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# DATA ETHICS

ETHICS AND DATA

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## Data ethics questions:

- Who, if anyone, owns data?
- Are there limits to how data can be used?
- Are there value-biases built into certain analytics?
- Are there categories that should not be used in analyzing personal data?
- Should some data be publicly available to all researchers?

Are there lessons to be learned from the First Nations Principles of OCAP<sup>®</sup>? (**ownership, control, access, possession**)



# FIRST NATIONS DATA

## First Nations Principles of **OCAP**<sup>®</sup>:

- **Ownership:** cultural knowledge, data, and information is owned by First Nations communities
- **Control:** First Nations communities have the right to control all aspects of research and information management that impact them
- **Access:** First Nations communities must have access to information and data about themselves no matter where it is held
- **Possession:** First Nations communities must have physical control of relevant data

# LEGAL CONSIDERATIONS USING DATA

## Profiling:

- are you using personal data to draw inferences that are unfair, unethical or discriminatory?

## Surveillance:

- are people being placed in a perpetual line-up?

## Liability:

- are you liable for what an A.I. does?

# CODES OF CONDUCT

A **code of conduct** is a set of rules outlining the norms, rules, and responsibilities or proper practices of an individual party or an organization (in medicine, we have the *Hippocratic Oath*).

Many professional organizations are starting to integrate data ethics into their **professional** designation's codes of conduct.

The Government of Canada has a general “[Values and Ethics Code for the Public Sector](#)” in which the use of data is **implied**.

The [2023-2026 Data Strategy](#) explicitly identifies ethical use of data as a guiding principle.

There are other subject-specific policies such as the [Tri-Council Policy on Ethical Conduct for Research Involving Humans](#), depending on areas of expertise.

# PROTECTING AND SHARING CONFIDENTIAL DATA

**Privacy** is protected by laws and other measures including the [Statistics Act](#), the [Privacy Act](#), the [Directive on Security Management](#) and by [GoC Levels of Security](#).

In short, the data in documents/information with a higher classification rating than “unclassified” can **only be shared with personnel with the relevant level of screening** and on a “**need to know**” basis, with documents being held at a site with the appropriate organization screening.

Type	Information and assets	Organization screening	Personnel screening
Classified	Top Secret	Facility security clearance (Top Secret)	Top Secret
Classified	Secret	Facility security clearance (Secret)	Secret
Classified	Confidential	Facility security clearance (Confidential)	Secret
Protected	Protected C	Designated organization screening	Enhanced reliability status
Protected	Protected B	Designated organization screening	Enhanced reliability status
Protected	Protected A	Designated organization screening	Reliability status

# DECISION-MAKING

Ethical research groups have identified different approaches to ethical decision making. The simplest being the **Blanchard-Peale framework** which is summarized as:

1. Is it legal?
2. Is it fair?
3. How does it make me feel?

Other approaches: **Markkula Centre framework** (utilitarianism, rights approach, fairness, common good approach, virtue approach), **issue-contingent model** (recognize issue, make judgement, establish moral intent, engage in behaviour).

The key concept is that decision-making for the organization must first be analyzed – however decisions are made, guidance is provided to help decision makers if issues must be addressed.

# ETHICS AND THE DATA LIFECYCLE

In the Data Awareness module, we saw that there were 5 steps in the data lifecycle. We need to consider ethics at each stage.



Do we **acquire** data in an ethical and unbiased manner? It is **stored** safely? When we prepare it do we introduce biases? Is it **staged** safely and when we **present**, are we representing all the actors in a fair and ethical manner?

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