

***Open Data, Big Data, Yes ...
Personal Data, No!***

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**Information and Privacy Commissioner
Ontario**

*Right to Know Week
Toronto Board of Trade
September 20, 2012*

25

*Years of
Access
and
Privacy*

**Information and Privacy Commissioner
Ontario, Canada**

“Big Data”

- Each day we create **2.5 quintillion** bytes of data – **90%** of the data today has been created in the past 2 years;
- **Big data** analysis and data analytics promise new opportunities to gain valuable insights and benefits, (e.g., improving pandemic response, advances in cancer research, etc.);
- However, it can also enable expanded surveillance, on a scale previously unimaginable if dealing with personally identifiable data.

So the Message is Simple:

Open Data – Yes

Personal Data – No

*Open Data,
Open Government*



AbD

Access by Design

Access by Design

- **Fundamental principles that encourage a proactive approach to releasing information, “*by default;*”**
- **But *AbD* goes further – beyond automatic access – “pushing” the data out, making it easily accessible to the public (don’t make them have to search for it and “pull” it out);**
- ***AbD* calls for a more open, responsive, efficient and collaborative government.**

Open Data

Unless there is good reason to the contrary, data that is not PII should be:

- Free and open – transparent;
- Easily visible and discoverable;
- Based on open standards and therefore machine-readable and user-friendly;
- Licenced to permit free re-use and transformation by others.

Order PO-3002

- An appellant requested access to a report that the Landlord and Tenant Board had previously provided to him on an ongoing basis;
- After The Board migrated to a new electronic system, it sought to impose a fee of \$16,349 on the appellant to cover the cost of developing the same report on its new system;
- I found this to be completely unreasonable and disallowed the fee in its entirety, ordering the report to be provided to the appellant free of charge.

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER PO-3002

Appeal PA10-235-2

Landlord and Tenant Board

October 14, 2011

Summary: The appellant requested access to a report that the Landlord and Tenant Board had previously provided to him on an ongoing basis, which was produced by electronic means. After it migrated to a new electronic case management system, the Board sought to impose a fee of \$16,349 on the appellant to cover the cost of developing the same report in its new case management system. I find this fee estimate to be totally unreasonable and it is disallowed in its entirety. The Board is ordered to produce the report and to provide it to the appellant without charging a fee.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, s. 2(1) (definition of "record"); ss. 57(1) and (3); s. 63(2); Regulation 460, ss. 2 and 6

Orders and Investigation Reports Considered: Orders P-81, M-555, M-1123, MO-1573, MO-1699

Cases Considered: *Toronto Police Services Board v. Information and Privacy Commissioner*, 2009 ONCA 20; Information and Privacy Commissioner of British Columbia Order 03-16

OVERVIEW:

[1] The Landlord and Tenant Board (the Board) is the administrative tribunal responsible for adjudicating applications under the *Residential Tenancies Act, 2006*.

Components of Open Government

- **Public sector information as a resource**
 - *Optimal public value – working with much broader group of participants*
- **Proactive disclosure – “Open Data” regime**
 - *Greater transparency and legitimacy*
- **Use technology to increase citizen engagement and collaboration in making public policy, and providing service back to individuals – thus enabling greater citizen participation**

Push it Out!

City of Windsor Open Data Initiative



Home > Open Data

Open Data

Open Data Catalogue

Citizens are encouraged to use or re-purpose the City of Windsor's open data for research purposes or to improve their interaction with municipal services and facilities. Members of the community can use the raw data provided here to create and share resources from maps to applications and more.

Name & Information about Data	 CSV	 XLS	 DWG	 SHP
311 Call Stats				
Arenas				
Bylaw and Buildings Statistics				
Community Centres				
Election Results - 2010				
Fire Stations				
Forward Sortation Areas (FSA)				
Heritage Sites				
Land Parcels				
Libraries				
Parks				
Planning Districts				

Open Data in the U.K.

“There are substantial benefits to be gained from sharing data within government – but obviously we need to be scrupulous in protecting personal privacy. So we will proceed with caution, setting ambitious goals but ensuring that we protect privacy at every step.”

— *Open Data White Paper: Unleashing the Potential*,
HM Government, June, 2012.

Open Data White Paper

Unleashing the Potential

#opendata

@uktransparency

@cabinetofficeuk

 HM Government

<http://data.gov.uk/>

Benefits of Open Data, Open Government

- Transparency and accountability
- Consultative, participatory government
- Meaningful citizen engagement
- Economic spinoffs through innovation

*Citizen confidence and enhanced trust =
legitimacy*

“It’s the Public’s Business”

“We do not, and never will, accept the proposition that the business of the public is none of the public’s business.”

— The Honourable Ian Scott, July, 1985.

Conclusions

Open Data – Yes

Open Government – Yes

(Visibility, Transparency, Accountability)

Personal Data - Never

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**For more information on *Privacy by Design*,
please visit: www.privacybydesign.ca**