

MÉTIS NATION BRITISH COLUMBIA

Privacy Act Modernization: Métis Rights Holder Perspectives

Summary of Key Findings and Recommendations

Prepared for submission to the Treasury Board of Canada Secretariat

Access to Information Act and Privacy Act Reform Engagement

Rights Holder Engagement and Research Project (RPIA Program)
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Executive Summary

Métis Nation British Columbia (MNBC) undertook a rights holder engagement survey between July 27 and August 16, 2026, to gather the direct perspectives of our Métis Citizens and Métis community leadership on how the Government of Canada collects, uses, discloses, and safeguards personal information about Métis people, and on how a modernized federal Privacy Act should recognize Métis governance. The survey received 132 contributions, with a strong majority (95.4 percent) identifying as MNBC Citizens.

This report was developed into a set of thematic findings and corresponding recommendations for the Treasury Board of Canada Secretariat's (TBS) concurrent review of the Access to Information Act and Privacy Act. The findings reflect a consistent and well-evidenced position: Métis Citizens want the modernized Privacy Act to name and recognize Métis governments explicitly, to make free, prior, and informed consent the operating standard for any use or disclosure of their personal information, and to condition any expansion of information-sharing on enforceable, negotiated safeguards. These positions are grounded in both quantitative results and a substantial body of qualitative commentary and are offered by MNBC as evidence of a Métis-specific perspective that has not previously been part of the federal Privacy Act or Access to Information Act.

1. Context and Purpose

The federal Privacy Act does not currently reference Métis people specifically, and its definition of “aboriginal government” does not extend to Métis Nation British Columbia. As Canada undertakes a concurrent modernization of the Access to Information Act and the Privacy Act, and works to implement the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) and the 2023–2028 UNDA Action Plan, MNBC has identified a material gap in prior federal engagement: no BC-based Métis government appears on record in either the Privacy Act or Access to Information Act engagement processes conducted to date. This absence is the evidentiary foundation for MNBC's participation in the current TBS engagement, and for the rights holder survey summarized in this report.

MNBC's Rights Holder Engagement and Research Project (delivered under the federally funded RPIA Program) was designed to close that gap by gathering direct, documented evidence of Métis Citizens' views, for submission to TBS. This report presents the key findings and recommendations arising from that engagement.

2. Methodology

The survey was administered through our Engage MNBC platform over a three-week period (July 27 to August 16, 2026) and was open to MNBC Citizens, Métis elected leadership and Métis Chartered Community leadership. It comprised 20 core questions addressing respondents' familiarity with and confidence in federal privacy practices, their views on consent and information-sharing with MNBC and other Indigenous organizations, their assessment of MNBC's current legal recognition, and the safeguards they would expect under any expanded information-sharing arrangement. Multiple-choice questions

were supplemented by optional open-text fields, which received substantial engagement and were independently sentiment-coded.

All findings in this report are reported at the aggregate level. In accordance with MNBC's data governance principles, all directly identifying information collected through the survey (names, contact information, and individually attributable comments) has been removed from this report and is retained separately and securely by MNBC, accessible only for internal verification and program administration purposes.

3. Key Findings

The following eight findings were developed from the quantitative results and open-text commentary submitted through the survey. Percentages are calculated against the number of respondents who answered each individual question, which varied slightly due to optional skip logic.

Finding 1: Confidence in the federal government's handling of Métis personal information is fragile, and a meaningful share of respondents report direct, negative experience.

Only 40.9 percent of respondents described themselves as very or fairly confident that their information has been properly stored, protected, and used for its intended purpose; 23.5 percent reported being not confident or unsure. Open-text responses on this question skewed negative (42 percent) far more often than positive (19 percent), with recurring references to prior federal data breaches and inconsistent staff training on information-handling protocols. Separately, 16.7 percent of respondents reported that they, a family member, or someone in their community had personally experienced a problem with how the federal government handled their personal information — including delayed or difficult record access, conflicting instructions from federal officers, incorrect or outdated information on file, and information shared without their knowledge.

