

A National Data System and Benchmarking for Racial Equity

REMC & Nordicity

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Executive Summary

In 2021, the Racial Equity Media Collective (REMC) and Nordicity published a research report with support from the Inspirit Foundation. Among the report's core recommendations were the need to:

- Implement a national data system that collects data and reports on equity in Canada's screen sector;
- To design and implement a system of targets and quotas that would increase representation across Canada's screen sector.

In 2022, with funding from the Canada Media Fund (CMF), the REMC set out to expand on those recommendations by providing guidance to the industry concerning the potential design and implementation of a national data system, as well as targets, quotas, and other equity tools.

Over the last year, with support from Nordicity, the REMC held over 40 conversations with stakeholders across the Canadian film and television industry, including: national, provincial, and territorial funders, broadcasters, professional associations, unions and guilds, festival and industry events, racial equity organizations, policymakers, and producers. The researchers also conducted data-led assessments of existing equity tools, including targets and quotas, as they have been employed both in Canada and the U.K.

The Current Landscape of Race-Based Data Collection and Reporting

Across the Canadian media sector, there is now near-universal acknowledgement of the importance of – and need for – a safe and effective system to facilitate the collection, monitoring, and reporting of race-based data. During research interviews, stakeholders expressed a desire for the implementation of a national data system, citing the benefits of such a system in developing a baseline from which to track progress, spurring action to increase equity, streamlining industry processes, and in centralizing leadership. Of the data systems that have been implemented to date, three stand out as possible models for expansion or emulation: the CMF's PERSONA-ID tool, Creative BC's proprietary CIERA tool, and the Culture Satellite Account developed by Statistics Canada.

Key Challenges for a National Data System

Research conversations revealed broad agreement on the need for a national data system but also indicated significant variations in the specific needs and concerns of organizations across the media sector. The key challenges that were identified concerned how a national system might be governed, technical integration with existing systems, compliance with federal and provincial privacy legislation, the need to employ inclusive terminology that can evolve over time, determining the appropriate scope of the system, and building community trust to facilitate comprehensive data collection.

The Current Landscape of Targets, Quotas, and Other Equity Tools

Across the Canadian and global screen industries, targets and quotas are increasingly being employed to redress the underrepresentation of equity-deserving communities. In broad terms, data from Canada and the U.K. reveal that such tools have had positive but uneven impacts. Often, such tools have been introduced specifically in pursuit of gender parity, with the result that women have seen welcome improvements in representation. In general, however, non-

white women and members of other equity-deserving communities have not made comparable gains. Analysis of the available data indicates that targets and quotas must be designed with due regard to intersectionality, must be adaptable to changing contexts, and must be supplemented by other equity-advancing initiatives.

In research conversations, stakeholders voiced general support for the implementation of targets and quotas but suggested further data was required to determine specific goals. The following guidelines can also serve to inform the development of effective equity tools:

- The adoption of targets and quotas must be informed by sound data collection and consultation;
- Reflecting population distribution could offer an entry point to target-setting;
- Goal-setting must be realistic and attainable;
- Targets need to evolve in step with industry changes;
- There is no one-size-fits-all standard for the country; and
- Goal-setting must be undertaken sensitively to avoid negative industry repercussions.

Considerations for Implementation

Before a national data system can be successfully implemented, it is necessary to foster support and buy-in, both among equity-deserving communities and the wider community of industry stakeholders, including policymakers and unions and guilds. To do so, it is crucial to build trust with communities that have been historically excluded, as well as to communicate the broader benefits of equity tools.

Special consideration must be given to targeted data collection from Indigenous peoples to ensure respect for core principles of self-governance and self-determination. A history of systemic racism means there is a greater need to develop a talent pathway from recruitment to retention as concerns Indigenous communities, and likewise makes it particularly important that Indigenous creators retain ownership of intellectual property as well as narrative control.

The contexts of Québec and French-language minority communities also merit special consideration. Franco-Canadians rarely use concepts such as “BIPOC” and “racialized,” which gives rise to additional complexities when seeking to align data collection practices with those of other jurisdictions and communities. It is important to also note that stakeholders in Québec’s film and television industry are operating in a sensitive political environment that has less acknowledgement of underrepresentation and discrimination.

Recommendations

Based on learnings from stakeholder interviews and analysis of data gleaned from Canadian and international equity initiatives, this report recommends a phased, seven-step approach towards the implementation of a national data system and the adoption of industry equity tools.

Summary of Recommendations

REMC and Nordicity recommend that:

Step 1 – Coordination of the National Funders and Policymakers

- National funders and policymakers should harmonize data collection practices and work towards the development of a unified data system. The CMF's PERSONA-ID tool shows potential to serve as the model for such a system.

Step 2 – Stakeholder engagement

- Ongoing stakeholder engagement is essential to the effective design and implementation of a national data system. BIPOC community groups should be enlisted to ensure that diverse voices are incorporated into further developments of the system.

Step 3 – Creation of Independent Non-profit Organization

- To mitigate concerns about the sharing of sensitive information, a non-profit organization should be formed to house the unified data system.

Step 4 – Incorporation of the National Funders and National Benchmarking Study

- The CMF, Telefilm, and NFB should be the first to fully incorporate the data system and a study should be undertaken to develop a baseline of representation across these national funders.

Step 5 – Design and Implementation of Targets and Quotas for the National Funders

- The national funders should adopt the principle that "in order to get public money, you must look like the public" through the design and implementation of targets and quotas that foster meaningful representation and equitable rights ownership.

Step 6 – Provincial and Territorial Funders and Broadcasters

- Following adoption by national funders, provincial and territorial funders, as well as the broadcasters, should be brought into the system. At this stage, a national marketing campaign should be implemented to increase participation and support.

Step 7 – Expanding the Scope

- The national data system should finally be expanded to include other parts of the Canadian film and television industry, including on-screen and below the line talent, as well as additional creative industries such as interactive and digital media, music, and book publishing.

1. About this Report

Calls for equity across the Canadian film and television industry have grown louder and stronger over the last three years. The Racial Equity Media Collective (REMC) has been at the forefront of research and advocacy for change. One of the REMC's key areas of focus has been the collection and reporting of race-based data to identify and address systemic inequities and underrepresentation across the Canadian screen sector.

In 2020, the REMC and the Inspirit Foundation commissioned Nordicity to complete an audit of the Canadian film and television industry. The project aimed to understand which organizations were collecting and reporting on race-based data, identify barriers to obtaining industry-wide equity data, and provide recommendations for ongoing monitoring of Black, Indigenous, and People of Colour (BIPOC) representation in the industry.

The [final report, published in 2021](#), concluded with a set of core recommendations, two of which were for the industry to:

- Implement a national data system that collects data and reports on equity in Canada's screen sector;
- To design and implement a system of targets and quotas that would increase representation across Canada's screen sector.

In 2022, and funded by the Canada Media Fund (CMF), the REMC embarked on an ambitious research project to action the recommendations outlined in the 2021 report. The mandate was to provide clear guidance to the industry on the potential design and implementation of a national data system, as well as the design and implementation of targets, quotas, and other equity policies. Nordicity was engaged as a partner to provide research and analysis support.

The key objectives for the research were to:

- Better understand current approaches to data collection among national funding agencies;
- Develop recommendations for the implementation of a national data collection and reporting system;
- Provide clear guidance to the industry on the need for and relevance of equity tools such as targets and quotas as it relates to the allocation of funding and broadcaster licenses; and
- Conduct extensive stakeholder engagement to understand how equity tools such as targets and quotas could be used effectively in the context of the Canadian film and television industry.

To do this, the REMC and Nordicity held over 40 conversations with stakeholders across the Canadian film and television industry including: national, provincial, and territorial funders, broadcasters, professional associations, unions and guilds, festival, and industry events, BIPOC sector organizations, policymakers, and producers. A law firm – Fasken – was also consulted to identify and better understand privacy-related considerations for a national data system.

The report outlines core themes and key findings from the research. The first section provides an overview of the current landscape of race-based data collection and reporting. The next

section considers key challenges, learnings, and preliminary solutions for a national data system. Section 4 then summarizes the current landscape of targets, quotas, and other equity tools, and Section 5 examines key considerations for implementation of these initiatives. The final section of the report presents a recommended roadmap to the design and implementation of a national data system as well as targets, quotas, and other equity tools.

It must be noted that the research and development of recommendations in this report was conducted during a period of intense transformation and advancement. Change is prevalent both within the context of this study, as well as the broader field of equity, diversity, and inclusion (EDI). Ongoing consultation with leaders and drivers of change in the industry were conducted to ensure the findings and recommendations are as relevant as possible, but they must be adapted to meet the needs and expectations of the ever-changing context.

In addition, while many of the findings and recommendations for this report are applicable to the wider industry, they will need to be workshopped to ensure they are appropriate and meeting the needs of specific racialized groups, as well as other equity-deserving groups. Indigenous peoples, in particular, deserve additional attention, given their systemic marginalization within the industry and in Canada more broadly as well as their right to self-determination.

Disclaimer: Any opinions, findings, conclusions, or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of the Canada Media Fund. The Canada Media Fund is not bound by any recommendations contained in this document.

2. The Current Landscape of Race-Based Data Collection and Reporting

In 2021, when the first REMC report was published, several organizations across the industry were independently collecting data to track and report on race as well as other social identities such as gender and disability. Unfortunately, each organization was collecting different types of data and in different ways. Also, most of the data systems were being piloted on individual programs and/or specific demographic characteristics, and several were using problematic data collection practices. For example, some organizations were asking producers to identify and fill in demographic characteristics on behalf of their teams – forcing creators to reveal sensitive information about themselves to their employers. Others were collecting detailed data on individuals with little to no transparency on what was being done with that data.

It was clear that the industry lacked a comprehensive, unified, and ethical data system that could provide meaningful insights into funding distribution and representation at the industry level. In addition, despite small amounts of funding being channeled to racialized and Indigenous creators through specialized funding programs, industry stakeholders were not setting ambitious targets or quotas to increase representation.

Since the first report was published, there has been significant momentum towards change.

