have your say on ATI—Indigenous engagement, <https://atiareview.ca/ati-review>. NOTE: This platform will no longer be accessible after February 4, 2023.
- ⁵⁰ See, ATI Review Public Engagement Platform, <https://atiareview.ca/>. NOTE: This platform will no longer be accessible after February 4, 2023.
- ⁵¹ *Canada Design Report 2018–2020*, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Canada_Design_Report_2018-2020_EN.pdf
- ⁵² Rubin, Ken, “Massive secrecy inroads and barriers to access near approval in the Senate,” *The Hill Times*, April 1, 2019. <https://www.hilltimes.com/2019/04/01/massive-secrecy-inroads-and-barriers-to-access-near-approval-in-the-senate/194123>.
- ⁵³ Rubin, Ken, “Judges win, Bill C-58 gets to top of Senate list for quick passage,” *The Hill Times*, 29 April 2019. <https://www.hilltimes.com/2019/04/29/the-judges-win-bill-c-58-gets-to-the-top-of-the-senate-list-for-quick-passage/196625>. See also, Curry, Bill, “Senators to send access-to-information bill back to Commons with major changes,” *The Globe and Mail*, 29 April 2019. <https://www.theglobeandmail.com/politics/article-senators-planning-to-send-back-access-bill-with-major-changes/>
- ⁵⁴ *Canada Design Report 2018–2020*, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Canada_Design_Report_2018-2020_EN.pdf
- ⁵⁵ See, Key actions to access to information <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/reviewing-access-information/the-review-process/key-actions-access-information.html>
- ⁵⁶ *Canada Design Report 2018–2020*, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Canada_Design_Report_2018-2020_EN.pdf
- ⁵⁷ Government of Canada. Third Biennial Plan to the Open Government Partnership (2016–2018). http://www.opengovpartnership.org/sites/default/files/Canada_AP3.pdf
- ⁵⁸ Pradhan, Sanjay (March 4, 2019). Why gender, why now. Open Government Partnership. <https://www.opengovpartnership.org/stories/why-gender-why-now>. See also, Actions for a more inclusive Open Government Partnership <https://www.opengovpartnership.org/actions-more-inclusive-open-government-partnership>
- ⁵⁹ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>
- ⁶⁰ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>
- ⁶¹ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>
- ⁶² *Gender-based Analysis Plus: Guide for Inclusive Open Government*, https://www.opengovpartnership.org/wp-content/uploads/2021/01/GBA-plus-guide-for-inclusive-open-government_jan2021_EN.pdf; Some of the Webinars in this series included: (i) Involving youth in government: <https://www.youtube.com/watch?v=XiCjY7R9o-A&feature=youtu.be>; (ii) Engaging persons with disabilities webinar: <https://www.youtube.com/watch?v=6vkjKFnzZMc&feature=youtu.be>; (iii) Applying a Feminist Open Government Lens to Action Plans https://www.youtube.com/watch?v=VaXD_oE7SMO
- ⁶³ See, Women and Gender Equality Canada, <https://women-gender-equality.canada.ca/en.html>
- ⁶⁴ The IRM researcher has not seen any drafts of the guide
- ⁶⁵ See, Public Engagement Tools and Resources, <https://www.canada.ca/en/privy-council/services/public-engagement-resources.html>
- ⁶⁶ See, Gender-based violence and unwanted sexual behaviour in Canada, 2018: Initial findings from the Survey of Safety in Public and Private Spaces, <https://www150.statcan.gc.ca/n1/en/catalogue/85-002-X201900100017>
- ⁶⁷ Links to these documents are available through the 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>
- ⁶⁸ See, National Advisory Council on Poverty, <https://www.canada.ca/en/employment-social-development/programs/poverty-reduction/national-advisory-council.html>
- ⁶⁹ See, *Understanding Systems: The 2021 Report of the National Advisory Council on Poverty*. Employment and Social Development Canada. Ottawa. <https://www.canada.ca/content/dam/esdc-edsc/documents/programs/poverty-reduction/national-advisory-council/reports/2021-annual/advisory-council-poverty-2021-annual.pdf>
- ⁷⁰ Ibid.,
- ⁷¹ The 2022 Reports of the Auditor General of Canada, *Report 3—Follow-up on Gender-Based Analysis Plus*, https://www.oag-bvg.gc.ca/internet/English/parl_oag_202205_03_e_44035.html
- ⁷² See, OGP Participation and Co-Creation Standards, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

2.4. Commitment Implementation

Commitment	Completion: <i>(no evidence available, not started, limited, substantial or complete)</i>
1. User-friendly open government	<p>Substantial</p> <p>This commitment aimed to educate Canadians about the opportunities openness affords, and to make it easier for citizens to find high-quality data and information resources about government activities. With its focus on strengthening existing open datasets and channels, it was evaluated as having minor potential impact on open government in Canada.</p> <p>As per the information reported at the <i>National Action Plan Open Government Tracker</i>, four milestones were largely—but not entirely—completed.⁷³ Citing a reprioritization of work in response to the COVID-19 pandemic, limited and/or no progress is reported for three milestones.</p> <p>Substantial progress was made on milestone 1.1. which focused on improving the functionality of Canada’s open data portal (https://open.canada.ca/en/open-data).⁷⁴ The Open Government and Portal teams launched a user feedback survey lasting six months and analyzed the approximately 2,000 responses to inform a strategy to improve the platform. The teams modified the ‘Suggest a Dataset’⁷⁵ function to include quarterly updates from departments on the status of requests and established a more streamlined internal process to respond to requests. The Open Government Team also created a portal for Open Data User Stories.⁷⁶ While the team initially aimed to have 50 stories posted by 2019, only 17 were posted by the end of the implementation period. Nor was the planned channel for users to submit datasets, visualizations, and reports created.⁷⁷</p> <p>Milestone 1.3. which sought to improve the quality of data available on the open data portal was completed. Under this aim, TBS developed, in consultation with the open data community, a data quality rating system whose implementation is meant to start at a future time, subject to project prioritization.⁷⁸</p> <p>For milestone 1.4, an Open by Default pilot project was launched in 2019 and subsequently delayed due to a lack of automated tools to help address privacy and security risks, as well as the challenges of meeting official languages and accessibility requirements.⁷⁹ This pilot was then halted due to a reprioritization of work in response to the COVID-19 pandemic.</p> <p>The collaboration space created under the auspices of milestone 1.5 is GCcollab.⁸⁰ The number of users registered with this space grew from approximately 30,000 to 108,000 in the period between June 30, 2018, and June 30, 2021.⁸¹</p> <p>In terms of the three other milestones, limited progress was made on milestone 1.2. Due to the COVID-19 crisis and a reprioritization to publishing COVID-19 data, TBS and CSPS did not develop and distribute educational materials about open government for educators as initially envisioned under this milestone. However, the government did carry out planned digital literacy training for public servants and members of the public. CSPS launched a Digital Accelerator course within the Digital Academy that trained 54 participants from across four departments on how to use data in decision-making.⁸² The first workshop in 2019 on data rights and ethics had 340 participants.⁸³ Another dealing with AI had some 250 in attendance. The government’s 2019 annual Digital Open Government Forum included over 1,600 online participants.⁸⁴ The GoC reports that 12 webinars</p>

