House of Commons
CANADA

# Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

# Monday, February 7, 2011

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## Chair

**The Honourable Shawn Murphy**

# Standing Committee on Access to Information, Privacy and Ethics

**Monday, February 7, 2011**

● (1530)

[*English*]

**The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)):** I will now call the meeting to order and welcome everyone.

Colleagues, this meeting is a continuation of the committee's ongoing study into open government, or open data, whatever nomenclature you want to use—or both, as Dr. Bennett has indicated.

We're very pleased to have three witnesses with us today. The first witness is Brian Beamish, assistant commissioner, from the Office of the Information and Privacy Commissioner of Ontario. We're also very pleased to have the city manager from the City of Vancouver, Ms. Penny Ballem, and Mr. Guy Michaud, director, information technology services and chief information officer, City of Ottawa.

On behalf of all committee members, I want to extend to each of you a very warm welcome.

We're going to start with opening comments from each of you, and then we'll have questions from members.

We'll start with you, Monsieur Michaud, for five to ten minutes.

[*Translation*]

**Mr. Guy Michaud (Director, Information Technology Services and Chief Information Officer, City Operations, City of Ottawa):** Thank you.

I would first like to thank you for inviting me. Today, I want to talk to you about the City of Ottawa's experience with the Open Data program.

[*English*]

The first question to ask ourselves is, what is open data for the City of Ottawa? For us, it was an opportunity to increase transparency, create awareness of the various parts of the organization, and engage our residents in improving our city.

About a year ago, we launched a huge Service Ottawa program. The idea was to improve services to our residents. Using open data was a means for us to tap into a segment of the community that volunteers their own time and creativity to improve the city and its services. So to the City of Ottawa, open data means more than offering data to the public in a machine-readable format.

Why are we doing it? When we look back at the reason for it, I guess we can say we are maximizing the value of the information we have in front of us. We clearly identified six benefits.

First, we are increasing the city-citizen engagement. We are drawing on the ideas and skills of our citizens to use our data to turn it into information benefiting all of us, from a social, cultural, and environmental point of view. We're tapping into Ottawa's large and diverse, highly educated population.

Second, making our data open encourages external involvement and fosters partnership through multiple facets of the community. The citizens of the city have demonstrated a strong dedication to volunteering in the community. In April of last year, I was privileged to attend what they call a hackerfest. At that session there were over 70 software developers willing to develop software for the city free of charge if we provided them with the open data. This is the kind of engagement that we're getting from our citizens.

Another benefit is economic development. We have a launched an Apps4Ottawa contest using our open data. We have received a tremendous number of applications. We have increased information and services to the tourism industry and to software development. It benefits our citizens and fosters entrepreneurship. When we provide our data, it is free of charge to anyone who wants to use it. As a result, they are able to develop an application, and if they are successful in commercializing it, it's good for them. We have also seen an increase in attendance in events put forward by the city and other organizations.

Another benefit is the collaboration and consolidation of the information. The data we provide from the city can be combined with other publicly available social information, so the developer can create unique and innovative ways for the public to use that information. It's also transparent to the residents. It provides the citizens with an insight into the operation of their city and additional clarity about available services. One of the apps that was developed is the park and rec application. You can download it to a smartphone and it will give you a list of all the parks and recreational facilities of the city. Click on any one of them and it shows where they are located and their hours of operation—that kind of information.

Another benefit is that we are reducing risk and costs. What we have seen is the beginning of fewer ATIP requests. Information is readily available for the public to download and use as they see fit. It allowed the interested and passionate in the community to experiment without restriction. They are normally in a government forum. It's also reducing the risk and the cost associated with software development from a city perspective, because it's the community that does the development and not the city.

Another benefit is that it has encouraged innovation. In the time of tight budgets and fiscal constraint, open data provides a creative solution to the delivery of municipal services and information in a cost-effective way. We have been able to tap into the development and graphic design community in a way that we never thought possible before.

● (1535)

So who benefits from open data? Along this journey we asked ourselves this essential question. While there are limitless numbers of groups that can benefit from this open data, we identified four main groups. The first one is the general public. By making our information available, they can make more use of our facilities and our services.

Another group is researchers. They have been able to access this data and provide interpretation of information using cycles that we do not have to produce. And the strangest things can happen. Public servants use our data to do their own work because it is more readily available.

The third group that benefits from open data are developers who enjoy building applications and making the data usable and valuable. At one of the IT subcommittee meetings at city hall, a group of developers came in and said if we gave them the data, they would develop the application free of charge for the city. In our experience, after a year that is exactly what happened. I will come back to that.

Also political activists can use this information. An example that comes to mind is a website from Ottawa called representme.ca. On that website you type in your postal code and it tells you who represents you at the municipal, provincial, and federal levels. You have access to the resumés of your representatives, everything they vote on, everything they do in the press, etc. So at least the public is very well informed of what the person is now doing.