There is now almost universal acknowledgement of the importance of – and need for – a safe and effective system to facilitate the collection, monitoring, and reporting of data. For example, in its publication *Building a Foundation for Change: Canada's Anti-Racism Strategy 2019-2022*, the federal government committed \$6.2 million to “increase reliable, usable, and comparable data and evidence regarding racism and discrimination” and enhance the collection of disaggregated race data.

Canada also has emerging, even exemplary practices and tools to learn from and build on. Most notable is the CMF’s PERSONA-ID – a self-identification system that allows individuals to disclose their demographic information directly and securely to the CMF. Another example is Creative BC’s Creative Industries Economic Results Assessment (CIERA) tool that produces annual impact estimates for the province’s creative sector.

Buy-in to a national data system has also increased, with leaders in the industry continuing to have conversations on how to move forward on such an initiative. In addition, there is growing interest in using tools such as targets and quotas, to ensure the collected data is being used productively – in this case, to increase meaningful representation for racialized and other equity-deserving groups.

What is a National Data System?

A national data system is a central database that would bring together the multiple data collection initiatives from across Canada's screen sector. Centralized under one platform, self-identification data would be collected, monitored, and reported in a streamlined, ethical, and safe way. The design of this system would be informed by the needs of individuals working in the film and television industry, and it would take into account current challenges with data collection practices. With a national system in place, the industry will understand where gaps in representation exist, and the data can be used to help inform new policies and programs to address these gaps.

The following section (2.1) elaborates on the growing appetite for a national data system and outlines the benefits industry stakeholders anticipate with such an initiative. The findings in this section were developed from a holistic analysis of the research. However, anonymous quotes are included to help illustrate each of the key points.

2.1 Appetite for a National Data System

Canada's film and television industry wants to see action. Across the research, industry stakeholders called for actions to provoke culture change and increase diversity in the film and television sector. Most individuals interviewed expressed a sense of enthusiasm and urgency to design a national data system and address the ongoing disparities in the sector.

The rationale for developing a national data system, as voiced by interviewees and complemented by additional research, are multifold. Critical reasons include that data collection will develop a baseline, help spur action, streamline industry processes, centralize leadership, and support development of other equity initiatives. These key arguments are expanded upon below.

There is a need to develop a baseline.

As it stands, the divergent data collection practices of industry organizations are insufficient.¹ The data is incomparable across organizations, meaning that it is impossible to develop a baseline illustrating the current state of the industry, and to say where increased representation is most acutely needed. A baseline developed through a national data system can be used to track equity-related progress over time. If designed appropriately, it can also be used to track other indicators such as jobs and GDP over time.

¹ REMC, Racialized Funding Data in the Canadian Film and Television Industry, <https://static1.squarespace.com/static/5da5e203aca5a576a25ef17f/t/619fe771ef4c07476c06d040/1637869451621/Racialized+Funding+Data+in+the+Canadian+Film+and+Television+Industry+-+Inspirit+Foundation%2C+REMC+and+Nordicity+%281%29.pdf>.

What gets measured, gets done.

Transforming Canada's film and television sector requires moving beyond anecdotal evidence to producing robust data. With this data in hand, organizations can accurately identify where industry gaps lie and move towards addressing these gaps. Data can serve to support informed and evidence-based policy decisions at all levels.

Comprehensive data can also support tracking progress over time and help keep organizations accountable to their commitments. With numbers in hand, the industry can move towards setting realistic industry goals and ensure those goals are met.

However, one individual noted the risk that national initiatives are "big, bold pronouncements" without action to follow. A national data system would need to be fully developed, promoted, and adopted across the industry for it to be effective.

A national system would streamline industry processes.

A national data system would streamline reporting processes for numerous industry stakeholders. From producers to funders and broadcasters, reporting one time to one body would save time, energy, and cost. Many research participants noted the benefits for producers. Rather than indicating their identity data multiple times on multiple forms, a centralized system would allow producers to identify themselves only once and share the information between funding bodies. Other interviewees pointed towards the efficiencies for administrators. For this group, coordinating information between federal and provincial organizations could ease the burden of reporting. Likewise, broadcasters would see their reporting requirements ease if they only had to report equity data to one organization in one format.

Allowing organizations to implement individual systems will slow down the process in the long-term. The ongoing creation of incompatible, parallel systems will create more work for all involved and reduce the overall sector impact. Although the federal bureaucracy may move slowly, incorporating data collection and reporting practices into regular workflows and operations is key to ensuring that the process truly be efficient.

"Despite being on a faster track, continuing to have everybody on separate tracks doesn't make a lot of sense [...] You are measuring apples with oranges if everyone is doing different things."

There is a need for centralized leadership.

Smaller funding organizations noted an inability to address many of the issues involved with collecting sensitive information themselves. As such, they recognized the potential for a national data system to provide guidelines and supports for smaller organizations. For example, they may not have the capacity to engage with communities and understand what terminology is most appropriate. PCH or the national funders could carry out this research on the behalf of small institutions and share best practices and learnings.

In addition, one interviewee noted how their organization acts as a third party between producers and the CRTC when reporting certain sensitive data. There is a need for one organization to take the lead, rather than position industry organizations as middle-actors between producers and reporting bodies.

2.2 Current Data Collection System Models

With growing acknowledgement of the necessity of data collection, monitoring and reporting across the Canadian screen sector, several organizations have begun collecting and reporting on race-based data.² Three data systems in particular stand out as potential models to build upon or emulate: the CMF's PERSONA-ID tool, Creative BC's proprietary CIERA tool, and the Culture Satellite Account developed by Statistics Canada.

Note that while it is true that Telefilm Canada has developed an approach to this type of data collection, the details of that program were not available during the research period.

PERSONA-ID

PERSONA-ID, launched in 2021 and fine-tuned in April 2022, captures aggregated data across all CMF programs. The information collected through PERSONA-ID enables the CMF to obtain a more detailed picture of who is applying for funding as well as the people working on the funded projects. It is also used to determine eligibility to and compliance with targeted programs, incentives, and requirements.

It works by asking creators to fill out a self-identification questionnaire. Once the questionnaire in PERSONA-ID is submitted, a unique PERSONA-ID number is assigned. This number is then shared with the person responsible at the Applicant production company for completing the CMF funding application. They will enter the number in the application to link each creator's personal data with the application.

The applicant production company does not see or have access to any of the detailed self-identification information linked to the PERSONA-ID number. It therefore allows individuals to share their information, privately and securely, directly with the CMF.

During the research period, PERSONA-ID was within the first year of data collection and data was not yet available to be shared. As data becomes available, each iteration will provide important insight into the industry.

² More information on individual organization's data collection, monitoring, and reporting can be found in Appendix A.

Why do we care about PERSONA-ID?

The CMF is the largest funding body of the Canadian television and digital media industries. In 2021-2022, it allocated over \$359M in funding. As a core and public funder, stakeholders across the industry look to the CMF for guidance on key issues. It is therefore one potential catalyst for industry-wide data collection, monitoring, and reporting.

PERSONA-ID is one of the first systems in Canada, and amongst few in the world, to use self-identification – an approach that is increasingly considered a best practice for data collection. In addition, PERSONA-ID has already garnered significant buy-in despite completing only one year of data collection thus far. The CMF reports that the system has received a high level of uptake, with 96% of applications with at least one completed PERSONA-ID created. Over 6,500 registrations have been completed country-wide. These figures demonstrate the willingness of industry stakeholders to put their trust in the CMF, despite concerns around privacy and the sharing of sensitive information. For these reasons, the tool is well positioned to serve as a model for a national data system.

Disclaimer: The assessments of PERSONA-ID and its possible relevance to a national data system are based on independent research conducted by REMC and Nordicity. These findings do not necessarily represent the policies or views of the CMF. This report presents but one potential approach to the design of a national data system.

Creative Industries Economic Results Assessment (CIERA)

According to Creative BC's website CIERA™ [...] is: "Creative BC's proprietary tool producing annual impact estimates for the province's creative sector. The five industries covered are: Motion picture, Interactive & digital media, Music & sound recording, Book publishing, and Magazine publishing, and the sixth area is Multi-creative industries. The first five storytelling industries produce creative content for mass production and global consumption, with a sixth area of creators and services supporting more than one creative industry."

The tool is currently being used in BC and Nunavut, and Creative BC suggests that other provinces are currently considering adopting CIERA. Three indicators – Total GDP, Direct Output and Total Jobs – are reported each year using a methodology based entirely on Statistics Canada public datasets. Results from CIERA have been analyzed and shared in three annual Impact Reports, with the latest being the 2021/22 Impact Report.

Culture Satellite Account (CSA)

The Culture Satellite Account (CSA) is an accounting framework created to better measure the economic importance of culture, arts, heritage and sport in the Canadian economy. It captures GDP and jobs in the cultural sector on both national and provincial levels, as well as international trade of culture products. CSA is developed by Statistics Canada and supported by multiple federal and provincial departments/agencies, including Canadian Heritage, Telefilm, and Ontario Creates.

CSA integrates and synthesizes a significant amount of data from a variety of different sources including industry surveys, administrative and tax data into an economic database. CSA does not include demographic data on the individuals working in the cultural sector.

3. Key Challenges, Learnings, and Preliminary Solutions for a National Data System

Through the research conversations, it became clear that despite a level of overall agreement, the specific needs and concerns of organizations in Canada's film and television industry vary widely. While for some industry stakeholders, the focus was on how individuals' privacy could be ensured, for others the primary need was to consider who could lead (or govern) such a system. Certain organizations were thinking most about the technical aspects of data collection, whereas others still were concentrated on ensuring uptake and community support.

The following section examines the most critical considerations - governance, technical, privacy, terminology, use, and community trust. For each, it highlights the key challenges, learnings, and proposes some potential solutions.

Governance

The central question related to governing a national data collection system is which organization (or organizations) is best positioned to lead the system itself. Conversations with industry stakeholders highlighted several challenges related to the **interwoven nature of Canada's screen sector**.