	<p>were held as foreseen in the action plan, including a public webinar during the 2021 Open Gov Week. Finally, over 350 public servants from across 50 departments participated in the 2019 Global Summit in some capacity, which the government reports participants' knowledge of open government. In the Canadian Food Inspection Agency, 50 participants took part in a session on open government and open science. Limited use of surveys inhibited measurement of the impact of these events on participants' open government knowledge.⁸⁵</p> <p>Milestone 1.6 which saw Statistics Canada, in collaboration with TBS, provide more than 20 workshops on the anonymization of datasets, was completed.⁸⁶</p> <p>Limited progress was made on milestone 1.7 which sought to provide microsimulation models to help explain to citizens how the government uses models to design programs and to estimate their impacts. By December 2020, the project's technical infrastructure was partially in place and funding was designated. However, it too, was delayed as a direct result of the COVID-19 pandemic.⁸⁷</p>
<p>2. Financial Transparency and Accountability</p>	<p>Substantial</p> <p>This commitment sought to build on Commitments 9 and 10 from Canada's third action plan.⁸⁸ It aimed to make it easier for Canadians to find information on government spending, to understand federal budgets, to track funding decisions, to examine government procurement processes, and to improve the transparency of government spending and open contracting.</p> <p>As per the information reported at the <i>National Action Plan Open Government Tracker</i>, three of the four milestones comprising this commitment were completed, with limited progress reported for a fourth. The latter focused on testing and gradually introducing the Open Contracting Data Standard (OCDS) in public procurement. Several activities associated with this milestone were hampered by the COVID-19 pandemic. It is also worth noting that this milestone is being reviewed to better align with current initiatives within Public Services and Procurement Canada, and its completion deadline has been extended into Canada's 5th National Action Plan.</p> <p>The completion of milestone 2.1 is evident through the wide range of government spending, budgeting, and COVID-related expenditures and estimates that are now regularly updated in the GC InfoBase.⁸⁹ However, whether these updates correspond with the information being easier to find and understand has not been assessed.</p> <p>Milestone 2.2 was achieved with the release of the GoC's 2019 federal budget. In accord with the Canadian Gender Budgeting Act 2018, the 2019 federal budget included GBA Plus for all new announced budget measures, along with a Gender Statement that updated the Government's progress on its Gender Results Framework and actions taken to strengthen the GBA Plus process. Building on this, the GoC's 2021 federal budget included an updated Gender, Diversity, and Quality of Life Statement.</p> <p>Under milestone 2.3, a pilot of 250 contracts were tested against the OCDS and a Lessons Learned report was published.⁹⁰ Public consultations on the OCDS pilot report and broader rollout were held as planned.⁹¹ The government did not release contract data from 2016 to 2018 in OCDS format as planned, and moved this milestone to the fifth action plan.</p> <p>In terms of the fourth milestone, which focused on exploring the use of OCDS across jurisdictions, federal, provincial, and territorial government officials discussed implementing OCDS across levels of government and stages of the procurement cycle.⁹²</p>

3. Corporate Transparency	<p>Complete</p> <p>For details regarding the implementation and early results of this commitment, see section 2.3.</p>
4. Digital Government & Services	<p>Substantial</p> <p>This commitment built on commitment 6 from the third action plan⁹³ and was anchored in TBS’s efforts towards supporting the GoC’s transition to digital government through the development of a digital policy and the establishment of a single integrated set of guidelines and rules to support federal departments and agencies in how they manage service delivery, information and data, technology, and cybersecurity.⁹⁴</p> <p>As per the information reported at the <i>National Action Plan Open Government Tracker</i>, four of the seven milestones comprising this commitment have been completed, with substantial progress reported for the three others.⁹⁵</p> <p>Substantial progress was made for milestones 4.1, insofar as throughout the first six months of 2018, TBS conducted public consultations during both the ‘ideas’ and ‘high-level policy’ phases of drafting a GoC Digital Policy. Input received at both stages was summarized in “What We Heard” reports.⁹⁶ This policy is currently pending approvals.</p> <p>Milestone 4.3, which was completed in May 2021, involved ISED hosting a series of public engagement events about what digital and data transformation means for business, civil society, and Canadians. The last series of engagement events were conducted virtually between March 30 to May 13, 2021, by the Advisory Council on Artificial Intelligence’s⁹⁷ Public Awareness Working Group.⁹⁸ Some 400 people from across the country participated.⁹⁹ The findings and recommendations emerging from these meetings were meant to be published in the winter of 2022.</p> <p>Milestones 4.4 and 4.5, which aimed to increase access to information, were completed. TBS created a performance dashboard that tracks public service delivery. According to the <i>National Action Plan Open Government Tracker</i>, the dashboard contains online availability of services, standard performance, fees, and volumetric data. Employment and Social Development Canada created web pages with analytics information on how people interact with Canada.ca. The information is also published monthly as a dataset on the open data portal.¹⁰⁰</p> <p>TBS made some progress in expanding the guidance and technology for the publication of open-source government code and software (milestone 4.6). In September 2018, it held an Open First Day in Ottawa.¹⁰¹ Library Archives Canada published the code for the Harmonized Viewer component of their crowdsourcing tool Co-Lab in the repository. The Harmonized Viewer enables viewing of images, PDFs and audiovisual material online, in an English/French bilingual interface that meets government accessibility guidelines.¹⁰² However, due to financial constraints, code for the full tool was not published. In 2019, TBS also created a public repository for open-source code and software through GitHub¹⁰³ and published a business case for open source.¹⁰⁴ What remains incomplete for milestone 4.6 are aspects of sharing guidance and the presenting of code for new projects to the Enterprise Architecture Review Boards (EARB).</p> <p>In 2018, the Clerk of the Privy Council released a Data Strategy Roadmap for the Federal Public Service (milestone 4.2). Regarding milestone 4.7, TBS developed a Directive on Automated Decision-Making that came into effect on 1 April 2019 and launched an AI prequalified source list of vendors.¹⁰⁵ It also hosted ‘AI Day’ on 4</p>