What was our journey to open data? It began roughly a year ago when a council motion requested a review of the city policy on data dissemination. The council requested staff to make a recommendation to amend the policy to allow for open access to public data that will benefit the city and citizens.

So we began a series of consultations, first with the staff, the city residents, some of the academics, as well as the software community. In April 2010 council approved a motion to adopt the principle of open government. At that point we began to work with other cities in Canada, including Edmonton, Vancouver, and Toronto, eventually forming what we call the G-4, which I believe you have been briefed on at a previous session. The purpose was to collaborate on an open data framework and enhance our current data initiative and sharing in the area of standards, terms of use, and open data website design.

At the time we launched our website we made 17 data sets available for the public to use as they see fit. We asked the public to tell us which data set they would like us to use, and based on their feedback, we began to make those data sets available. We currently are offering 36 different data sets, including information about elections, roadways, rinks, museums, airports, and parks, just to name a few. What we found is that most of them fall into the category of geospatial information, like GPS, including recreational rinks, museums, pools and fields, event planning, and elections.

The website also served as a launching pad for the Apps4Ottawa contest. We are extremely pleased with the results of our Apps4Ottawa contest. With the community involvement, the awareness and excitement that was generated through the contest, which we believe is the most successful.... We know it's the most successful one in Canada, and I've been told, but haven't been able to validate, that it's probably the most successful one in North America.

There were two parts to our contest. The first encouraged people to develop an application using our open data or any open data available from any government organization. As well there was an area where people could submit ideas. In other words, if you do not have the technical background to develop an app but you have an idea that you think could be good for the residents, you can suggest that idea and somebody else can pick it up and develop the application accordingly. A significant number of the apps that were developed were based on ideas submitted by our residents to other residents.

● (1540)

Media interest remains extremely high as we prepare to announce the winners next week, on February 15. We are now focusing our efforts on sustainment, to support the long-term vision.

In summary, the steps we went through were to strategize on how to plan and create awareness. It is all about strong governance and community engagement. We have engaged the public every step of the way, from day one. We did public consultation on open data. When it came time to place the ads for our contest, we had a public session. They told us what the categories should be and who should be on the judging panel, and, as funny as it may seem, there is nobody technical on the judging panel. It is really for the residents and not a technical showpiece. We engaged the public, as I said, and we also engaged the universities and colleges to foster partnerships with our program.

We involved the media in the committee from day one. We held public consultations. We also participated, as I've said, in events in the city to promote the open data environment.

We executed that and then we showcased our success. We gave an example of the application, and we mitigated the risk. There are always questions about privacy and so on, so we put a group in place to review the data before it is published, to make sure we respect the Privacy Act and other aspects.

In summary, right now we are working on maintaining our partnerships, both with the public and those internal to the city, and we are in the process of integrating open data into our business model. That has become a day-to-day activity for us.

In closing, for us, open data has been exciting and a worthwhile journey for the city. We have realized many social and economic benefits, and we have developed better service for our citizens with minimal investment.

We always need to keep in mind that we are here to serve the public, and the goal of open data is to remove the barriers we have to accessing this information, respecting privacy and sensitivity concerns while facilitating access to this information for us and the community to leverage the data and improve community experience and stimulate economic growth.

At this point, I would like to thank the Honourable Shawn Murphy, committee chair, and the members of the standing committee for inviting us here today.

● (1545)

[*Translation*]

**The Chair:** Thank you, Mr. Michaud.

[*English*]

We're now going to move to Mr. Brian Beamish.

**Mr. Brian Beamish (Assistant Commissioner, Access, Office of the Information and Privacy Commissioner of Ontario):** Good afternoon, ladies and gentlemen.

I'd like to start by thanking the standing committee for the opportunity to appear here today and take part in your deliberations on open government.

I'm here to represent my boss, the Ontario Information and Privacy Commissioner, Dr. Ann Cavoukian. Dr. Cavoukian, unfortunately, was not able to be here today, but she sends her regards and regrets. Dr. Cavoukian would like to express her thanks as well that the committee thought to invite the Ontario Information and Privacy Commission.

You may be aware that Dr. Cavoukian and the Ontario commission have the responsibility for overseeing Ontario's two access to information laws: the Freedom of Information and Protection of Privacy Act, which applies to provincial organizations, and the Municipal Freedom of Information and Protection of Privacy Act, which applies to organizations at the municipal level. These two acts may differ in scope, but at the end of the day they both have the same goals; that is to ensure that citizens have access to information to enable them to participate in public life and the political process, and that public servants and politicians are held accountable for their actions.

My role at the commission is as the assistant commissioner responsible for what we call our tribunal services department. It would be my staff who are responsible for handling access to information appeals when citizens feel that the government has not appropriately responded to their request. I would point out as a matter of interest that unlike the federal Information Commissioner, Dr. Cavoukian has the right to require government organizations to disclose information.