Finding 2: Respondents consistently favour consent-based information sharing over default or unconditional federal disclosure.

When asked whether the federal government should be able to share their personal information with MNBC without their permission, only 22.7 percent supported unconditional sharing. A combined 52.3 percent preferred either purpose-limited sharing (25.8 percent) or sharing conditional on advance agreement (26.5 percent), and a further 23.5 percent held that the federal government should always seek permission before sharing with MNBC. This preference for consent, rather than blanket authority, recurred across multiple questions in the survey and was one of the most consistent qualitative themes in the open-text responses.

Finding 3: There is broad and strong support for explicit legislative recognition of Métis-specific constitutional status and governance.

Asked what a reconciliation-oriented recognition statement in a modernized Privacy Act should say about the Métis Nation, 77.9 percent of respondents wanted recognition that Métis people hold distinct rights under section 35 of the Constitution Act, 1982, separate from First Nations and Inuit; 56.5 percent wanted MNBC recognized as a Métis government with authority to oversee and protect its Citizens' information;

and 69.5 percent wanted a commitment to co-develop future privacy law changes with Métis governments. A related question found that 67.2 percent affirmed MNBC's right to self-govern and to be treated as an equal government and not as an applicant seeking access to federal data.

Finding 4: The Privacy Act's current definition of “aboriginal government” is viewed as a material and consequential gap.

A combined 86.4 percent of respondents expressed some level of concern that this definition excludes MNBC, with 43.9 percent describing themselves as concerned that MNBC should hold the same information-access rights as other recognized governments, and a further 42.4 percent supportive of broadened access provided appropriate safeguards are in place first. On the proposed alternative term “Indigenous governing body,” support was conditional rather than unqualified: while 65.2 percent supported the change in some form, the largest share (38.6 percent) did so only if the definition specifically names MNBC and other Métis governments, indicating that explicit naming matters more to respondents than the general terminology used.

Finding 5: Census-based self-identification is broadly regarded as an insufficient method of documenting the Métis population.

Only 31.3 percent of respondents agreed (strongly or somewhat) that the national census self-identification question is a sufficient method of documenting Métis people in Canada, against 55.0 percent who disagreed. Open-text responses attributed this to the absence of a consistent, pan-Canadian definition of Métis identity, concern that self-identification conflates general mixed ancestry with Métis identity and risks skewing population data, and a preference that identity verification remain the role of Métis governance bodies such as MNBC rather than a federal statistical instrument.

Finding 6: Respondents support Métis data sovereignty and a conditional pathway for MNBC to assume custodianship of federal records, provided defined safeguards are met first.

Asked what would matter most if the federal government transferred custodianship of Métis records in British Columbia to MNBC, respondents most frequently identified two preconditions at 73.9 percent each: that MNBC have its own privacy legislation or policy in place before receiving records, and that there be clear rules governing how MNBC stores and protects those records. Majorities also wanted continued personal access to their own records after transfer (69.2 percent), advance notification before any transfer (68.5 percent), and the right to decline or to require their own agreement before transfer (55.4 percent and 53.9 percent respectively). Separately, 54.2 percent of respondents affirmed that information about Métis people belongs to the Métis Nation, not to the federal government which was a direct statement of support for the principle of Métis data sovereignty.

Finding 7: Respondents want other Indigenous organizations' access to Métis personal information restricted to MNBC or MNBC-authorized bodies.

A majority of respondents (55.8 percent) held that only MNBC, as their representative Métis government, should be able to receive their personal information from the federal government without their permission; a combined 78.3 percent restricted such access to MNBC or to organizations MNBC has

specifically authorized. Only 2.3 percent supported access by any recognized Indigenous organization without limitation. This finding reinforces that respondents' support for information-sharing is tied specifically to MNBC's role as their representative government, rather than to Indigenous organizations generally.

Finding 8: Any expansion of information sharing is expected to come with concrete, enforceable, and reciprocal safeguards.