	<p>March 2019 that brought together public and private sector representatives,¹⁰⁶ and ISED hosted a G7 Multistakeholder Conference on AI in Montreal in December 2019.¹⁰⁷ TBS also developed and published on the open-source repository an Algorithmic Impact Assessment to help assess and mitigate the risks associated with deploying automated decision systems.¹⁰⁸ Lastly, the Canada School of Public Service launched an AI learning program with materials available on GitHub.¹⁰⁹</p>
<p>5. Open Science</p>	<p>Substantial</p> <p>This commitment carried forward the open science initiatives of commitment 14 from Canada’s third action plan.¹¹⁰ It was built around a proposed course of action—making “<i>federal science, scientific data, and scientists more accessible</i>”—but offered no indication of the targeted change that was meant to emerge from its implementation. It must also be noted that the ‘science’ that is meant to be made accessible is constrained to that which is conducted in federal departments. It does not include science and research that is federally funded through Canada’s three major research granting councils.¹¹¹</p> <p>As per the information reported at the <i>National Action Plan Open Government Tracker</i>, one of the five milestones comprising this commitment was completed (milestone 5.2), with substantial progress reported for the other four.¹¹²</p> <p>In terms of milestone 5.2, as of September 2020, the National Research Council Canada (NRC) had completed its piloting and prototyping activities for an open science portal,¹¹³ and had started collaborating with other science-based departments as well as TBS to determine next steps.</p> <p>Substantial progress was made towards the launch of a platform to find NRC science professionals and their work as specified in milestone 5.3. However, this initiative was placed on hold due to a reprioritization in response to the COVID-19 pandemic. NRC-authored publications remained accessible through the NRC Publications Archive which provides author-based search functionality.¹¹⁴</p> <p>In December 2019, the Office of the Chief Science Advisor of Canada completed and shared with science-based departments and agencies (SBDA) the Roadmap for Open Science (milestone 5.1). The roadmap was released in February 2020 and contained ten recommendations that include: conducting consultations to develop departmental and agency open science action plans, making federal science articles openly accessible, and advancing open science data.¹¹⁵ As of September 2021, departmental open science action plans were developed, approved, and published.¹¹⁶</p> <p>In terms of milestone 5.4, by June 2019, Environment and Climate Change Canada (ECCC) had held five out of ten engagements sessions with federal scientists and invited stakeholders across Canada. These meetings included an open science session at the 2019 OGP Global Summit, presentations for youth, virtual discussion tables, and external and internal surveys on open science. In the same month, preliminary findings from two of the sessions were presented for feedback at the International Public Policy Association’s 2019 conference.¹¹⁷ By March 2021, all ten engagement sessions had been conducted, and the findings emerging from them had been compiled into a report, that, according to information reported at the <i>National Action Plan Open Government Tracker</i>, was under review by senior management.¹¹⁸</p> <p>In August 2019, ECCC published a list of potential open science indicators for measuring the benefit of open science for Canadians (milestone 5.5). These include the citation advantage for open access federal peer-reviewed publications, patent uptake for federal peer-</p>

	<p>reviewed publications, number of SBDA datasets downloaded, and altmetrics that capture the online visibility of knowledge products.¹¹⁹</p> <p>In September 2019, the <i>Federal Progress Implementing Open Science: 2019 Annual Report</i> was published and a list of potential open science indicators for measuring the benefits of open science was released a few months later.¹²⁰ This list was subsequently integrated into the <i>2020 Annual Report on the Federal Progress in Implementing Open Science and its Benefits</i>.¹²¹ As of March 2021, a draft of the report was under review.</p>
<p>6. Healthy Democracy</p>	<p>Complete</p> <p>This commitment was anchored in ongoing domestic and international apprehensions about the decline of trust in public institutions and the implications thereof for the health of liberal democracies. Its objective was twofold: (i) to ensure that “<i>Canadians [to] have the tools and information to think critically about public policy, so they can participate more effectively in democratic processes</i>”; and (ii) to “<i>build the resilience of Canadian democratic institutions in the digital age.</i>”</p> <p>As noted in the IRM’s <i>Canada Design Report (2018–2020)</i>, the ambiguous way in which the commitment and its milestones were written, combined with its focus on information about government and public policy-related matters circulating in the mediasphere as opposed to government-held information rendered its connection to open government and OGP values tenuous. Likewise, many of the activities in this commitment reflected initiatives that likely would have been carried out regardless of their inclusion in the action plan (like catalyzing the building of resilient democratic institutions in the digital age). As such, it is not clear how these initiatives are strengthened or otherwise benefit as a consequence of their inclusion in the action plan.</p> <p>As per the information reported at the <i>National Action Plan Open Government Tracker</i>, all five milestones comprising this commitment have been completed.¹²²</p> <p>Milestone 6.1 sought to strengthen democratic institutions in advance of the 2019 federal election. The <i>Elections Modernization Act</i> (Bill C-76) received Royal Assent on 13 December 2018.¹²³ This Act seeks to make the electoral process transparent and accessible and to defend it against undue influence. It includes prohibitions on the use foreign funds by third parties to influence federal elections, (ii) requirements that social and digital media platforms create registries of all digital advertisements placed by political parties or third parties during the pre-writ and writ (election) periods, that must remain visible to the public for two years, and (iii) enhancements to the powers of the Commissioner of Canada Elections to initiate investigations and compel testimony. A Leaders’ Debate Commission, with a mandate to organize two leaders’ debates for the 2019 general election, was also established.¹²⁴</p> <p>Milestone 6.2 sought to leverage the G7 Rapid Response Mechanism (RMM) to strengthen international capacity to respond to threats to democracy. As the G7 president in 2018, the GoC developed the G7 RRM Coordination Unit to act as the focal point for all members.¹²⁵ The Unit shares reports and a monthly newsletter with G7 partners and regularly brings together focal points.¹²⁶ In 2019, Canada and the UK also launched the Global Community of Practice for Open Source Data Monitoring and Analysis to enable open source data analysts to share best practices in detecting and analyzing foreign threats to democracy in digital contexts.¹²⁷</p> <p>Under milestone 6.3, in 2019, Canadian Heritage funded 21 projects to foster digital media and civic awareness across Canada.¹²⁸ Eight projects aimed at strengthening “citizens’ critical thinking about disinformation and enhance their ability to get involved in democratic</p>