I know you've heard a lot of terms probably over your last few weeks. Guy speaks of open data. Other presenters have talked about open government. The terminology that I use will be coloured by my experience as a member of a tribunal that oversees access to information laws. I may, for example, speak more often about proactive disclosure than you may have heard before. But I think at the end of the day, regardless of terminology, the presenters you're hearing, and my two presenters here today and I, are generally speaking about the same objectives.

I'd like to start, if I could, to just give you a little bit of context and background about the Ontario experience. I think it's difficult to talk about open government if at a minimum there is not a fully functional access to information regime in place. In many ways, that is the bedrock on which the concept of open government and open data can be built.

I think in Ontario we've made some significant strides in that direction over the last few years. Let me give you a couple of examples. Like other access to information acts, the Ontario acts require government organizations to make a decision to an access to information request within 30 days. Back when I joined the commission in the late nineties, the number of requests that were being responded to within that 30-day period was around 48%, which was absolutely unacceptable. However, through the work of our office and some very good work done by provincial public servants, that response right now is on an annual basis over 80%. It's not perfect, but I think it shows a recognition by the government of the importance of an access to information regime.

I can also point out that the scope of our acts has been increased within the last few years. In 2006, universities were brought under the ambit of the Access to Information Act, and legislation was introduced last December that will bring hospitals in Ontario under the act as of January 1, 2012. It's embarrassing to say that Ontario was the last province to make that step, but again, I think it's significant that two major gaps in our legislative landscape have been filled.

One final example of some progress we've made that begins to get into the area of open government is that now in Ontario it's a requirement for government ministers and senior civil servants to proactively disclose their expenses. Those expenses are available on our website. So it's a small step in the direction of proactive disclosure and open government.

● (1550)

We've been dealing with this issue of proactive disclosure and open government for years, since the commission came into effect in the 1980s. We're really in a different world now than we were then. The dissemination of government information is so much easier to do now that we're out of a paper-based world.

Increasingly, I think, governments are recognizing that public sector information is a public resource. I look at something like the Australian task force that you've been referred to, and I think it encapsulates the growing sense among governments when it says that releasing government-held information on "as permissive terms as possible will maximise its economic and social value...and reinforce its contribution to a healthy democracy". I think that one segment out of the Australian report really sums up a very important issue.

It may go without saying that the concepts of open government and open data have the full support of my commissioner, Dr. Cavoukian, and, I believe, commissioners across the country. I believe you heard last December that there was a resolution passed by federal and provincial information and privacy commissioners in Whitehorse in September that embraced the concept of open government. Certainly, Dr. Cavoukian, as the Ontario commissioner, fully supports those ideas.

You'll be hearing from others, and have already heard from others, about how to put this into action. I thought in the remaining time I have that I would talk to you about a modest program or our modest contribution—we hope—to open government. That is a program that Dr. Cavoukian launched called Access by Design. We see the concept and principles of Access by Design as the next logical progression as governments look towards the disclosure of government-held information and move into the world of open data.

Some of you may know that Dr. Cavoukian is a world-recognized leader in the area of privacy. In that world, she championed what was called Privacy by Design, which has now taken on a very significant role internationally, both in governments and in business when it comes to how to address privacy issues. The basic concept behind Privacy by Design is to embed privacy into the design and operation of information technologies and systems. In other words, it is to address the privacy issues as you're developing a program rather than as an add-on later. We see Access by Design as a flip side of that very same concept. We believe that governments should be taking a more proactive approach to disclosure, but we do recognize that Access by Design embraces much more than simply proactive disclosure. These are the issues of open data and open government that you have been hearing about.

We have, in support of our Access by Design program, developed seven fundamental principles, which I think have been made available by the clerk to you. We hope and we believe that this set of principles will assist in guiding government organizations as they move into the world of open government and in determining what information to make available to the public and how to do that.

I'm not going to go over all seven. I would just like to touch on a couple of them. The first one, not surprisingly, is to be proactive and not reactive. I have already touched on that idea. We understand that although it's important to have a formal access to information regime, it can be slow, it can be cumbersome, and it can be used by some organizations to delay the release of data. It's time now to move beyond that into a proactive stance, in terms of disclosure of information. Really, it's only in those limited instances—for example, where personal privacy may be at issue—that government should be looking to resort to, or to fall back on, a formal access to information regime.

The second concept I wanted to talk to you about was embedding privacy into design. That's number two. We view this as critical.

● (1555)

When governments are designing new data sets or when they're designing new programs, consideration should be given even at the conceptual stage to how access to this information will be facilitated. Rather than approaching access as an issue to be dealt with down the road, perhaps in response to an access to information request,

governments should be looking at what information they're collecting, what value that information may have, who may want that information, and how they can effectively make it available to the public. We think that by designing access in at the beginning, the benefits of open government and open data can be experienced.