Several industry stakeholders noted that **no single organization within Canada's screen sector can mandate data collection across all relevant industry actors**, and therefore there are mixed opinions on how best to approach the governance of the system. Multiple research participants suggested that **a Steering Committee could be well positioned to lead** the discussion and eventual governance of a data system. They felt that a Steering Committee could address the gaps in leverage across federal government bodies and provide a potential solution to this central challenge. Moreover, as noted by one individual, Crown corporations have experience in data collection and may therefore be well suited to leading the data collection system. Learnings can be gleaned from the Women in Production initiative, which successfully increased female representation in Canada's screen sector. In this instance, a Steering Committee comprised of multiple government institutions led the program.

However, certain individuals reported concerns that a committee could create a burdensome process that would slow down progress. There is a need to take this concern into account when considering which organizations could form a Steering Committee.

Irrespective of who comprises the Steering Committee, privacy experts suggest that a robust formal and transparent compliance framework should be developed to set out the roles and responsibilities of all stakeholders who may use or have access to the system. Such a framework would govern use of the data, what can be disclosed and to whom it will be disclosed.

"[A national data system] could potentially have impact for everyone, but everyone's involvement will slow this down. A couple of organizations – CMF, Telefilm, NFB, CBC/Radio-Canada – as a steering group... those might be the right people."

Other consultations revealed a preference for the governance of the data collection process to be undertaken outside of the federal government. Several industry stakeholders suggested that **an arms-length non-profit organization** would be best positioned to act as a trusted third party. Doing so would also help to side-step the mistrust that many equity-deserving communities have with existing bureaucratic structures. This need is particularly relevant for

Indigenous communities that have been historically mistreated by the Canadian government (as elaborated upon in Section 5.3). As presented in the industry recommendations (Section 6), a third party, non-governmental organization is likely best positioned to govern a data collection system.

Technical

The technical design of a national data collection system should consider how to ensure that **information is safely and securely stored**, how to **integrate the system with other organizations' existing systems**, and how to **adopt user-friendly design**.

The **security of the data collected** is of paramount importance to industry stakeholders. Across the research conversations, individuals raised the need for a robust IT architecture – one that is difficult to hack and that prioritizes protecting sensitive information on individual identities. This need is especially crucial when considering how data exploitation has harmed and reinforced the oppression of Indigenous and racialized communities in the past.

Additionally, the IT infrastructure must also consider which organizations have access to the data and to what level, as well as how access is granted. Noted by industry stakeholders, certain organizations may need access to more granular data than others. That said, **wherever possible, de-identified or anonymized data should be used**. Privacy experts also note that the laws governing anonymization of data vary between provinces, so the system should ensure that it adheres to all such privacy frameworks.

Several organizations also expressed the need to **integrate any new process with their existing systems** and ongoing data collection processes. For instance, there will be a need to align any new system with existing financial reporting, collections management, or membership data. Organizations' varying internal systems, administrative processes, and systematic constraints present significant challenges to overcome given the need for aggregate data and standardized reporting. This consideration must be integrated into the national system's design.

"Different internal systems, contract systems, admin systems. [...] we preferred to hold software etc. internally. It's not possible to have one database somewhere because of different other constraints. Even if the willingness is there, it won't be easy to implement."

Finally, there is a need to design the system to be **as user-friendly as possible**. Creatives are often wearing multiple hats and playing multiple roles, and already partake in extensive application and review processes. Sharing data should add minimally to their administrative burden. A centralized system that requires users to input their data only once – such as that used by PERSONA-ID – is one way the industry is already doing this.

Solutions to these technical challenges may be drawn from existing IT infrastructure, specifically PERSONA-ID and Statistics Canada systems. Both systems store and protect sensitive information and offer helpful takeaways for a national system. Several research conversations confirmed this perspective, and stakeholders suggested that these systems could provide foundations upon which a national system might be built. (See Section 6 for detailed recommendations).

Privacy

It is crucial that a national data system protects the individual personal information that it houses.³ The primary considerations related to privacy include **protecting individual identities, incorporating clear consent** into the data collection process, and **aligning data collection with overarching privacy legislation**.

The foundational challenge related to privacy is how to ensure that **identity data cannot be traced back to the individual**. Many of the research participants expressed this concern. Using de-identified or anonymized information is a method of protecting the privacy rights of individuals and allows a broader group of stakeholders to study the data for research and other purposes. Privacy laws generally do not apply to personal information once it has been appropriately “de-identified” or “anonymized.”

However, certain organizations may require very granular information to carry out their mandates. For example, the CMF accesses personal information before production to inform funding eligibility. As such, the organization has access to smaller pools of data, individuals’ names, and their PERSONA-IDs. There is a need to clearly define and communicate who has access to which data and why, establish a process for both providing and revoking consent, and to clearly communicate these nuances.

Building clear guidelines ties into the need expressed by several industry stakeholders for obtaining **clear and transparent consent** prior to the collection, use or disclosure of their sensitive personal information. Without a statutory mandate to collect, use and disclose personal information, this is a legal requirement for any organization managing the data system. Individual users should be made aware of all purposes for which information is collected, used, or disclosed and must understand the consequences of any such collection, use or disclosure. Individuals must also be able to withdraw, and in some cases modify, their consent.

A further important point relates to the layers of legislation – on the provincial, territorial, and federal levels. The Yukon, for example, is guided by its 2021 Privacy Act and must consider how a data system would align with this piece of legislation. On the national level, the Privacy Commissioner currently determines what kinds of information each federal agency can or cannot collect, what role they can play, and how they can use data. Designing a national system thus necessitates further research into how privacy is regulated in jurisdictions across the country.

In addition to these privacy elements, the collection system must abide by more technical legal frameworks, most notably the federal Personal Information Protection and Electronic Document Act (“PIPEDA”), as well as its provincial equivalents. To that end, it is important to ensure that the collecting body be a non-profit organization that is not engaged in commercial activities, as doing so ensures that PIPEDA is not applied. Also, it should be made clear to individuals providing information that the data collected will be used for statistical and research purposes.

³ Generally, “personal information” is any identifiable information about an individual, such as information relating to race, national or ethnic origin to the extent it can identify an individual.

Provincial equivalents of PIPEDA exist in Alberta, British Columbia, and Quebec. Like PIPEDA, the Personal Information Protection Act ("PIPA") in Alberta does not apply to non-profit organizations, unless that organization is using the data collected for commercial purposes (which would not be the case in this instance). However, the legislation in both British Columbia and Quebec would seem to apply. As such, the system developed would need to abide by these two pieces of legislation. For example, PIPA in British Columbia requires that the individual whose data is being collected be able to access and change that information as they desire. Finally, it should be noted that Quebec's "Act Respecting the Protection of Personal Information in the Private Sector" is arguably the most extensive of the pieces of provincial legislation and will require careful consideration to ensure compliance. In all cases where a privacy incidence may occur, the administrators of a national data collection system must be prepared to work with privacy commissioners in each of the affected jurisdictions.

Other legal requirements, in addition to those set out in privacy laws, may also be relevant to the data collection. For example, Ontario's Anti-Racism Act ("ARA") enables the Ontario government to implement race-based data collection to help identify, remedy, or prevent inequitable racial impacts in its policies and programs. The ARA sets out which public sector organizations are authorized or required to collect specified race-based data in relation to specified programs, services and functions.

Lessons from other industries – namely the Ontario Public Service and the Canadian Research Chairs Program – can help Canada's screen sector navigate privacy challenges. To protect individual identity, organizations release sensitive information only in aggregate form. Furthermore, both organizations recognize that there may be instances when numbers in aggregate form are very low and individual identities could be determined. Both organizations have set **thresholds for releasing aggregate data**. In the case of the Ontario Public Service, the organization only releases data for underrepresented groups if a minimum of ten individuals belong to that group. The Canada Research Chairs' threshold is set at a minimum of five individuals. Of note, this approach is not a perfect solution. Smaller organizations may not have sufficient numbers of respondents to reach the thresholds and would therefore be unable to receive and use the data collected through the system.

"Some people won't want to share their disability, LGBTQ identity. There are issues about how to aggregate in a way that protects identity."

"The biggest hurdle is building trust. Where information is provided and how it will be used."

Although very complex, privacy concerns are not insurmountable. One research participant noted how data protection practices can be used as an **excuse not to take action**. Organizations within the film and television industry and the multitude of government bodies involved are experienced in sound data collection practices, as they regularly work with anonymized data (e.g., payment details, film files, etc.). Privacy concerns such as these must be appropriately addressed, but they must not prevent the movement towards adopting a national system.

Identity Categories and Terminology

Using appropriate identity categories and terminology in data collection questionnaires is critical to building trust with users of a national data system. Terminology must be **inclusive**

and **should abide by and evolve over time with standards of best practice**. Also, to ensure all users of the system feel represented and can authentically self-identify, identity categories must be exhaustive or allow for individuals to self-describe identities that are not listed.

“Terminology is key, we can work collectively. Everybody is using [their] own vocabulary. It would be useful to work together.”

In contrast, several individuals pointed to the need for identity categories to be as standardized as possible. They suggested that too many distinct responses will inhibit the ability to aggregate data for the industry and compare datasets across organizations and across time. They also pointed to the need for identity categories to be comparable to broader statistical data such as population statistics provided by Statistics Canada.

Taking these requirements together, there is a need for identity categories to **balance individual autonomy over one’s identity with having standardized, comparable data across organizations**.

Addressing questions related to terminology must **involve representatives of equity-deserving communities**. Stakeholders noted that terms must be determined in partnership with the communities they aim to serve. Additionally, smaller organizations noted how they could benefit from consultation processes led by larger organizations. As many organizations have limited capacity, they are unable to carry out such engagements themselves.

To address issues related to the granularity of data needed by organizations, a **system of layered definitions** could allow individuals the option to self-identify at broader or more specific levels and share only the necessary data with each participating organization.

Further concerns related to terminology for French and English Canada, and for organizations that operated nationally versus internationally. We elaborate on the French Canada context in Section 5.4.

Use

The framework of a data system must be informed by the goals it intends to achieve. The foundational challenges related to use of a data system is to define the scope of a national system and to shift beyond performative actions.