	<p>processes¹²⁹ were funded through the Canada Periodical Fund. The funded projects sought to advance the development of knowledge, tools, and resources aimed at fostering digital media and civic awareness across the country. A new subcomponent was also added to the Canada Periodical Fund's Aid to Publishers component to support publishers who distribute digital-only content.</p> <p>Milestone 6.4 dealt with ongoing government initiatives to support a healthy news ecosystem. A Local Journalism Initiative which initially provided \$50 million (which has since increased to \$70 million¹³⁰) over five years to support professional local journalism was also launched in 2019.¹³¹ In addition, Canada's Income Tax Act was amended to enable qualified news organizations to claim a labour tax credit based on expenditures incurred and qualified non-profit news organizations to issue tax receipts for charitable donations.¹³²</p> <p>Milestone 6.5 involved Canada Heritage and the Canadian Commission for UNESCO organizing the February 2019 international meeting on diversity of content in the digital age. This gathering brought together over 70 representatives of governments, online platforms, civil society organizations and academia, whose discussions were captured in a report.¹³³ The department subsequently published, in June 2021, Guiding principles on diversity of content online.¹³⁴</p>
7. Access to Information	<p>Substantial</p> <p>For details regarding the implementation and early results of this commitment see section 2.3.</p>
8. Feminist & Inclusive Dialogue	<p>Substantial</p> <p>For details regarding the implementation and early results of this commitment see section 2.3.</p>
9. Reconciliation & Open Government	<p>Substantial</p> <p>This commitment grew out of one of the five key recommendations advanced in the IRM's <i>Canada Progress Report 2016–2017</i>,¹³⁵ and the current government's commitment to reconciliation with Canada's Indigenous Peoples. This commitment and its milestones lacked any pre-specified challenge/problem and benchmarks against which to assess progress. This was appropriate in this instance because the commitment was purposely designed "to allow for significant co-creation and co-implementation, encouraging First Nations, Inuit, and Métis rights holders and stakeholders to define their own approaches to engagement on open government issues."¹³⁶</p> <p>As noted in the IRM's <i>Canada Design Report (2018–2020)</i>, First Nations, Inuit, and Métis peoples do not consider themselves as members of Canadian civil society as commonly understood within the OGP context, or as stakeholders in the federal government's OGP-related activities.¹³⁷ Moreover, in the absence of any direct engagement with such issues as Indigenous data sovereignty; the repatriation of Indigenous Nations' data; navigating intersections between First Nations' Ownership, Control, Access, and Possession (OCAP®) Principles, Inuit principles for ensuring Inuit access, ownership, and control over Inuit-specific data and information,¹³⁸ Métis ownership, control, access and stewardship Principles,¹³⁹ and Crown Law; and navigating between culturally specific differences in the meaning of 'openness,' it was and remains unclear how the spaces for dialogue and exploration set out in Commitment 9 substantively differed from previous efforts of engagement between the GoC and Indigenous Nations regarding issues of data exchange and governance, and/or how they would directly contribute to changing the status quo. As such, this commitment was evaluated as having no potential to open government.¹⁴⁰</p>

	<p>As per the information reported at the <i>National Action Plan Open Government Tracker</i>, substantial progress was made on the first two milestones, and limited progress was reported for the third.¹⁴¹ This said, it must be noted that progress across the three milestones was hampered by the disproportionate impact the COVID-19 pandemic has had on Indigenous communities, as well as staff shortages and the lack of appropriate in-house expertise.</p> <p>In terms of milestone 9.1, dialogues with Indigenous peoples about open governance were postponed in response to the pandemic. However, all members of the Open Government team at TBS completed OCAP[®] training¹⁴² and measures are in place to ensure that new members will also receive training. TBS, First Nations Information Governance Centre, and the Canada School of Public Service discussed options to provide OCAP[®] training across government. The IRM did not find evidence that an OCAP[®] training course for public servants has been developed or delivered during the period under review.¹⁴³</p> <p>For milestone 9.2, Statistics Canada held dialogues with some 140 Indigenous communities and organizations to identify data capacity needs. Based on these discussions, Statistics Canada designed and piloted training modules on topics such as statistics, data visualization, Using Data for Proposal Writing, Surveys from Start to Finish, and Excel. Statistics Canada, also launched the Indigenous Data Portal in June 2019.¹⁴⁴ Preliminary work reportedly continues on the development of the Indigenous Statistical Advisory Committee.¹⁴⁵</p> <p>The efforts associated with milestone 9.3 largely focused on implementing enhancements to the Aboriginal Treaty Rights Information System (ATRIS) in accord with consultations and collaboration with Indigenous groups to validate information contained in the system about their communities.¹⁴⁶</p>
<p>10. Open Government Community</p>	<p>Substantial</p> <p>With its emphasis on promoting and supporting open government community- and capacity-building initiatives around the world and domestically, this outward-facing commitment ostensibly was a continuation of commitment 21 from Canada’s third action plan.</p> <p>Despite aligning with the pledge specified in the Open Government Declaration to, “<i>lead by example and contribute to advancing open government in other countries by sharing best practices and expertise</i>,”¹⁴⁷ no information was provided about the targeted change that was meant to emerge from its implementation. Additionally, as noted in the IRM’s <i>Canada Progress Report 2016–2017</i>¹⁴⁸, the absence of benchmarks and indicators renders tenuous any assessment of the extent to which completing milestones contributes to ongoing efforts to support open government community—and capacity building. Moreover, the OGP process is designed to support actions with domestic implications that foment open government at national and local levels.</p> <p>As per the information reported at the <i>National Action Plan Open Government Tracker</i>, four milestones have been completed (10.2, 10.3, 10.4, 10.5) and substantial progress has been made on the other three milestones comprising this commitment.¹⁴⁹</p> <p>The commitment itself was broadly relevant to the OGP value of access to information insofar as two of the seven milestones (10.4 and 10.5) involved making publicly available research results about the impact of gender equality in open government on public service delivery, and working to transparently map federal, provincial, and municipal open data systems into a federated database.</p>