Here are a couple of other thoughts that I think tie in to some of the comments that Guy made. Number four among our principles was fostering collaboration, and I think it's important. I think Guy outlined very well how, when government makes information available, members of the public, the private sector, the non-government sector, or even other government ministries may take advantage of that information and produce some very valuable products from it.

While I was preparing for these comments last week, I came across an article in *The Globe and Mail* that I thought captured this idea. It's entitled "Data Bank a one-stop trove of GTA, regional housing stats". I won't read the whole thing, but it starts by saying:

> How many Toronto families are waiting for social housing? How many rental units are available across the city and how much do they cost on average?
>
> In advance of next week's Greater Toronto Summit, the CivicAction Alliance has unveiled a data bank of housing information for the GTA and surrounding regions, which brings together up-to-date statistics regarding housing, poverty and population trends.
>
> The data are compiled from Statistics Canada information, municipal data and reports from the non-profit and development sectors, and provide a comprehensive picture of housing needs in the City of Toronto as well as the surrounding regions....

I think that's an excellent example of the collaborative spirit that Guy was talking about.

I'll finish my remarks. I just wanted to say that I'm very familiar with the work that Guy is doing at the City of Ottawa. I believe last week you heard from Dave Wallace from the City of Toronto. They're doing tremendous things in this area. I would encourage you to spend 15 or 20 minutes on their websites. You might be surprised at the type of information that's available.

Thank you very much.

**The Chair:** Thank you very much, Mr. Beamish.

We're now going to hear from Penny Ballem, the manager of the City of Vancouver.

[*Translation*]

**Ms. Penny Ballem (City Manager, City of Vancouver):** Thank you for inviting me to appear before you.

[*English*]

It's a privilege and a pleasure to be here today to present Vancouver's experience with open data. As you've heard from our two other speakers today, we embarked on this very important initiative with a view to collaborating with sister and brother municipal governments so that we could take advantage of our shared learnings and move the curve and the agenda of change for us as quickly as possible.

I think what's very clear about success in this particular area is that you need political direction and leadership. In May 2009, our council endorsed the principles of open and accessible data with a very complicated motion, about half of which I didn't really understand. They talked about cadastral data and all this, and most of us were staring at each other. In fact, the essence was that the City of Vancouver will freely share with citizens, business, and other jurisdictions the greatest amount of data possible, while respecting privacy and security concerns. At the end, it was that summarizing statement that gave the direction to staff: get on with this, do it properly, and we're behind you and will support you.

We launched our open data website in September 2009, which was six months after the council motion. I remember the day that council passed this motion. As the city manager, I went out into the lobby outside the council chambers to meet with my staff and talk to them very briefly and give them some direction. I could see that we had our information and our IT staff and some of our senior management all just staring at me asking what this actually meant.

I'll come back to that, because I think the dynamics of getting going on this are very important to understand. Your support and clarity around the intention of this, as our elected officials in government, really makes a difference as to whether action ensues.

We started with 75 data sets—this was information that actually was available on our website, if you had a couple of years to look for it—and basically a sort of divining rod that could take you to it. We have thousands of pages of information on our current website. We're in the process of significantly revamping our website and making it, with a very significant investment, much more user-friendly. But our first step was to take public data that really wasn't found or used by the public and make it user-friendly and actually available.

Today, in February 2011, we have 126 different data sets from our city currently available. Those range from data on our engineering assets to parks and community information, school boundaries, zoning districts and labels, traffic counts, where all traffic signals are, bikeways, rapid transit information, business licences, garbage schedules, recycling schedules. Really, what we did was start with things that were relatively easy, which we knew from our 311 data the public would be very interested in.

That's another piece of advice: start where there's going to be receptivity and interest. Don't start with your most polarized, politicizing data and expect it to go quickly. I think staff understand that and will move.

Since September 2009, we've had 45,000 individual downloads of data sets. That gives you a bit of an idea of the volume. Unlike the City of Ottawa, which is well out ahead of us in terms of public consultation, our consultation was more strategically focused on the community that had been working with our elected officials to say, "Do this; it's the right thing to do". It's the developer community, the information community, some of our academic colleagues. We're a little bit behind the eight ball now, basically embracing our broad public and community in helping them understand how to use this.

We have about 425 visits per day to our open data website. Given the fact that a lot of the data we have on the website is technical, I think this is just a measure of the interest, and that's prior to having a full and extensive public engagement process.

● (1600)

The favourite data downloads of the people who are using our website in the 200,000 visits we've had since we started are of property information. As Monsieur Michaud indicated on the geospatial data, they're very interested in that. On infrastructure data, we have a lot of our development community and our professional community looking for our infrastructure data.

This was one of the places where we had long conversations with our engineering colleagues, who were very concerned about whether the data integrity was sufficient and what risks there were for them to put the data that they use every day out into the public arena. They were...I think "shy" is an interesting word, but they were very nervous that the data wasn't up to date enough and would lead to difficulties.