When asked to rate the importance of specific safeguards for expanded information sharing between the federal government and MNBC, respondents rated every safeguard offered as highly important, with average scores ranging from 4.05 to 4.76 out of 5. The highest-rated safeguards were a written Information Sharing Agreement between MNBC and the federal government (4.76), a process for individuals to complain if their information is mishandled (4.73), and a requirement that MNBC have a privacy policy or framework in place before receiving information (4.73). Consistent with this, 79.4 percent of respondents supported a general legal requirement that any organization receiving personal information about Métis or other Indigenous peoples have additional protections in place. On process, 74.8 percent wanted MNBC formally consulted and required to agree before any changes affecting Métis Citizens' personal information are made, and 58.8 percent wanted a formal requirement for free, prior, and informed consent before Canada changes how it handles Métis personal information.

4. Recommendations

Based on the findings above, MNBC recommends that the Treasury Board of Canada Secretariat incorporate the following into its modernization of the Privacy Act and any related legislative or policy instruments:

Recommendation 1: Amend the definition of “aboriginal government” (or its proposed successor, “Indigenous governing body”) to explicitly name Métis governments, including MNBC.

General or category-based language is insufficient. Respondents were clear that any revised definition should specifically identify Métis governments by name in order to be considered a meaningful fix, rather than relying on interpretation to determine whether MNBC qualifies.

Recommendation 2: Include a statutory or preambular recognition of Métis-specific rights and governance.

The modernized Act should recognize that Métis people hold distinct rights under section 35 of the Constitution Act, 1982, separate from First Nations and Inuit; acknowledge Canada's history of collecting and using Indigenous peoples' personal information in harmful ways; and affirm MNBC's authority to self-govern and to be treated as an equal government partner rather than an applicant for access to federal data.

Recommendation 3: Establish free, prior, and informed consent – exercised directly or through MNBC as the Métis Nation's representative government in British Columbia – as the default standard governing the collection, use, and disclosure of our Métis Citizens' personal information.

This should apply both to program-level information sharing and to the process for any future legislative or policy change affecting how Canada manages Métis personal information.

Recommendation 4: Require negotiated, written Information Sharing Agreements as a precondition for expanded data sharing between Canada and Métis governments.

At minimum, such agreements should specify purpose limitation and prohibition of unrelated secondary use; advance notification obligations; individual opt-out or consent mechanisms; defined retention and secure destruction requirements; and an accessible complaint and redress process.

Recommendation 5: Recognize Métis data sovereignty as a guiding principle of the modernized Act.

The Act should affirm that personal information about Métis people is held in trust for, and is ultimately accountable to, the Métis Nation, consistent with respondents clearly expressed view that such information belongs to the Métis Nation rather than to the federal government.

Recommendation 6: Support a conditional, staged pathway for transferring custodianship of Métis records to Métis governments.

Any such transfer should be contingent on the receiving Métis government first having equivalent or stronger privacy legislation or policy in place, and should preserve individuals' rights to notification, to continued access to their own records, and to decline or condition the transfer of their information.

Recommendation 7: Direct that self-identification-based data collection not be treated as a substitute for Indigenous-led identity verification.

Canada should work with Métis governments to align census and program-level data practices with Métis-defined citizenship criteria, rather than relying on self-identification as a stand-alone method of documenting the Métis population.

5. Conclusion

The findings summarized in this report represent a substantive and previously undocumented body of evidence regarding Métis Citizens' views on federal privacy legislation. They point consistently toward three overarching conclusions: first, that trust in the secure handling of personal information is fragile at both the federal and Indigenous-governance levels, and must be actively rebuilt through demonstrated safeguards rather than assumed. Second, that Métis Citizens expect transparent, accessible communication about how their information is used, by whom, and for what purpose. And third, that informed consent, whether exercised individually or through MNBC as the Métis Nation's representative government in British Columbia, should be the organizing principle of any modernized approach to Métis personal information.