	<p>Regarding milestones 10.4 (Build capacity for more feminist open government worldwide) and 10.5 (Extended federated data search pilot), as of March 2021:</p> <ul style="list-style-type: none"> • Some 18 new gender-focused commitments had been adopted in the latest OGP national action plans of Chile, Colombia, Côte d'Ivoire, Indonesia, Kenya, Liberia, Spain, and Ukraine; and • five provinces (Alberta, British Columbia, New Brunswick, Ontario, Quebec) had been federated into the open data search.
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⁷³ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/0da69302-fbf9-4026-9e71-656744046acc>

⁷⁴ See, <https://open.canada.ca/en/open-data>

⁷⁵ See, <https://search.open.canada.ca/en/sd/>

⁷⁶ See, Open Data User Stories, <https://open.canada.ca/en/stories>

⁷⁷ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/0da69302-fbf9-4026-9e71-656744046acc>

⁷⁸ The updated prototype is available at <https://github.com/open-data/tbdsq-module>.

⁷⁹ See, *Official Languages Act*, 1985 <https://laws-lois.justice.gc.ca/eng/acts/o-3.01/> and *Accessible Canada Act*, 2019 <https://laws-lois.justice.gc.ca/eng/acts/A-0.6/>

⁸⁰ A video showing how the space is used is available at: <https://www.canada.ca/en/treasury-board-secretariat/corporate/news/how-do-you-use-gccollab.html>

⁸¹ See, GCcollab Statistics, <https://gccollab.ca/stats>

⁸² See, Digital Academy, <https://www.cspcs-efpc.gc.ca/digital-academy/index-eng.aspx>

⁸³ The numbers of participants reported here were taken from the 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government in Winter 2021. Since then, the numbers have been revised. According to information currently posted on the CSPS website, the Digital Accelerator course reportedly included some 1600 participants. Within the Digital Academy, CSPS launched an experiential learning program that trained 100+ participants to use data in decision-making. CSPS Digital Academy hosted eight learning events over 2019–2021 on data and AI with over 12k participants in attendance. They also launched 13 asynchronous and instructor-led courses on data and AI. See, <https://www.cspcs-efpc.gc.ca>

⁸⁴ See, Annual Digital Open Government Forum: Digital Disruption – Disrupt to Innovate? <https://www.cspcs-efpc.gc.ca/events/digital-forum-inno/index-eng.aspx>

⁸⁵ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/0da69302-fbf9-4026-9e71-656744046acc>

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Government of Canada. Third Biennial Plan to the Open Government Partnership (2016–2018). http://www.opengovpartnership.org/sites/default/files/Canada_AP3.pdf

⁸⁹ See, GC InfoBase, <https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#start>

⁹⁰ See, Pilot of the Open Contracting Data Standard (250 contract records), <https://open.canada.ca/data/en/dataset/60f22648-c173-446f-aa8a-4929d75d63e3>

⁹¹ See, Open Contracting Data Standard Report on stakeholder engagement, <https://open.canada.ca/data/en/dataset/2deffc2b-c1cb-4bfa-a13d-48da50e29938>

⁹² See, Common Contracting Data Standards across Canada, <http://donnees-data.tpsgc-pwgsc.gc.ca/ba2/oc-co/ndcc-ccds-eng.html>

⁹³ Government of Canada. Third Biennial Plan to the Open Government Partnership (2016–2018). http://www.opengovpartnership.org/sites/default/files/Canada_AP3.pdf

⁹⁴ See, Benay, Alex (May 10, 2018). Our ongoing transition to digital government, <https://open.canada.ca/en/blog/our-ongoing-transition-digital-government>; D'Andrea, Teresa (September 10, 2018). Improving government services in the digital age, <https://open.canada.ca/en/blog/improving-government-services-digital-age>; and Benay, Alex (November 7, 2018). Update on Development of a New Digital Policy <https://open.canada.ca/en/blog/update-development-new-digital-policy>. See also, Treasury Board Secretariat

(November 7, 2018) Digital Policy – Report on What We Heard – Phase 2 (High-Level Policy Requirements) – October 2018, <https://www.canada.ca/en/treasury-board-secretariat/topics/information-technology-project-management/information-technology/report-what-we-heard-phase-2-high-level-policy-requirements-october-2018.html>

⁹⁵ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/0da69302-fbf9-4026-9e71-656744046acc>

⁹⁶ See, *Digital Policy: Ideas Stage - Report on What We Heard*, <https://www.canada.ca/en/treasury-board-secretariat/services/information-technology/digital-policy-ideas-stage-what-we-heard-report.html>; and *Digital Policy – Report on What We Heard – Phase 2 (High-Level Policy Requirements) – October 2018*, <https://www.canada.ca/en/treasury-board-secretariat/topics/information-technology-project-management/information-technology/report-what-we-heard-phase-2-high-level-policy-requirements-october-2018.html>