But at the end of the day, what's very, very clear is that our professional community, our public, and our academic community welcome this, and they understand that the data may not be perfect. You can adequately provide them a measure of the quality of the data as we best understand it. What is happening, as Guy has said, is that they are giving us feedback and helping us improve the data on a much steeper curve and in a much more rapid turnover than would have happened if we had continued managing it just ourselves.

Garbage collection schedules are the most common phone call we receive from our 311 platform. It is one of the most popular downloads, which tells you something. There's not anything very difficult about publishing a garbage collection schedule. Our citizens want it. It seems so simplistic to have not gotten to that earlier.

As we set up our open data catalogue, we had a number of things that we wanted to ensure were an integral part of our first phase of this. The first thing was to provide some tools to assist the user community to use the data correctly or in the best way possible. I'll come back to that.

The other thing, as you've heard, was for us to collaborate with our partners and, in this case, across municipal governments. I think when you're collaborating with partners who share the challenges that you do, it helps you get over them. It's easier to move ahead as a group than on your own.

We asked for feedback on the data: its usability, its friendliness, and obviously what kinds of data sets our users wanted. We also asked our citizens what data they wanted to see next. We gave updates. We made sure, as people revisited the website, that they understood what was new and what had been added. We have worked hard to connect with our wider data community and with the broad array of partners who have a tremendous interest in all of this data.

I think it's fair to say that we've bitten off the low-hanging fruit. Now the challenge is how to keep going. You can look at my little graph. It shows you that our first curve was quite steep. It's still growing now, but it's flatter. I think one of our most important exercises now is to look at what's keeping us from steepening that curve again. Is it the complexity of the data? Is it the difficulty in ensuring that it can be presented in a user-friendly fashion? That's some of what we're working with, both within our own organization and with other municipal governments.

FOI, as you've heard, is an important part of open government and sharing of data. Interestingly, as a general manager...and I've worked in the past as a deputy minister in the province. For those of us at that level of government, at the interface of our elected officials and our bureaucracy, a big part of our job is managing the sharing of information and the strategic advantages, opportunities, and risks with that—and how to do it properly. I would say that FOI is always a very huge opportunity for us, but as you've heard, learning how to manage it more proactively is a challenge that I think many of us could use some help with.

Having looked at our FOI requests, the things that we believe are suitable right away for open data include financial information. We currently share PDF versions of our budgets and all of our financial reports. There's a huge amount of financial information that, on a regular basis, is published and discussed in open council at the municipal level. But we don't provide a lot of detailed breakdowns on an ongoing basis by department or project.

A big area of interest is expense claims of elected officials. Our council has pledged to have those published as they happen, on a quarterly basis.

● (1605)

Regarding the list of contracts between the city and third parties, we publish annually, under our provincial statute, that kind of financial information—but it's once a year. We are now starting to publish quarterly reports of contracts that are procured and issued by the city, and a metric of whether they are procured openly or are sole-sourced, and if so, why. Just the notion that we will be publishing that and the work we've done on procurement in preparation for it has reduced our sole-sourcing of contracts to 2% of all our large competitive contracts.

Dog impound data, interestingly, is a huge source of interest to our public. I have no explanation for that, but we'll be publishing it.

There are our 311 statistics, which are basically all of the data on the people phoning in to our 311 platform and asking questions. Of course, when you start to publish that, it actually makes your organization a lot smarter, because they realize if you're going to publish what citizens are asking, then the next question will be on what we are doing about it.

I can't emphasize...and you've heard a lot from Mr. Michaud about the advantages and what we've learned through this initiative. I think we have learned all the same things, but one of the things for me as the city manager is that this openness around our data makes our organization work much better, and we're more proactive; we think it through. The normalization of the notion that all of what you're doing and all the data that you are collecting will be made public and that's just normal business really ramps up the rigour, the analysis, and the thoughtfulness of the work that we do as public servants.

We have many different requests from our public. Just to give you some examples, they're very interested in community centre data, all of the parks and recreation data. They want data from our cemeteries, cemetery records. I assume these are people doing genealogical research and interested in that...and the Vancouver Public Library.

So we have a long list of things that we plan to release.

One of the ways we've looked at it, which is of assistance to us in terms of the feasibility, is on a risk matrix, where we look at data in terms of its cost and complexity to publish, and then look at it in terms of the public value. When you map your data in that way it actually starts to make it easier to understand how quickly you can make it available and what the end result is going to be.

We've had commercial applications done, which I think you've heard about from previous speakers at this committee. We have academic research. How global warming will transform Vancouver's shoreline is the product of our open data. We have citizens reporting disabled parking abuse through one of the apps that's been developed. I think you know that Vancouver is the centre of online games, and we have a game that's been created called TaxiCity, which was developed by Vancouverites who built the game with our data and are selling it as an entrepreneurial undertaking.