Although the research focuses on the collection of race-based data for key creatives in Canada’s screen sector, industry stakeholders suggested that **a much broader scope for the system is preferred**. For example, some consultations expressed the need to capture data above and below the line screen workers. Others commented that their **mandates extend beyond the film and television industry**, and there is a need to include data across the creative industries and capture sectors such as music and publishing too. Different organizations may need to tailor the data they collect and access according to their respective mandates. This concern was voiced primarily by provincial and territorial funding agencies.

A further key concern raised across the consultations was the need to **move beyond performative action towards achieving culture change**. As noted by stakeholders, the end use of data collection would vary by organization type. From the perspective of funders, data would be used to determine which productions receive funding. Distributors, on the other hand, would leverage the data to guide which productions are aired. Organizations across the

industry could use this data to spur internal change and adopt new initiatives, such as recruitment or training practices.

Decision-making processes for funders, distributors, and other industry stakeholders alike, must be reflective of and informed by community needs. There is a need to ensure **transparency and clear communication about what data is collected and for what purposes.**

Community Trust

A final but crucial area of consideration relates to addressing the needs of the community and adopting a new, trust-based approach to data collection.

Previously, the industry's accepted approach to data collection had been for producers to identify and report demographic characteristics on behalf of their team. This approach required individuals to reveal sensitive personal information to their employers, which can be particularly challenging when sharing invisible or stigmatized characteristics. For example, sharing a disability or identifying as a member of the LGBTQ+ community.

Additionally, organizations lacked transparency towards persons providing data about their data collection practices. Key industry organizations had collected personal data without communicating the purposes for data collection nor the use of this sensitive information. Findings were not reported to the community, leading individuals to question what had been done with their information and why they should share it in the first place.

Taken together, these poor data collection practices led to mistrust among the community and a reluctance to share personal identity data. There is a need for Canada's film and television industry to move forward in a way that respects community needs and concerns and establishes a foundation of trust with the communities it aims to support.

4. The Current Landscape of Targets, Quotas, and Other Equity Tools

Data collected and reported on through a national data system alone is insufficient to advance equity in the screen industries. Implementing tools such as targets and quotas will ensure gaps identified from the data are addressed, policies are transformed into concrete actions, and that organizations are held accountable to their promises. This section will provide an overview of the existing evidence of the efficacy of targets and quotas in the screen sector, the appetite for targets and quotas, as well as guidelines to inform their development.

4.1 Efficacy of Targets and Quotas

Targets and quotas are increasingly being used in the Canadian and global screen industries to address underrepresentation of equity-deserving communities. However, there are not yet universally accepted best practices for the use of these tools, and they have been designed and implemented in different ways across different contexts and geographies. At a high-level, the use of targets and quotas have had clear positive impacts on representation in the industry. In many instances, these tools have been introduced with the specific goal of achieving gender parity, the with result that women in general (and white women, in particular) have seen welcome improvements in representation. Unfortunately, more nuanced analysis has shown that non-white women and members of other equity-deserving communities have not made comparable gains. It is therefore important that targets and quotas are not viewed as a silver bullet solution. They must be designed and implemented carefully (based on data from a national data system), must be adaptable to changing contexts and feedback integration, and must be implemented alongside other equity-advancing initiatives.

Evidence on the efficacy of targets and quotas is provided below, through examples from across the Canadian and U.K. screen industries, including those focused on gender parity. Because race-based equity initiatives are relatively new in the Canadian film and television industry, data to measure their efficacy remains sparse. Data from Canadian gender parity initiatives can therefore serve as a helpful proxy. Meanwhile, the U.K. data indicates that equity tools designed without due regard for intersectionality may yield unintentionally disproportionate impacts for particular groups.

National Film Board of Canada

In 2016, the National Film Board of Canada (NFB) made a formal commitment that by 2019, half of its productions would be directed by women and half of production spending would be allocated to projects directed by women. In 2017, the NFB added key creative positions including screenwriting, editing, cinematography and music composition to its objectives for gender parity. As of 2020-2021, the NFB had successfully achieved its goals for five consecutive years in terms of both the number of productions and budget allocation and was awarded the Platinum Parity Certification by Women in Governance. As a part of its Indigenous Action Plan, the NFB also committed to ensuring 15% of production spending is allocated to projects by Indigenous directors. In 2019-2020, the NFB achieved this goal. In 2020-2021, just under 15% (14%) of production spending went to works by Indigenous creators, equaling approximately \$5.3 million.

CRTC Women in Production

In 2018, and in response to the continued lack of gender parity in key creative positions, the CRTC, supported by a Steering Committee, brought together Canada's largest public and private broadcasters. The objective was to find lasting solutions to make sure more women play leading roles in the Canadian film and television production industry. Participant broadcasters were Bell Media, Blue Ant Media, CBC/Radio-Canada, Corus Entertainment, WildBrain (formerly DHX), Rogers Media, and TVA Group. Following the summit, all participants agreed to work on voluntary action plans tailored to their businesses and markets to address this issue and take concrete steps towards gender parity.

Since the Summit, broadcasters have successfully increased the number of women playing leading roles in the Canadian film and television production industry, demonstrating progress towards achieving their goal. For example, as a part of Blue Ant's phased approach to reach gender parity for key creatives, for its 2022 slate, it set a target that in 80% of commissioned programs, 50% of key creative positions would be held by women. In the end, Blue Ant exceeded its target with 98% of its projects achieving gender parity⁴. The CBC also made considerable progress towards this goal, with 48% of CBC/Radio-Canada productions having 50% or more women in key creative positions in the 2022/23 year⁵.

Further evidence that gender-based targets have worked is highlighted in the Women in View On Screen (WIVOS) report.

Women in View

The Women in View on Screen report examines the employment of women-identifying and non-binary key creatives. WIVOS 2021 analyzed data from 2017-2019, and looked at film projects financed by Telefilm Canada and scripted English-language television series funded by the CMF. The report followed commitments made by the CBC, Telefilm Canada, the CMF and the CRTC to make tangible progress towards gender parity.

The data showed that the industry-wide percentage of women-directed TV episodes increased from 27% in 2017 to 50% in 2019. This was driven by a 23% increase in the number of TV episodes directed by women at CBC between 2017 and 2019, bringing women's share of directing at the public broadcasters to 60%. In contrast, women's share of directing work at Bell and Corus – where similar gender parity initiatives were not adopted – remained low.

While the results from the WIVOS research illustrate the efficacy of these equity tools, they also highlight the dangers of using broad, high-level targets and quotas as a single solution to underrepresentation. For example, gender parity initiatives during this time frame did not target all areas of the industry and so significant impact was only seen amongst women directors.

⁴ Blue Ant Media, Gender Parity Status Report for 2022, <https://blueantmedia.com/2023/01/gender-parity-status-report-for-2022/>.

⁵ CBC/Radio Canada Women in Production Annual Report, <https://cbc.radio-canada.ca/en/impact-and-accountability/equity-diversity-and-inclusion/gender-parity-measurement/women-in-production-annual-report-2021-2022>.

Women cinematographers saw only an 8% increase since 2017 to just over 17% of TV episodes in 2019.

A more concerning finding was that the gender parity initiatives primarily benefited white women and did not have an impact on racial equity. Of the 43% of women in key creative TV roles in 2019, only 6.44% were Black women and Women of Colour, and 0.94% were Indigenous women. This pattern was seen across directors and writers, and on series led by women showrunners, where there is more work for women overall.

Similar trends were seen in the U.K. following the introduction of the British Film Institute's Diversity Standards - a set of guidelines designed to drive equitable opportunity and improve representation across the screen industries.

The British Film Institute

The British Film Institute (BFI), the United Kingdom's primary film and television organization, established its Diversity Standards framework in 2014, making it one of the earliest attempts to provide equitable opportunities and supports for individuals from underrepresented and underserved communities (as defined by the U.K. Equality Act of 2010)⁶. The Diversity Standards aim to improve representation of these demographic groups in the film and television industry, as well as in games, exhibition and distribution, skills and education, and other relevant organizations.

Requirements vary depending on what kind of funding a project is applying for and at what stage, as well as whether the applicant is seeking funding from the BFI or from other major bodies which have adopted the Standards (such as BBC Film and Film4). The framework includes five main Standards, each of which has subcategories, and all of which provide details and examples of how a production may meet them. The broad categories for film projects are:

- Standard A: On-screen representation, themes and narratives
- Standard B: Creative leadership and project team
- Standard C: Industry access and opportunities
- Standard D: Audience development
- Standard E: Accessibility

As of 2023, film projects must address a minimum of three of these five categories to meet the Standards.

The introduction of these requirements has had a significant positive impact on the U.K. film industry, particularly in their use as a contractual obligation for receipt of funding from BFI or other funding bodies. While they aren't a perfect solution, the Standards are an important measure to both ensure that productions adhere to a baseline minimum of inclusion, and to

⁶ The Equality Act establishes that it is against the law to discriminate against someone based on age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex, or sexual orientation. The BFI adds regional participation, socioeconomic background, and caring responsibilities to this list, as well as acknowledging that this list is not exhaustive.

help shed light on the current state of diversity (or lack thereof) in the industry. The adoption of the Standards for some categories of screen industry awards further incentivises productions to make positive changes in their content and hiring.

In 2020, the BFI produced an initial findings report examining the 235 productions which applied to the Standards between June 2016 and 2019. This report found that 90% of applicants fulfilled or surpassed the minimum criteria for the Standards, which at the time meant meeting at least two of Standards A-D. The remaining 10% were productions which applied for awards but were completed before the Standards were implemented. The vast majority of productions (86%) qualified under Standard A, followed by Standard C (74%) and Standard B (67%)⁷ While benchmark data from prior to the implementation of the Standards is not available, these high percentages would strongly suggest that these quotas had a tangible impact on the inclusion of underrepresented groups and their stories in British filmmaking.