⁹⁷ See, Advisory Council on Artificial Intelligence, <https://ised-isde.canada.ca/site/advisory-council-artificial-intelligence/en>

- ⁹⁸ See, Advisory Council on Artificial Intelligence Public Awareness Working Group, <https://ised-isde.canada.ca/site/advisory-council-artificial-intelligence/en/public-awareness-working-group>
- ⁹⁹ See, Open Dialogue: Artificial Intelligence (AI) in Canada, <https://events.cifar.ca/website/21689/>
- ¹⁰⁰ See, Canada.ca Analytics, https://www.canada.ca/en/analytics.html?utm_campaign=not-applicable&utm_medium=vanity-url&utm_source=canada-ca_analytics
- ¹⁰¹ See, Open First Day, <https://canada-ca.github.io/ofd-joep/en/open-first-day-agenda.html>
- ¹⁰² See, <https://github.com/bac-lac/lac-harmonized-viewer>
- ¹⁰³ See, <https://github.com/canada-ca>
- ¹⁰⁴ See, https://github.com/canada-ca/Open_First_Whitepaper
- ¹⁰⁵ See, Directive on Automated Decision-Making, <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32592>
- ¹⁰⁶ See, Artificial Intelligence (AI) Day, <https://www.canada.ca/en/government/system/digital-government/artificial-intelligence-ai-day.html>
- ¹⁰⁷ See, G7 Multistakeholder Conference on Artificial Intelligence, <https://ised-isde.canada.ca/site/G7-multistakeholder-conference-artificial-intelligence/en>
- ¹⁰⁸ See, Algorithmic Impact Assessment, <https://open.canada.ca/aia-eia-js/?lang=en>
- ¹⁰⁹ See, <https://github.com/CSPS-EFPC-DAAN/Data-AI-ML>
- ¹¹⁰ Government of Canada. Third Biennial Plan to the Open Government Partnership (2016–2018). http://www.opengovpartnership.org/sites/default/files/Canada_AP3.pdf
- ¹¹¹ Collectively known as the Tri-Councils, the three entities are: 1. Social Sciences and Humanities Research Council (SSHRC) <http://www.sshrc-crsh.gc.ca/about-au_sujet/index-eng.aspx>; 2. Natural Sciences and Engineering Research Council of Canada (NSERC) <http://www.nserc-crsng.gc.ca/index_eng.asp>; and 3. Canadian Institutes of Health Research (CIHR) <<http://www.cihr-irsc.gc.ca/e/193.html>>. In 2015, the three councils implemented the Tri-Agency Open Access Policy on Publications requiring that publications arising from research they have funded be made freely available within 12 months.
- ¹¹² See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>
- ¹¹³ The pilot portal prototype was live from 2018 to Dec 2019 at this link: <https://cfsr-dsfc.1science.com/home>. The site is now defunct.
- ¹¹⁴ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>
- ¹¹⁵ See, Roadmap for Open Science, https://www.ic.gc.ca/eic/site/063.nsf/eng/h_97992.html
- ¹¹⁶ See, Departmental Open Science Action Plans, https://science.gc.ca/eic/site/063.nsf/eng/h_98080.html
- ¹¹⁷ See, <https://www.ippapublicpolicy.org/>
- ¹¹⁸ See, *Findings from Environment and Climate Change Canada's open science engagements: Identified user needs* <https://cat.fsl-bsf.scitech.gc.ca/record=b4101742~S1>
- ¹¹⁹ SBDA Open Science Metrics Working Group (July 31, 2019). List of potential open science indicators to measure the benefits of open science for Canadians, <https://zenodo.org/record/3372670#.YuquizDMLZM>
- ¹²⁰ See, List of potential open science indicators to measure the benefits of open science for Canadians (31 July 2019). SBDA Open Science Metrics Working Group. <https://zenodo.org/record/3372670>
- ¹²¹ See, <https://zenodo.org/record/5730518/files/The%202020%20Annual%20Report%20on%20the%20Federal%20Progress%20in%20Implementing%20Open%20Science%20and%20its%20Benefits%20%28EN%29.pdf>
- ¹²² See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>
- ¹²³ See, *Elections Modernization Act, 2018*, https://laws-lois.justice.gc.ca/eng/annualstatutes/2018_31/FullText.html
- ¹²⁴ See, Government of Canada announces the creation of an independent Leaders' Debates Commission, <https://www.canada.ca/en/democratic-institutions/news/2018/10/government-of-canada-announces-the-creation-of-an-independent-leaders-debates-commission.html>
- ¹²⁵ See, G7 Rapid Response Mechanism, <https://www.canada.ca/en/democratic-institutions/news/2019/01/g7-rapid-response-mechanism.html>. See, also, Rapid Response Mechanism Canada: Global Affairs Canada, https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement/human_rights-droits_homme/rrm-mrr.aspx?lang=eng
- ¹²⁶ <https://twitter.com/RightsGAC/status/1059543678987862016>
- ¹²⁷ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>
- ¹²⁸ Canadian Heritage (July 2, 2019). Helping Citizens Critically Assess and Become Resilient Against Harmful Online Disinformation, <https://www.canada.ca/en/canadian-heritage/news/2019/07/helping-citizens-critically-assess-and-become-resilient-against-harmful-online-disinformation.html>
- ¹²⁹ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/Oda69302-fbf9-4026-9e71-656744046acc>
- ¹³⁰ Canadian Heritage (October 20, 2022). Additional Support to Strengthen Local and Diverse Journalism, <https://www.canada.ca/en/canadian-heritage/news/2022/10/additional-support-to-strengthen-local-and-diverse-journalism.html>
- ¹³¹ Canadian Heritage (May 22, 2019). The Government of Canada Supports Canadian Journalism to Ensure the Vitality of Democracy, <https://www.canada.ca/en/canadian-heritage/news/2019/05/the-government-of-canada-supports-canadian-journalism-to-ensure-the-vitality-of-democracy.html>
- ¹³² See, *Budget Implementation Act, 2019*, No. 1, <https://www.parl.ca/LegisInfo/en/bill/42-1/C-97>
- ¹³³ See, International Engagement Strategy on Diversity of Content Online, <https://www.canada.ca/en/canadian-heritage/services/diversity-content-digital-age/international-engagement-strategy.html>. See, also, Report – International Meeting on Diversity of Content in the Digital Age (February 7-8, 2019), <https://www.canada.ca/en/canadian-heritage/services/diversity-content-digital-age/international-engagement-strategy/report.html>
- ¹³⁴ See, <https://www.canada.ca/en/canadian-heritage/services/diversity-content-digital-age/guiding-principles.html>