Finally, in regard to the benefits we have found, this whole initiative does transform your relationship with community. It builds trust. It allows you to engage with your community in a completely different way, and it's very empowering to our public and our partners. It enhances the return on investments in data—collecting data and keeping it. Ensuring that it's quality data does cost money, and if you're able to share it and get all of the corollary benefits, it's hugely beneficial. There's economic development, transformation, and value for money in the public sector, because we are learning quite quickly about where citizen self-service could actually be initiated through the kinds of things citizens want. And I think it's building partnerships with other governments, which is very effective.

I'm going to stop there and just say that in the next year we're going to be developing simple tools for our citizens. We hope to develop and see a common website; our G-4 group is looking at developing a common website and sharing that with other government and crown agencies. We want to build open data principles into all of our work and normalize it and therefore steepen the curve of change.

●(1610)

[*Translation*]

Ladies and gentlemen, thank you for giving me the opportunity to appear before your committee.

[*English*]

**The Chair:** Thank you very much, Ms. Ballem.

I want to thank all three for three excellent presentations that will be very helpful to this committee on this issue. You're very out front in this emerging issue, and certainly you and your organizations and entities are all to be congratulated.

We're going to start with the first round for seven minutes.

Dr. Bennett, for seven minutes.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Thank you. That was great.

As other levels of government, you must have some observations on the status of the federal government at the present time in that you need some of their data as well in order to do your work. We were concerned when *Government Information Quarterly* had us as the leader in access to information laws and recently put us dead last in parliamentary democracies.

If you were writing our report, what would be the recommendations that you would want in this report in terms of how the federal government can catch up? It seems from what I think we've heard that a lot of it is attitudinal. If the leader says, "Thou shalt be open", as Obama did, then things tend to happen. Obviously, there is a legislative framework as well that actually makes it not optional.

I would like you to tell us what you think needs to happen and where the problems are from your point of view in terms of federal access in terms of open government and open data.

Also, Mr. Michaud, obviously you have the same challenge we do in terms of the two official languages. How have you sorted that out? I think we heard from Toronto that they have lots of things in 70 languages, but the federal official language legislation means that we need to be hard markers on this.

●(1615)

**Mr. Guy Michaud:** I'm going to answer first.

There were two parts to your question, and I will start with the part on how we dealt with the official languages. We did not. What happened is that most of the data we produced was geospatial data. We never got, to my knowledge, a request to get this information translated. It is what it is. We give it in the language in which it was entered, and that's it. We have never received any request to get that information translated. That's the first aspect. I hope I answered your question.

The other part of your question was what recommendation we would give to the federal government. I'm not trying to give some advice, but I think we should stop talking about it and just do it. I mean, give the support to the various departments to make the data available. They are smart guys. I used to be with the feds. There are a lot of smart people there. I believe they know what they are doing. Start with knowing your data. Start with data that will not raise any concerns, such as positions of buildings, parks, etc., and see what happens.

At some point in time, you have to take a leap of faith. I will talk to you about my own personal experience. I was the new CIO when my team put forward the idea and the motion. After discussion, I said, "Let's do this." It has been very beneficial to the city and its residents.

My recommendation is to just do it. Based on feedback that I received from representatives of various departments, people are very anxious to start. They want to do it.

**Dr. Penny Ballem:** I would like to emphasize the same approach. Start simple. Have your departments bring forward their suggestions. It isn't rocket science. I think that the benefit in terms of the capacity of the public to understand some of the complexities of public policy is enhanced when they actually have the ability to see the data.

We engage in very difficult discussions on a regular basis on different public policy issues. When the data is out there, and it's the best data that we have available, and it comes together with data from other levels of government, then you have half the story available and transparent. Then you can get on to the difficult solutions and not spend your whole time trying to educate people. I really believe it steepens the curve of good public policy implementation and solving the problems that we face as all levels of government and the public sector.

**Mr. Brian Beamish:** Maybe I could also comment. We're lucky. At our office we have both the provincial and municipal levels, so we have a little flavour of both. I think at the provincial level in Ontario there has been an admirable attempt and a lot of effort made to strengthen the formal process. I gave you some examples, and there are lots of those.

I think what this will now take is to say that's the formal process but that's not the default position. Government disclosure of information doesn't have to rely on an access to information request. In fact, that should be the exception. But I think that's coming.

I think it's interesting that the examples of governments that are doing this well in Canada tend to be at the municipal level. I don't know why that is. Whether they are more nimble and they can turn things around...I don't know. Maybe it's the type of information they make available. I don't know that the mayor of Toronto knew what he was doing when he said we're committed to open government, but his staff went with it and they have done some remarkable things.

As both of my colleagues have said, let staff loose and let them get at this and get the job done.

● (1620)

**The Chair:** Thank you very much, Dr. Bennett.

We're now going to move to Madame Freeman.

[*Translation*]

You have seven minutes.

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Thank you.

I first want to thank you for your presentations, which were extremely interesting. I am going to ask a question that is very important to me.