However, the Standards have one significant shortcoming in that they lack granularity regarding what underrepresented groups a production must include. As a result, the majority of improved access and representation deriving from the Standards has privileged women, with much lower gains for members of other demographics. A 2021 article by Nwonka observes that while an emphasis on gender-based inclusion (such as the implementation of 50/50 quotas) moves the needle at least somewhat on meaningful inclusion in the film sector, this can in fact be detrimental for other marginalized groups, particularly racialized people.⁸ Nwonka suggests that race-based “homophily” is a significant factor in this, meaning that people are more likely to have contact with (and therefore collaborate with) other people who share their race.⁹ In the case of regulations like the BFI Standards, this means that the frequently white male gatekeepers and decisionmakers, when confronted with a need to meet a 50/50 standard, are more likely to hire white women. Studies have shown that women are also much more inclined to hire women, but again, many of the individuals in a position to do so are white and are therefore more inclined to hire other white women. While this intra-race prioritization would theoretically also lead to racialized people hiring others of their race, they do not currently have the “critical mass, stake-holding or institutional power” to make such a shift happen on any kind of significant, industry-wide scale.¹⁰

This preference for gender inclusivity over inclusivity of other marginalized groups is apparent in the available data from BFI. A 2020 study looking at the same data as the aforementioned initial findings report found that gender was the most common underrepresented group cited for diversity under both Standard A and Standard B. Gender was followed by Race/Ethnicity in

⁷ British Film Institute, *BFI Diversity Standards: Initial Findings*, January 2020, p. 9.

⁸ Nwonka, Clive. “White Women, White Men, and Intra-Racial Diversity: A Data-Led Analysis of Gender Representation in the UK Film Industry,” *Cultural Sociology*, Vol 15(3), 2021, p. 430.

⁹ Nwonka, Clive. “White Women, White Men, and Intra-Racial Diversity: A Data-Led Analysis of Gender Representation in the UK Film Industry,” *Cultural Sociology*, Vol 15(3), 2021, p. 446.

¹⁰ Nwonka, Clive. “White Women, White Men, and Intra-Racial Diversity: A Data-Led Analysis of Gender Representation in the UK Film Industry,” *Cultural Sociology*, Vol 15(3), 2021, p. 446.

both these categories, but at a much lower rate, particularly when it came to creative leadership and project team (with 71% of productions claiming qualification based on Gender and only 40% claiming qualification based on Race/Ethnicity).¹¹ In contrast, 63% of Standard A productions cited Gender, and 50% cited Race/Ethnicity. These numbers strongly suggest that while the Standards were encouraging creators to tell stories about (or casting) members of racialized communities, those communities were not being adequately represented in decision-making positions on nearly as many projects.

The same disparity between representation and leadership was also true for people with disabilities (38% for Standard A versus 4% for Standard B) and people marginalized based on socioeconomic status (41% versus 3%).¹² Further reflecting the aforementioned conclusion about members of underrepresented communities not being in decision-making positions on movies that claim to represent them, additional data breakdown shows that Socioeconomic Status was cited as being part of a main storyline in 27% of films, and Disability was cited for 26% of films.¹³

While the disparities presented by this data are concerning, the BFI has taken recent steps towards addressing some of these issues. In 2023, the BFI updated their Diversity Standards criteria to the guidelines listed above. Whereas previously films only needed to meet Standard C, plus one of Standards A, B or D, they are now required to meet both Standards C and E, as well as at least one of the other three. The updated requirements place increased emphasis on inclusion of people with disabilities, both in the addition of Standard E and elsewhere, as well as adding “duty of care” requirements to Standard B.

As of 2018, the BFI also provides Inclusion Targets, which are based on proportionality of the U.K.’s working age population. These Targets provide the BFI with discrete goals for each underrepresented community that the Standards aims to engage, both in their internal hiring and in the projects they fund. As of the 2023 Standards update, the Targets also determine the representation criteria for Standard B. This move towards specificity rather than generalization is key, and reflects an evolving understanding of the need for granularity in inclusion initiatives. While the Targets have not been incorporated into the Standards as they apply to funding yet, their use in regard to representation criteria is an important first step.

Most importantly, the BFI has been committed to improving the Standards to better serve underrepresented groups, both through their own data assessments, and through engagement with stakeholders. A 2021 study commissioned by the BFI surveyed stakeholders to discuss the Standards and their application, and resulted in a robust report of the insights and recommendations provided by stakeholders, some of which addressed the issues discussed above.¹⁴ This willingness to hear and respond to feedback is ultimately one of the most valuable qualities that a program like the Diversity Standards can have, as it ensures that targets are

¹¹ Nwonka, Clive. *Race and Ethnicity in the UK Film Industry*, 2020, p. 6.

¹² Nwonka, Clive. *Race and Ethnicity in the UK Film Industry*, 2020, p. 6.

¹³ Nwonka, Clive. *Race and Ethnicity in the UK Film Industry*, 2020, p. 16.

¹⁴ New Inclusion, *Review of the BFI Diversity Standards*, 2021.

being set and will continue to be set in a way that will best support underrepresented populations.

The Doubling Disability Project

While the BFI's Standards are the most significant target-based diversity effort in the U.K. screen industries (particularly due to its impact on funding systems), there is other important diversity-related work being done in the sector as well.

The Creative Diversity Network (CDN) is an organization that aims to increase inclusion in the U.K. television and broadcasting industries through a number of research and advocacy initiatives. One of the most significant of these is Diamond, an industry-wide data collection system which monitors and reports on diversity in the U.K. television broadcasting sector. Data collection has been ongoing for six years, with annual reports providing indications of diversity across different genres and production roles in U.K. original productions commissioned by a range of U.K. broadcasters. The data provided by Diamond is a crucial tool to the ongoing assessment of inclusion in the industry, and can be used to support other, more targeted initiatives.

One such initiative is the CDN's Doubling Disability project, which was established with a goal of doubling the percentage of disabled workers in off-screen roles in the U.K. broadcasting sector. In addition to monitoring disability representation in the sector via Diamond, Doubling Disability also provides resources both for current and aspiring broadcasting workers with disabilities, and for companies looking to make their productions more inclusive. The data gathered by Doubling Disability via Diamond is an important tool for advocacy efforts, as well as helping the broader industry achieve a sense of the current state of the sector and set targets for the future.

According to an interim report from Doubling Disability, the Diamond data set indicated that there was only a 0.9% increase in the representation of disabled people in off-screen television production jobs between 2017-2020.¹⁵ This slow growth indicates that the screen sector needs greater support or encouragement to include people with disabilities in the workforce. With the implementation of BFI's new accessibility-focused change to the Standards, there is hope that people with disabilities can access more opportunities.

Ultimately, the examples above suggest that targets and quotas do work. However, they must be designed to target specific groups, and be supported by other equity-advancing initiatives such as mentorship and training, the creation safe spaces, etc. Guidelines on developing targets and quotas, developed through extensive stakeholder engagement, are outlined in more detail in section 4.4.

4.2 Appetite for Targets and Quotas

Many industry stakeholders agree that a system of targets and quotas (of some kind) is needed to encourage industry action. They noted how setting targets can challenge individual behaviours, question ongoing hiring practices, and encourage people to hire outside of their

¹⁵ Marie Tidball and Catherine Bunting, *Interim Report on Doubling Disability*, 2021, p. 7.

usual roster. As such, equity tools could disrupt the network-based relationships that tend to guide career development in Canada's screen sector.

"[Equity tools] force people to go out of what the norm or what they are familiar with."

Other individuals expressed that targets can encourage racialized people to apply for opportunities where previously they may not have considered themselves qualified. Goal-setting can equally encourage people to recommend different individuals for positions not traditionally held by equity-deserving persons, and prompt recruiters look to at new hiring pools. The act of setting numbers or percentages for industry representation can foster new ways of thinking about recruitment in the industry. Importantly, targets can be considered across all parts of an organization. Targets at all levels of the industry – for below the line and above the line roles, on screen representation, marketing, through to senior leadership – can ensure that representation is increased throughout the entirety of the industry.

Despite the general support for targets and quotas, industry stakeholders felt that the industry was not yet ready to determine exact levels. Instead, the industry can establish key principles that will serve as guidelines to inform target and quota setting.

4.3 Current Industry Approaches to Target and Quota Setting

Several of Canada's screen sector organizations have begun to implement systems of targets and quotas. For certain organizations, numbers have been set to increase internal representation within the organization. For others, the focus is on increasing diversity on screen. Other organizations are still considering how targets and quotas tied to funding envelopes can impact who is operating in key creative roles. Organizations also diverge on the extent to which their goal-setting is publicly shared information, with some adopting strictly internal policies and others publishing outward-facing strategic plans. Telefilm and CBC/Radio-Canada are two organizations that have published their actions plans.

Telefilm implemented the first phase of its Equity and Representation Action Plan in 2020 and reaffirmed its commitment to diversity in Canada's screen sector via its [Equity, Diversity, and Inclusion Action Plan](#) for the period 2022 to 2024. This updated plan outlines Telefilm's multipronged approach to supporting equity, diversity, and inclusion within its operations. Key commitments include:

- In the Development Program, 15 projects in the whole program where at least 50% of producers are Black.
- In the Development Program General Stream, 15 projects where at least 50% of writers and 10 projects where at least 50% of producers are Black or Persons of Colour
- In the Development Program, at least 15 French-language projects submitted to Stream for Black and People of Colour.
- In the Production Program, 16 supported projects where at least one key creative position is held by person identifying as Black or Persons of Colour.
- Minimum 50% representation of new hires and minimum 30% representation of new management hires from underrepresented groups by 2023.

CBC/Radio-Canada has also adopted published targets in its [2022-2025 Equity, Diversity and Inclusion Plan](#). This plan presents the organization's vision to reflect the country's diversity both externally – through its content – and internally – within its workforce. It commits CBC/Radio-Canada to increasing diversity among new hires in leadership roles, increasing retention and promotion rates for individuals from equity-priority groups, and increasing representation in key creative roles across all English- and French-language programs. Specifically, CBC/Radio-Canada commits to:

- Half of all new hires for executive and senior management positions at CBC/Radio-Canada will be Indigenous Peoples, racialized people, or people with disabilities.
- Retention and promotion rates for Indigenous Peoples, racialized people, or people with disabilities will be doubled.
- By 2025, at least one of the key creative roles in all English- and French-language programs will be held by someone who is Indigenous, racialized, a member of LGBTQ2+ communities, or has a disability.