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- ¹³⁵ See, <https://www.opengovpartnership.org/documents/canada-mid-term-report-2016-2018/>
- ¹³⁶ See, Canada's 2018–2020 National Action Plan on Open Government. <https://open.canada.ca/en/content/canadas-2018-2020-national-action-plan-open-government#toc3-4>
- ¹³⁷ There are some 50 unique Nations and Indigenous languages spanning 630 First Nation communities across Canada with territories extending across provincial and territorial boundaries. There is approximately 65,000 Inuit living in Canada, many of whom live in 53 communities spanning the northern regions of Canada (Inuvialuit (NWT and Yukon); Nunavik (Northern Quebec); Nunatsiavut (Labrador); and Nunavut. Some 500,000 Canadians self-identify as Métis and reside throughout Canada's provinces and territories. See, Government of Canada (2017). Indigenous Peoples and Communities. <https://www.rcaanc-cirnac.gc.ca/eng/1100100013785/1529102490303>
- ¹³⁸ See, Inuit Tapiriit Kanatami (2018). National Inuit Strategy on Research. https://www.itk.ca/wp-content/uploads/2018/04/ITK_NISR-Report_English_low_res.pdf.
- ¹³⁹ See, University of Manitoba. (2016). University of Manitoba Framework for Research Engagement with First Nation, Métis, and Inuit Peoples. https://umanitoba.ca/faculties/health_sciences/medicine/media/UofM_Framework_Report_web.pdf
- ¹⁴⁰ See, Canada's 2018–2020 National Action Plan on Open Government. <https://open.canada.ca/en/content/canadas-2018-2020-national-action-plan-open-government#toc3-4>
- ¹⁴¹ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/0da69302-fbf9-4026-9e71-656744046acc>
- ¹⁴² See, The First Nations Principles of OCAP®, <https://fnigc.ca/ocap-training/>
- ¹⁴³ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/0da69302-fbf9-4026-9e71-656744046acc>
- ¹⁴⁴ See, Statistics on Indigenous peoples, https://www.statcan.gc.ca/eng/subjects-start/indigenous_peoples
- ¹⁴⁵ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/0da69302-fbf9-4026-9e71-656744046acc>
- ¹⁴⁶ See, Aboriginal Treaty Rights Information System (ATRIS), http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx?lang=en
- ¹⁴⁷ Open Government Declaration, <https://www.opengovpartnership.org/open-government-declaration>
- ¹⁴⁸ As noted in the report, “there remains a question as to whether externally focused work should be included in Canada's action plan, since impact on open government in Canada will be negligible. This is an appropriate approach to Canada's foreign aid planning, which should target external goals rather than prioritizing projects which benefit Canadians. However, it is unclear whether this is the right approach for an open government action plan commitment” (Pp. 86–87). See, https://www.opengovpartnership.org/sites/default/files/Canada_MidTerm-Report_2016-2018_EN.pdf
- ¹⁴⁹ See, 2018–2020 National Action Plan on Open Government Reporting Data – Quarterly tracker for National Action Plan on Open Government, <https://open.canada.ca/data/en/dataset/d2d72709-e4bf-412d-a1bd-8c726d19393e/resource/0da69302-fbf9-4026-9e71-656744046acc>

III. Multi-stakeholder Process

3.1 Multi-stakeholder process throughout action plan implementation

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP’s Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to the OGP process. Canada **did not act** contrary to OGP process.¹⁵⁰

Please see Annex I for an overview of Canada’s performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply it to OGP.¹⁵¹ In the spirit of OGP, most countries should aspire to “collaborate.”

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.	✓	✓
Consult	The public could give inputs.		
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

As noted by representatives interviewed from both the government and the MSF, there is/was relatively little engagement about the implementation of the action plan. This reportedly was simply a matter of pragmatics and reflects foremost the shortness of the OGP’s two-year program cycles. Both the government representatives and the two MSF members were unequivocal about the lack of engagement on this front having nothing to do with exclusion. They also noted that, on average, five to ten minutes were set aside at meetings of the MSF for the provision of updates about action plan implementation. To paraphrase the views heard from government and MSF representatives, ‘once the plan was designed, we shifted gears and began focusing on the next one.’

Throughout the implementation period, meetings of the MSF were held regularly, and despite having opportunities to do so, the MSF did not actively seek to comment on the implementation of the commitments. At issue here are continuing uncertainties about the MSF’s mandate and its terms of reference. Specifically, there is no process in place for the MSF to monitor implementation, and many of the commitments contained in the fourth plan were seen by MSF members as, ultimately, developed by the government.

The MSF interviewees also pointed out that the forum would not be able to effectively monitor implementation regardless because of the absence of benchmarks and/or adequate

metrics for doing so. There also continues to be apprehension among some MSF members that the forum is seen as simply a mechanism for legitimizing government actions.

The upshot is that channels of communication between the government and the MSF remained open throughout the implementation process, but the focus of the communication between actors was primarily focused on the fifth action plan as opposed to how implementation of the fourth plan was proceeding.

Given the brief opportunities to provide updates and discuss the fourth action plan during MSF meetings and the views articulated by government and MSF representatives, the IRM concludes that the level of public influence during the implementation of the action plan is “involve.”

¹⁵⁰ Acting Contrary to Process - Country did not meet (1) “involve” during the development or “inform” during implementation of the action plan, or (2) the government fails to collect, publish, and document a repository on the national OGP website/web page in line with IRM guidance.