In Ontario, Dr. Cavoukian launched the Access by Design program. You consolidated the Access to Information Act and the Privacy Act. So, you must take into account provisions on privacy at the outset of any process. This is what has been brought to our attention regarding your access to information approach. I would like you to explain to us how you operate. I think that this approach has also been implemented in companies you work with in Ontario, such as Hydro One.

I would like to know what exactly you are doing in the cities of Toronto, Vancouver and Ottawa to protect privacy when disclosing personal information. In addition, I will ask all of you a question to which no clear answer has been given so far.

I would like to know how you process information requests in French. You said that you provide geospatial, environmental and weather data, which is relatively straightforward. However, there must be some cases with much more complex information involving activities like downloading. How do you provide information when a request is submitted in French?

I would like to ask Mr. Beamish a question.

With regard to the Access to Information Act, you used to process only 40% of requests within 30 days. However, you have succeeded in increasing that rate to 80%. I would like to know how you achieved that. It could inspire many people at the federal level.

[*English*]

**Mr. Brian Beamish:** Maybe I'll start with the last question first. There were a number of steps that were taken to increase that response rate. I think the key was to bring it to the attention of senior government officials and ministers that their response rate was

unacceptable. So we did a number of things. In our annual report, I mentioned that we started reporting, on a ministry by ministry basis, what their response rates were. That attracted a fair amount of media attention each year, as it was reported that a particular ministry may have had a 20% response rate.

Also, we worked with the government to include in deputy ministers' employment contracts a responsibility to improve the access to information regime. That brought it to senior management's attention. It became something that deputy ministers are measured on. That message quickly made it through to people reporting to them, that this access to information was no longer a nuisance; it was part of everybody's job and couldn't be put off until there was time to do it.

You mentioned how we protect personal information. Did I get that right, from the translation?

● (1625)

[*Translation*]

**Mrs. Carole Freeman:** I read about Ms. Cavoukian's approach, which broadly consolidates the Access to Information Act and the Privacy Act. Regarding proactive disclosure, she said that the Privacy Act must be applied from the outset instead of later on in the process. I find this approach extremely dynamic and interesting. I would like to know more about it.

[*English*]

**Mr. Brian Beamish:** When it comes to addressing access and privacy issues, in many ways they're different sides of the same coin.

What we've said on the privacy side is that as governments are establishing programs that may collect or use citizens' personal information, even at the very conceptual stage they need to start asking the right questions—i.e., how can we protect the privacy and confidentiality and security of this information?

We're suggesting that the same approach be taken on the access side. In other words, as a government ministry establishes a program or is embarking on an exercise that will be creating or collecting data, we're suggesting that they ask those same questions: what are we collecting, and should we be making this public? Sometimes I'm not sure those questions are asked at the outset of a program. What are we collecting, and what should we be making public? Build into the system an access system right from the start.

If those approaches are taken, I think concerns about personal information will also be addressed.

**Dr. Penny Ballem:** Just to build on that, when I spoke about normalizing the use of open data, you're starting off with an assumption that as much as possible it will be public. So you do have to then structure it so that you know, first, what level of data can be shared that will not permit anyone to be personally identified through that data; and secondly, you build in the vehicles and the levers to allow you to share it easily and readily.

I think it's fair to say that up until very recently, most bureaucracies—the ones I've worked in—have never really thought, "Okay, if we're going to build a data set, how are we going to make it public?" That's usually the last thing they actually think about. I think we're now going through a transformation where, quite quickly, that is starting to become the norm. Therefore, as I said earlier, it makes us do better work. You think about it differently, and you set it up differently. Then you don't face the barriers as you try to move to make it public.

The protection of personal information, or the collection of different metrics that could allow you, with some accuracy, to probably predict who a person was, is critically important, but I think with some thought and proper planning at the beginning you can absolutely safeguard.

One of the things that is very important is a good relationship with your local office of your privacy commissioner. Certainly in British Columbia, as a city manager or a deputy minister, having a good relationship with the commissioner of privacy is fundamental to your ability to safeguard the public interest, to do a good job, and to be successful.

[*Translation*]

**The Chair:** Thank you, Mrs. Freeman.

[*English*]

Mr. Siksay, seven minutes.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thank you, Chair.

I'd like to thank all the witnesses for their testimony today. We almost got to real testimony from Mr. Michaud there. I thought he was going to get all evangelical on us. He did a little bit, actually.

Dr. Ballem, I want to come back to something you said earlier. I understand how we've seen some new applications that are interesting. Some are fun and some are very practical. I'm getting that side of things. But you mentioned that you saw a role for open data in improving public understanding of key issues, and that when data was shared it often moved the discussion to solutions faster.

I wonder if there's an example in something that you've seen at the City of Vancouver where it actually happened, and that might then help us appreciate how that changed the kind of discourse that happened between council and the public.