Several individuals expressed the desire to understand the origin of these targets and the reasoning behind adopting these levels. In discussing these two cases with industry stakeholders, the **need for targets to be informed by community consultations** emerged as a central priority.

Moving forward, the guidelines outlined in Section 4.2 and the industry recommendations presented in Section 6 can support the development of **equity tools that are rooted in community** and developed through trust-based relationships.

4.4 Guidelines to Inform Target and Quota Development

The adoption of targets and quotas must be informed by sound data collection and consultation.

Throughout the conversations, many industry stakeholders argued for the need to understand current, baseline levels of representation within an organization. Data collection is a first and crucial step for gaining a fulsome picture of the film and television industry. With numbers in hand, the industry can move towards setting realistic goals. Industry stakeholders pointed out that targets should be set collaboratively, in consultation with equity-deserving groups and other key stakeholders.

Some organizations also wished to monitor the data over a period before fixing any numbers. Tracking progress is crucial to making informed decisions, and the time needed to do so may vary per organization as it communicates with the communities it serves.

Reflecting population distribution could offer an entry point to target setting.

Several industry stakeholders suggested that approaching targets and quotas by looking to population numbers reported by Statistics Canada can serve as an entry point to the discussion. Throughout the research conversations, there was a general sentiment that at a minimum, productions should reflect the communities they serve. In other words, population statistics can serve as industry baselines against which to set targets and quotas. Some industry stakeholders felt that population figures may be the only industry-wide agreeable approach.

There is a need to go beyond population metrics

Although population metrics represent an entry point to target setting, it is important to note that they rarely reflect equitable representation in society. Racialized groups have been discriminated against historically, leading to unequitable population distributions in the present day. Raising such groups up to the proportional population level would not address the effects of that systemic discrimination. This concern is especially crucial for Indigenous populations that have been systematically erased from Canadian society. Several research participants pointed to the need to increase targets and quotas beyond population comparators to address the history of marginalization of underrepresented groups. They indicated the need to offer additional support and pathways to equity-deserving individuals.

Goal-setting must be realistic and attainable.

Whether based on population figures or set above this level, it is key that targets be attainable to successfully achieve progress in the sector. Importantly, attainability may vary depending on the context. One interviewee pointed out that certain genres within the screen sector may have larger pools of diverse talent than others. Geography, language, and other contextual factors can also influence how achievable goals are.

Targets need to evolve in step with industry changes.

As the face of the film and television industry changes, so too must its goals. Screen sector stakeholders reiterated that targets are not fixed, nor are they an end goal, and organizations must continue to make efforts to change their cultures once a given target has been achieved.

“A moving goalpost may be more ideal [...] You may need to improve upon [targets] regularly as you examine what work needs to be done. You cannot stop after achieving targeted goals.”

However, the industry may take time to react to the implementation of quotas and targets. One organization expressed that they are giving their community time to adjust to the changes before increasing their targets. Another noted that targets were set for a three-year period and would be reassessed after that time, indicating a similar adjustment period. These findings point towards a need to periodically re-evaluate figures, but the frequency thereof is not yet clear.

There is no one-size-fits-all standard for the country.

As discussed in relation to a national data collection system, Canada’s film and television industry has varying needs, depending on the geographic location, language, genre, and many other characteristics. Setting blanket targets and quotas across the board would not account for this diversity and could result in unachievable, out of touch goals. There is a need for a system that accommodates these differences, one that is developed locally, in collaboration with the communities it intends to serve.

“Benchmarks or targets that are the same for the whole country would be a mistake, there are so many differences per region.”

On a more granular level, provinces and territories each have different demographics and different priorities. Their demographic make-ups lead them to have differing pools of qualified individuals to draw from. In terms of priorities, territories are more focused on supporting Inuit or First Nations productions than on increasing representation among other equity-deserving groups than provinces. At the very local level, the audiences in rural and urban communities also have divergent needs. Racial equity tools for industry organizations at federal and provincial levels must be designed to respond to these nuances.

Industry stakeholders provided recommendations on how to approach this challenge. One individual suggested that quotas and targets could be increased based on a percentage, such as increasing representation across equity-deserving groups by 10% each year. Another interviewee considered how targets could be tied to specific institutional policy objectives. The latter approach has been adopted by certain institutions. For example, Knowledge Network has implemented initiatives to support Indigenous filmmakers, and the Ontario Public Service¹⁶ has established programs targeted at supporting the Black community.

Goal-setting must be undertaken sensitively to avoid negative industry repercussions.

Setting industry goals can be a controversial topic, and it is key that it be undertaken sensitively. Community buy-in and communications strategies are central to mitigating potential pushback, points elaborated on in Section 5.1.

¹⁶ Although operating outside of the screen sector, the Ontario Public Service nonetheless offers insight into how targets could be designed.

5. Considerations for Implementation

The report, thus far, has established the potential benefits of a national data system and targets and quotas. The report has also laid out the key challenges these initiatives need to address, and the current landscape in which Canada's film and television industry is operating. As one considers how such a system might be implemented, there is a need to ensure broad support and buy-in, to understand how Indigenous peoples will be implicated through the process, to reflect on the context of French Canada, and to adopt complementary measures that promote change within the sector. The following sections examine these points in turn.

5.1 Buy-in

There is a need to promote buy-in (acceptance of and willingness to actively support) both a national data system, as well as equity tools such as targets and quotas at all levels of the industry, from users (producers and key creatives), to funders, broadcasters, unions and guilds, and policymakers. This buy-in is critical for members of equity-deserving groups, including racialized Canadians, as well as those not from these communities.

For a national data system, industry-wide support is needed to increase participation and self-identification rates and obtain the most holistic understanding of the industry. The first step to achieving this goal is to **build trust with communities**, particularly those that have historically been systemically excluded. Information on the system's design, IT infrastructure and security, as well as the way data will be stored and used needs to be communicated with full transparency. Effective communications that highlight the ways in which the data can be used to spur long-term impact and development of the sector will also be useful.

Stakeholders in the Canadian film and television industry, including the CMF and Telefilm, have used one-pagers, videos, and webinars to reach users, address privacy concerns, and ensure buy-in to their data systems. While these are crucial steps, a more coordinated and innovative strategy may be needed as well. For example, the Creative Diversity Network (a U.K.-based organization that aims to enable the UK Broadcasting industry to increase diversity and inspire inclusion) creates engaging promotions and educational videos every year. These videos are sometimes animated or feature well-known actors and creators from the U.K. film and television industry, allowing the message to reach and connect with a wide and diverse group of people.

In addition to gaining community support for data collection, there is a need to consider buy-in strategies for equity tools such as targets and quotas. Individuals who have long benefited from the status quo are less likely to support initiatives that may shift funding and support away from them. As such, buy-in strategies must **clearly communicate the broader benefits of equity tools** and not risk alienating these individuals. One approach noted in the research is to adopt neutral language and frame strategies in relation to 'demographics' as opposed to using 'equity-deserving' language. This shift in language aims to highlight language disparities and regional disparities alongside racial disparities, to encourage widespread support of the overall efforts.

The push for buy-in needs to **come from all sides** – including policymakers and unions and guilds. A clear communication strategy, with a focus on the effectiveness and need for equity tools, will be crucial. It will help to bring everyone on board and ensure the data system is best positioned to accomplish its key objectives and effect change across the industry.

5.2 Indigenous Peoples

Initiatives targeted at collecting data on Indigenous peoples require extensive research, consultation, and partnership. This report did not do a deep dive into Indigenous data governance and sovereignty, but the research did reveal a few key considerations.

First, it is crucial that the initiatives outlined in this report incorporate recommendations from the Royal Commission on Aboriginal Peoples (RCAP), the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation Commission of Canada: Calls to Action (TRC), and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls to Justice.

Fundamental to this are the **core principles of self-governance and self-determination**. To recognize that Indigenous peoples are the experts on their own identities and experiences, they must be brought in as meaningful partners and the ultimate authority on how their data is collected and used. To do so, one must (at minimum) review Indigenous-led research and reports such as the Indigenous Screen Office's (ISO) On-Screen Protocols and Pathways, the Building Trust and Accountability: Report on Eligibility in the Indigenous Screen Sector report by the ISO, APTN and Archipel Research and Consulting, as well as the First Nations Data Governance Strategy by the First Nations Information Governance Centre. It also means working closely with Indigenous researchers, industry stakeholders, and Knowledge Keepers across Canada, including the ISO – an organization that has been a gamechanger for Indigenous creators.

Also, addressing the underrepresentation of Indigenous peoples in the industry will require deeper levels of action and nuance. Data collection and the setting of targets and quotas for Indigenous peoples in the film and television industry has been ongoing for some time and remains insufficient. Anecdotal evidence suggests that due a long history of systemic racism and lack of opportunity, Indigenous people are less inclined towards entering the film and television industry, and that once they do, they do not have the support they need to thrive. **The need to develop a pathway from recruitment to retention is therefore amplified for the Indigenous community.** This may come in the form of increased support for community outreach, capacity building, training and mentorship for both emerging and mid-career Indigenous creators, and networking opportunities. Without these additional supports, targets and quotas for representation will be futile as the talent pool will be too limited. Another consideration is that non-Indigenous people continue to benefit from telling Indigenous stories, and so the need to **protect intellectual property ownership and narrative control** is critical.

There are other, less obvious needs for the industry that require additional research and thought as well. To support Indigenous growth in the industry, **funding and tax credit systems can be made more flexible and inclusive.** For example, it would be helpful for Indigenous production companies to be able to use more of their funding outside of the core production budget – for things like organizational capacity building, informal on-set training, and trust-building with the communities at the centre of their stories (e.g., honoraria for local elders). Another example is allowing Indigenous producers to hire talent across Canada and still be eligible for provincial tax credits in the jurisdiction where principal photography occurs. Such flexibility would allow Indigenous production companies to access a greater pool of Indigenous talent and hire talent near shooting locations such as remote reserves.

As mentioned earlier in this section, the report outlines only a few of the considerations for Indigenous data collection and representation. Further research and consultation is required.