¹⁵¹ “IAP2’s Public Participation Spectrum,” IAP2, 2014.

https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

3.2 Overview of Canada’s performance throughout action plan implementation

Key:

Green= Meets standard

Yellow= In progress (steps have been taken, but standard is not met)

Red= No evidence of action

Multi-Stakeholder Forum	During Development	During Implementation
1a. Forum established: Canada’s Multi-Stakeholder Forum (MSF) was formally launched in early January 2018 and Terms of Reference (ToR) are available online. ¹⁵²	Green	Green
1b. Regularity: The MSF is meant to meet at least every two months in Ottawa or via teleconference. ¹⁵³ The MSF met six times in 2018 and on 15 occasions in 2019 and 2020. ¹⁵⁴ From March 2018 onward, the Civil Society Chair and the Government Chair maintained regular informal communications.	Yellow	Green
1c. Collaborative mandate development: There was no collaborative mandate development during the implementation of the fourth national action plan.	Green	NA
1d. Mandate public: Canada MSF’s ToR, membership, and meeting minutes are available online. The ToR do not contain information on how decisions are reached. ¹⁵⁵	Yellow	Yellow
2a. Multi-stakeholder: Canada’s MSF includes members of civil society, academia, and the federal government. ¹⁵⁶	Green	Green
2b. Parity: Canada’s MSF includes eight civil society members and four government representatives. The MSF Terms of Reference do not contain information on how decisions are made. ¹⁵⁷	Yellow	Yellow
2c. Transparent selection: The selection criteria and nomination process are described in the MSF ToR. According to the ToR, all nominations are shared on the MSF website. ¹⁵⁸	Green	Green
2d. High-level government representation: The MSF’s highest-ranking members are executive directors and director generals of government department divisions. ¹⁵⁹	Yellow	Yellow
3a. Openness: The IRM did not find evidence that the MSF sought input or representation on implementation from outside the forum.	Yellow	Red
3b. Remote participation: MSF meetings included the option to participate through teleconference.	Green	Green
3c. Minutes: MSF meeting minutes are published online, but the IRM did not find evidence that activities and results were shared widely with stakeholders.	Yellow	Yellow

Key:

Green= Meets standard

Yellow= In progress (steps have been taken, but standard is not met)

Red= No evidence of action

Action Plan Implementation	
4a. Process transparency: The government does not have a 'one-stop shop' website focusing exclusively on Canada's work with OGP. Multiple pages exist on < Canada.ca > touching on OGP-related activities, including a specific Open Government page < https://open.canada.ca/en > where OGP-specific information can be found. However, quarterly updates on implementation progress is provided via the National Action Plan on Open Government Tracker .	Green
4b. Communication channels: Members of the public are able to comment open government-related updates on the myriad of web pages dealing with OGP and non-OGP related facets of the GoCGoC's open government activities. The National Action Plan on Open Government Tracker also provides this functionality.	Green
4c. Engagement with civil society: In March and August 2019, two in-person meetings were held between MSF members and Commitment Leads to discuss implementation progress. The IRM did not find evidence that the GoC held at least two open meetings with civil society on implementation progress.	Yellow
4d. Cooperation with the IRM: Departments with commitments in the 2018–2020 NAP were provided with the IRM Design Report by email on November 14, 2019, and were given an opportunity to provide feedback. There is no record of official correspondence found for other stakeholders.	Yellow
4.e MSF engagement: MSF meetings included brief updates on implementation progress. However, there was little discussion of monitoring or adjustments due to prioritization of planning the fifth action plan and lack of clear monitoring benchmarks.	Yellow
4.f MSF engagement with self-assessment report: At the time of preparing this report the government had not yet finished drafting its self-assessment report but indicated that it would be submitted to the MSF for feedback on its content.	Yellow
4.g. Repository: The National Action Plan on Open Government Tracker is a tool that is: (1) available online, without barriers to access; (2) linked, to varying extents, to evidence; and (3) regularly updated.	Green

¹⁵² MSF Terms of Reference <https://docs.google.com/document/d/1NHSHgGDQBEuY76d5VA3lcz-AtaMegyUa6C7XE9DKQv0/edit>

¹⁵³ MSF Terms of Reference <https://docs.google.com/document/d/1NHSHgGDQBEuY76d5VA3lcz-AtaMegyUa6C7XE9DKQv0/edit>

¹⁵⁴ An archive of the meeting agendas and minutes exists in a number of Google Docs folders: <https://drive.google.com/drive/folders/1oK-uXOs0ih1fTNbB8LbvQnUXxY3nwYqB>

¹⁵⁵ See, Multi-Stakeholder Forum on Open Government, Shared folder of meeting agendas and minutes, <https://drive.google.com/drive/folders/1oK-uXOs0ih1fTNbB8LbvQnUXxY3nwYqB>

¹⁵⁶ See, Multi-Stakeholder Forum on Open Government, <https://open.canada.ca/en/multi-stakeholder-forum-open-government>

¹⁵⁷ See, Multi-Stakeholder Forum on Open Government, Shared folder of meeting agendas and minutes, <https://drive.google.com/drive/folders/1oK-uXOs0ih1fTNbB8LbvQnUXxY3nwYqB>

¹⁵⁸ See, Multi-Stakeholder Forum on Open Government, Shared folder of meeting agendas and minutes, <https://drive.google.com/drive/folders/1oK-uXOs0ih1fTNbB8LbvQnUXxY3nwYqB>

¹⁵⁹ See, Multi-Stakeholder Forum on Open Government, <https://open.canada.ca/en/multi-stakeholder-forum-open-government>

IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

The International Experts Panel (IEP) of the IRM oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

International Experts Panel membership during the report production period included:

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual¹⁶⁰ and in Canada's Design Report 2018–2020.

About the IRM

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



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¹⁶⁰ *IRM Procedures Manual*, V.3: <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹⁶¹ Below is a summary of the key indicators the IRM assesses:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment’s relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment’s implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government? :** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment’s implementation. This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

Results oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., ‘Misallocation of welfare funds’ is more helpful than ‘lacking a website.’).
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., “26 percent of judicial corruption complaints are not processed currently.”)?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behaviour change that is expected from the commitment’s implementation (e.g., “Doubling response rates to information requests” is a stronger goal than “publishing a protocol for response.”)?

¹⁶¹ IRM Procedures Manual, OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>