5.3 The French Canada Context

Though this report did not focus specifically on the unique contexts of Québec and French-language minority communities, these stakeholders require special consideration when being incorporated into equity initiatives such as a national data system and the setting of targets and quotas. This section of the report was informed by conversations with key stakeholders at the Société de développement des entreprises culturelles (SODEC) and desk research.

Language and terminology around equity is one of the biggest considerations. Direct translations for equity-related language between English and French are not possible, and Franco-Canadians rarely use concepts such as “BIPOC” and “racialized”. Instead, provincial government guidelines and policy refer to “communautés ethnoculturelles” or ethnocultural communities that can (and often do) include Caucasian individuals from non-Canadian backgrounds. Stakeholders in Québec’s film and television industry – such as Québec’s main provincial funder SODEC – must work within this framework and ensure their own policies and plans are aligned with the provincial government’s. This adds a level of complexity to their participation in a national data system where the framework being used, and priorities, will likely differ to those used by the rest of the country.

To add to this complexity, stakeholders in Québec’s film and television industry are operating in a sensitive political environment that has less acknowledgement of issues of underrepresentation and discrimination, and is therefore less open to explicit equity-related initiatives. Currently, funders prioritize and collect data on company ownership and key positions within the company – not key creative positions as is commonly the case outside Québec. This approach prevents them from collecting data on several key demographic characteristics such as disability and sexual orientation as it is too easy to identify the individual when considering a small handful of company executives. They will need to expand or shift their scope of data collection to include key creatives and all demographic characteristics to align with the national objectives – a shift that stakeholders suggested may receive pushback.

In addition, Québec’s film and television industry stakeholders are not currently using targets or quotas and therefore the data they collect is not used for evaluating projects/applications. Data is used to develop effective outreach strategies and ensure their program requirements and processes are understood by potential applicants from all communities. Implementing equity-related targets and quotas may also receive further push-back in Québec and will need to be dealt with sensitively.

5.4 Complementary Initiatives

As standalone measures, a national data collection system and equity tools are insufficient for creating meaningful change in Canada’s screen sector. There is a need to implement complementary equity-focused initiatives to first understand, and then to address the systemic barriers at play. Complementary measures include anti-oppression training, mentorship programs, and new funding streams, which we elaborate on below. Several industry stakeholders voiced this priority and provided strategies for moving beyond performative measures.

Conversations with industry stakeholders demonstrated that many have already implemented measures to encourage such change. Organizations spoke of their research to uncover barriers to entry, anti-oppression training for internal staff, mentorship programs to build the skills of equity-deserving individuals, and systems of targets and quotas to track their progress. Each of these initiatives has its benefits, but none of them can achieve culture change alone. A holistic system that is seen through an intersectional lens and that prioritizes building trust, ensuring privacy, and respecting the humanity of the communities it aims to serve is needed to transform the Canada's screen sector.

In parallel to adopting outward-facing measures, organizations must **address internal biases**. From interpreting and presenting data, to allocating sector funding, biases can impact outcomes for equity-deserving individuals. Multiple industry stakeholders raised the need for staff – key among them data analysts and senior leadership – to undertake anti-oppression training and data equity training. Through such training, staff can learn how their biases inform how they are interpreting, presenting, and communicating findings.

There is also a crucial need to **develop a pathway, from recruitment through to retention**. A common argument for not adopting targets and quotas is that a qualified pool of candidates does not exist. There is a parallel need to question why this pool is not present and how this challenge can be overcome. As such, strategies to increase representation can support efforts to promote buy-in for adopting targets and quotas.

Parallel initiatives such as scholarships and mentorship programs can help build the pool and encourage individuals of diverse backgrounds to enter these fields. Mentorship programs could consider placing equity-deserving individuals with key creatives, so they can learn how to enter higher-level roles. Dedicated funding could demonstrate a commitment to developing the pathway.

Challenges persist further down the line with the long-term retention of racialized individuals. Strategies to address retention issues could include leadership development and succession planning that target funneling equity-deserving individuals into leadership roles. With equity-deserving individuals in leadership roles, their voices can inform and guide the future development of a national data system and the evolution of targets and quotas over time.

6. Recommendations for Implementing a National Data System, Targets, and Quotas

As Canada's film and television industry looks to the future, this report sets out one potential approach to the implementation of a national data system and equity benchmarking tools.

Overall, the Canadian film and television industry needs greater harmonization in data collection and statistical reporting. This research indicates that establishing a national data system would be the most effective way to achieve these aims. The findings also suggest that the potential efficacy of such a system will be limited if isolated to funding in film and television, given the immense role of tax credits in the industry, as well as reluctance on the part of provincial funders to incorporate such a system into only one aspect of their work. As such, the ultimate goal of any national data system should therefore be to capture data across all of the Canadian creative industries.

The phased approach presented here would ensure feedback is collected and incorporated after each step, allow industry stakeholders to adapt to new reporting requirements, and ensure the system is both effective and robust. Learning would be ongoing, and testing and piloting would be critical to progress.

Step 1 – Coordination of the National Funders and Policymakers

- National funders and key policymakers like the Department of Canadian Heritage (PCH) should take steps to harmonize their data collection practices to the greatest extent practical. It is a given that data should continue to be collected through self-identification, and that data needs to be collected on multiple demographic characteristics including race, Indigeneity, gender, sexual orientation, and ability. This intersectional lens will help obtain a holistic understanding of diversity and representation in the industry.
- The most effective means of harmonizing data collection is to implement a unified data system. Given present investment and buy-in, the CMF's PERSONA-ID is a strong candidate to serve as the model for such a system.

Step 2 – Stakeholder Engagement

- Stakeholder engagement will need to be an ongoing part of the design and implementation of a national data system. Community groups such as the Indigenous Screen Office, Disability Screen Office, and Racial Equity Media Collective should be brought in as partners early on to ensure that these diverse voices are incorporated into any further developments of the system.
- A nationwide survey should be conducted to collect feedback from current and potential future users of the system. In particular, the survey should provide insight into hesitations and concerns around sharing data through the system, administrative burden, and technical challenges.
- The survey should be complemented by further consultations with funders, broadcasters, and other industry gatekeepers to address lingering concerns and promote buy-in. In addition, this phase of consultations will be critical to understanding

how the system needs to process and share data in a way that is useful to each distinct organization.

Step 3 – Creation of Independent Non-profit Organization

- A non-profit organization – independent of government and crown agencies – should be formed to house the data system. The organization should be mandated to manage the collection, storage, and reporting of data. This arrangement will ensure resources and funding are consistently targeted towards the data system rather than spread across multiple priorities and programs. It will also help mitigate concerns around sharing personal and sensitive data with those making decisions on projects, or government agencies that have strained relationships with Indigenous and other equity-deserving communities.
- The non-profit organization should receive a combination of stable, core funding year over year, as well as ongoing funding through license fees paid by the funders and broadcasters using the platform.
- The non-profit organization should be governed by a board comprised of representatives from leading film and television organizations – including the national funders as well as members of key community organizations in the sector. Moreover, the board should be expanded and/or adapted as the scope of a national data system evolves (in Step 7).

Step 4 – Incorporation of the National Funders and National Benchmarking Study

- The three national funders – the CMF, Telefilm Canada, and the National Film Board – should be the first to be fully incorporated into a unified system. These organizations have consistently been at the forefront of conversations on a national data system and have already been collecting and reporting on data to various degrees. They also typically have the resources and capacity to commit to a new initiative like this one, if directed and motivated to do so.
- As a means of testing and deploying the system, a national benchmarking study should be undertaken to develop a baseline of representation across the national funders. The baseline will provide insight into a core part of funding to the industry and help to identify groups who are underrepresented.

Step 5 – Design and Implementation of Targets and Quotas for the National Funders

- The principle, “in order to get public money, you must look like the public” must be adopted by the national funders, through the design and implementation of targets and quotas. Implementation at the national funder level first will serve as a proof of concept to learn from and emulate for future industry-wide initiatives.
- Targets and quotas must be designed to ensure representation is meaningful. To do so, criteria to meet quotas must mandate that applicants are the primary rights holders attached to a project, and where applicable, a section should be added to application forms that addresses the applicant’s relationship to the communities and content represented.

Step 6 – Provincial and Territorial Funders and Broadcasters

- Step 6 will involve bringing on the provincial and territorial funders, as well as the broadcasters. Many of these organizations are also already collecting demographic data and reporting on it in various ways but have expressed support for and interest in participating in a national data system.
- At this stage, an innovative marketing campaign should be implemented across the country. Transparency around how the system works and its long-term potential for impact on the industry will be key to increasing participation and support.
- Next, having expanded the data system to the major funders and broadcasters across Canada, it is imperative that the industry set national industry-wide targets based on – at a minimum – population metrics. While these targets would not be enforced through accountability measures, they should be front and centre for decision-making in the industry. The targets should also be referred to and compared against in analysis and reporting on the data.
- Because of the unique contexts in which different industry funders and broadcasters operate, those in charge of leading this initiative must work with individual organizations to set relevant and realistic quotas for each. The quotas must also align with and contribute to progress towards the national targets.

Step 7 – Expanding the Scope

- The national data system should next be expanded to include other parts of the Canadian film and television industry, including on-screen and below the line talent.
- It should also be expanded beyond the film and television industry to other creative industries supported by the funders across the country. This scope includes (but is not limited to) interactive and digital media, music, and book publishing – and will require additional research and discussion to ensure the data system works for the unique contexts of these industries. For example, decision-makers will need to determine what “meaningful representation” means in each of these contexts, and who it is critical to collect data from. Regardless, the fundamental elements of the system – including self-identification, the protection of privacy, and the need for useful reporting – remain the same.
- At this stage, there also needs to be a push to understand how a national data system can go beyond working in parallel to other data systems in the industry and be integrated with one another. The combination of demographic data with economic data from the Culture Satellite Account and Creative BC’s CIERA systems could provide an opportunity for more discrete analysis by specific groups of people, by province or territory, or various other categorizations.
- Finally, given large proportions of funding for the creative industries in Canada are provided through tax credits, a national data system should be expanded to include tax credits and all other public funding provided to the creative industries in Canada. This will ensure that a holistic understanding of the sector is obtained.

The roadmap outlined above sets out one approach to the implementation of a comprehensive, unified, and ethical data system across the Canadian film and television industry as well as the creative industries more broadly. Such a system would provide meaningful insights into



funding, distribution and representation, allowing for the implementation of targets and quotas, as well as other equity-related initiatives. These steps will be critical in creating a more diverse, successful, and vibrant Canada.

Appendix A. Overview of Data Collection and Equity Tool Practices

The following table presents the current practices of Canadian funders and broadcasters with regards to data collection and equity tools. These findings were collected through interview notes and online, public sources.

Table 1: Overview of Data Collection and Equity Tool Practices

Organization	Data Collection	Equity Tools
National Funders		
Telefilm Canada	<ul style="list-style-type: none"> Released updated self-identification questionnaire in January 2022 to collect data for program applicants 	<ul style="list-style-type: none"> Targets/quotas set for Black and Persons of Colour
Canada Media Fund	<ul style="list-style-type: none"> As of 2021, CMF collects data on key creatives via its PERSONA-ID system 	<ul style="list-style-type: none"> Intend to set targets/quotas in 2023
National Film Board	<ul style="list-style-type: none"> Launched self-identification questionnaire for filmmakers and production teams working on NFB projects in March 2023 	<ul style="list-style-type: none"> Targets/quotas set for Black and Persons of Colour.
Provincial and Territorial Funders		
Creative BC	<ul style="list-style-type: none"> Began collecting social identity data from funding program applicants in 2020 	<ul style="list-style-type: none"> Do not currently set targets/quotas for key creatives
Ontario Creates	<ul style="list-style-type: none"> Launching data collection project in FY2023 	<ul style="list-style-type: none"> Goals set for specific programs
Newfoundland and Labrador Film Development Corporation	<ul style="list-style-type: none"> Do not collect identity data 	<ul style="list-style-type: none"> Do not set targets/quotas
Nunavut Film Development Corporation	<ul style="list-style-type: none"> No publicly available information 	<ul style="list-style-type: none"> Set goals for the number of productions in an Inuit language
Société de développement des entreprises culturelles (SODEC)	<ul style="list-style-type: none"> Collect data on company ownership and key positions 	<ul style="list-style-type: none"> Do not set targets/quotas
Yukon Media Development	<ul style="list-style-type: none"> Collects data on equity groups since January 2022 through application forms for new programs 	<ul style="list-style-type: none"> Do not set targets/quotas
Broadcasters		
Aboriginal Peoples Television Network (APTN)	<ul style="list-style-type: none"> Collects data on Indigenous identity and gender identity 	<ul style="list-style-type: none"> Do not set targets/quotas

Organization	Data Collection	Equity Tools
Bell Media	<ul style="list-style-type: none"> Collects data on Indigenous identity and gender identity to report to CRTC 	<ul style="list-style-type: none"> No publicly available information
CBC/Radio-Canada	<ul style="list-style-type: none"> Collects data on workforce and key creative roles 	<ul style="list-style-type: none"> Programs have targets based on audience profiles, and targets set for workforce and key creative roles
Corus Entertainment	<ul style="list-style-type: none"> Collects data to report to CRTC 	<ul style="list-style-type: none"> Do not set targets/quotas
Knowledge Network	<ul style="list-style-type: none"> Collects data on company ownership via self-identification questionnaire 	<ul style="list-style-type: none"> Targets for Indigenous and racialized production companies/producers set for 3-year period
Rogers Media	<ul style="list-style-type: none"> Collects data primarily on in-house production to report to CRTC 	<ul style="list-style-type: none"> Do not set targets/quotas
TVO	<ul style="list-style-type: none"> Collects data on company ownership 	<ul style="list-style-type: none"> Targets defined in Strategic Plan: Over a 3-year period, 50% of original titles will require diversity-leaning projects (51% owned)

Appendix B. Overview of Research Conversations

The research team contacted nearly 60 organizations and **spoke with representatives at 42 different organizations**. A complete overview of the organizations contacted is provided in the table below.

Table 2: Overview of Research Conversations

Category	Organization
National Funders	Canadian Media Fund (CMF)
	National Film Board (NFB)
	Telefilm Canada
Provincial and Territorial Funders	Association of Provincial and Territorial Funding Agencies (APTFA)
	Creative BC
	Ontario Creates
	Newfoundland and Labrador Film Development Corporation
	Nunavut Film Development Corporation
	Société de développement des entreprises culturelles (SODEC)
	Yukon Media Development
Canadian Broadcasters	Aboriginal Peoples Television Network (APTN)
	Bell Media
	CBC/Radio-Canada
	Corus Entertainment
	Knowledge
	Rogers Media
	TVO
Federal Government Departments and Agencies	Canadian Audio-Visual Certification Office (CAVCO)
	Canadian Radio-television and Telecommunications Commission (CRTC)
	Department of Canadian Heritage (PCH)
Professional Industry Associations	Association Québécoise de la Production Médiatique (AQPM)
	Alliance des producteurs francophones du Canada (APFC)
	Documentary Organization of Canada (DOC)
Unions and Guilds	Alliance of Canadian Cinema, Television and Radio Artists (ACTRA)
	Directors Guild of Canada (DGC)
	Writers Guild of Canada (WGC)
	International Alliance of Theatrical Stage Employees (IATSE)
Festival and Industry Events	Canadian Academy
	Toronto International Film Festival (TIFF)
BIPOC Sector Organizations	Black Screen Office (BSO)
	BIPOC Film & TV
	Indigenous Screen Office
Canadian Production Companies	Film Forge

Category	Organization
	Scarborough Pictures
International Media Sector	Academy of Motion Picture Arts and Sciences (AMPAS)
	Creative Diversity Network
	South Australian Film Corporation (SAFC)
External Advisors	Canadian Academics
	Canada Research Chairs (CRC)
	Independent Consultants
	Ontario Public Service (OPS) – Anti Racism Directorate and Inclusive Diversity Office
	Fasken – legal advisor

Appendix C. Overview of Privacy Considerations (Provided by Fasken)

Determining which federal, provincial or territorial privacy laws will apply to a national data system is largely dependent on which organizations will lead and participate in the initiative. Different privacy laws apply to public sector versus private sector organizations, and not all private sector, non-profit organizations are subject to privacy laws (depending on where they are located and where the individuals to whom the personal information relates are located). Private sector privacy laws in Alberta, BC, and Quebec apply to the collection, use and disclosure of personal information in those provinces by non-profit organizations.

Other legal requirements, in addition to those set out in privacy laws, may also be relevant to the data collection. For example, Ontario's [Anti-Racism Act \("ARA"\)](#) enables the Ontario government to implement race-based data collection to help identify, remedy, or prevent inequitable racial impacts in its policies and programs. The ARA sets out which public sector organizations are authorized or required to collect specified race-based data in relation to specified programs, services and functions. The ARA's accompanying [Data Standards for the Identification and Monitoring of Systemic Racism](#) provide guidance on how to responsibly collect, manage and use race-based information, and should be taken into consideration if a national data system includes participants from the Ontario public sector.

A national data system will involve the collection, use and disclosure of sensitive personal information about individuals. It is crucial that the system be designed in a manner that protects the privacy rights of individuals and complies with applicable privacy laws. A non-exhaustive list of key privacy considerations (again, without knowing specifically which laws will apply to the system) is as follows:

(a) Consent and Authority

With limited exceptions, private sector organizations must obtain an individual's express consent prior to the collection, use or disclosure of their sensitive personal information. Individuals should be made aware of all purposes for which information is collected, used or disclosed and must understand the consequences of any such collection, use or disclosure. Individuals must be able to withdraw, and in some cases modify, their consent.

In contrast, public sector organizations generally rely on the authority of their statutory mandate to collect, use and disclose personal information, though public sector privacy laws often allow public bodies to rely on consent as well. Where a public body is tasked with collecting or using personal information in connection with a national data system, its authority will depend on the mandate of the public body.

(b) Safeguards to protect personal information

In general, organizations must take steps that are reasonable in the circumstances to safeguard personal information and protect it from theft, loss and unauthorized use or disclosure. Privacy laws are generally not prescriptive about the particular security safeguards that must be employed. The organization that is responsible for a national data system will need to determine what measures are appropriate for protecting personal information, as technology evolves and new risks emerge.

(c) De-identifying and anonymizing personal information

Although some of the personal information that is collected will be retained and used in identifiable form, much of the focus of a national data system is to conduct statistical analysis using aggregate or anonymized data in order to identify industry trends. Using de-identified or anonymized information is a method of protecting the privacy rights of individuals and allows a broader group of stakeholders to study the data for research and other purposes. Privacy laws generally do not apply to personal information once it has been appropriately “de-identified” or “anonymized”. Federally (whether under the private-sector PIPEDA or public-sector Privacy Act), information is not personal information if there is no “serious possibility” that the information can identify an individual, either directly or indirectly. Beginning in September of this year, Quebec’s private sector privacy law will distinguish between de-identified information (which remains subject to the law) and anonymized information. Organizations will only be allowed to anonymize information where there is a reason to do so, and then only in accordance with industry standards. The national data system must employ appropriate techniques to generate anonymized data, consistent with industry best-practices, and steps should be taken to minimize risks of re-identification consistent with applicable laws.

(d) Compliance frameworks

The foregoing considerations can be addressed through the development of a robust data governance framework that sets out the respective roles and responsibilities of all stakeholders who are involved in a national data system. The relevant stakeholders should consider entering into formal information sharing or data use agreements with each other, to clarify what information will be disclosed, who it will be disclosed to, and the purposes for which it may be used.

If the PERSONA-ID platform will be used, we suggest collaborating with CMF to confirm what legal analysis has already been conducted in connection with that platform, including the measures CMF has taken to ensure that the PERSONA-ID platform is compliant with applicable privacy laws. The extent to which the PERSONA-ID platform and data collection system is already compliant (or not) with applicable privacy laws will impact the amount of effort that will be required to address privacy compliance as the initiative moves forward.