**Dr. Penny Ballem:** Well, I can give you a couple of examples.

A very brief one is that we had an app that was developed, called VanTrash. Anybody in the public could dial up and find out when their trash and recycling were going to be collected.

What that did—and I think Monsieur Michaud mentioned it—was that our own staff on the 311 line and in the sanitation department actually started to realize that their schedules and how they did their work were now being analyzed and critiqued by the public. So they're taking quite a different attitude to how they set up their schedules. And our 311 staff are using that app immediately so they can turn a citizen's call around much more quickly.

On a more complex agenda, we recently reported back to council on our housing and homelessness agenda, which is a very high-priority issue for our mayor and council. It's a very difficult problem in Vancouver. It's nothing new. It's been going on for a long time, but we have a council and a mayor who really want to steepen the curve of making some positive change.

We spent many months developing a presentation to them that had a lot of data in it and that collected data that wasn't normally brought into that discussion. We haven't put it on the website in an open data form—in other words, that people could go in and analyze. But we just took the simple step of taking that PowerPoint that told the comprehensive story in about 60 slides and making it available to the media and putting it on our website. It's amazing the response from so many different partners and agencies and even individual citizens. And the media have come back to us to said, "Wow, I understand this whole issue much better than I did yesterday before I went through it."

And it's not a terribly high-tech way to do business, but I think we're learning that telling the story and using good data and the best data that you have and then being able to share that—particularly if people can go in and analyze your data once you get your data sets—is very powerful and everybody gets smarter, and I believe we'll move faster.

● (1630)

**Mr. Bill Siksay:** I was interested as well when you mentioned that putting the contracts quarterly has increased competition and reduced sole-sourcing. Could you say a bit more about that and the kind of change that's happened there?

**Dr. Penny Ballem:** We embarked on a sort of operational review in the city two years ago to try to meet some significant budget constraints and to keep taxes down, which is a very popular thing to do nowadays. One of the things we realized is that we did not have good control over our procurement processes. So we revamped our policy, and council asked us to share, on a quarterly basis, our results for procurement. As I said, we reported it once a year under the statute. It's very different when you're reporting it quarterly and it's all in a list and you start to see who you're contracting with, the value of the contract, whether it was competitively procured, when it started, and when it finished. And people can start on real time to analyze that. I'll tell you, it's a really good driver to keep your procurement processes very healthy and with a very high integrity, because it's very transparent.

We've compared our data from the last few years, and we're achieving a 98% competitive procurement level on all of our contracts over $300,000. I think that's a metric that is certainly up there as a benchmark, and we're very proud of it. But if you don't publish these things and advertise them, then sometimes you don't even know what the answer to that question is.

**Mr. Bill Siksay:** Dr. Ballem and Mr. Michaud, you both mentioned that you have people working now on the complexity of data and trying to make decisions about that, about how to present it, and about dealing with privacy questions about that.

Have you needed to reorganize the workforce in some way? Have you needed to hire new people to do that kind of work? Have the public servants who work for the city required new training to be able to do that work to make those kinds of decisions? Has that changed the workforce or expanded the workforce in any way?

**Mr. Guy Michaud:** There was no reorganization, no additional staff. If you live in Ottawa, you know that we have some fiscal realities we need to deal with. We did all of this using current staff.

We first engaged the city departments. We have a representative who works with us to make sure we know the data, making sure what the content of it is and what could be made available.

We also have a very strong relationship with the city clerk's office to look into the privacy impact and to get a legal opinion before we make the information available.

So for us there was no increase in staff. Actually, yes, there was an increase in workload at the beginning, but our approach was to try to make it part of the normal process. What we have begun to see in some cases is an increase in the number of requests for information because it's readily available. It had quite the opposite effect. There is always a bump at the beginning, but in the long run we're probably going to be able to have less staff.

● (1635)

**Mr. Bill Siksay:** Dr. Ballem.

**Dr. Penny Ballem:** Thank you.

From our perspective, we can see that we need to build some skill sets in our staff. First of all, as you start to publish data, the ability of the public and partners to pull that data together and create a more complicated story does drive them to do the same thing. I think we who have worked in bureaucracies all know that sharing of information across the bureaucracy isn't something that comes naturally.

I would say our staff is on an enthusiastic learning curve about how much better they can ramp up the integration of data across a lot of interesting policy areas that are important to council. We are trying to provide skills. We're working to put together a small corps of people who are good at that, who like to use it so they can collaborate within the organization to help resource the rest of the department so they can get some help with moving it along faster.

I would say we're building some skills across staff, some of whom have been there a long time. There's a lot of enthusiasm for it.

**The Chair:** Thank you very much, Mr. Siksay.

Ms. Davidson, seven minutes.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** Thanks very much, Mr. Chair.

I'd like to thank our three presenters here this afternoon. I think all of us sitting at this table have certainly enjoyed what you have relayed to us. Sometimes after you've been into a study for as many weeks as we have, you wonder if you're going to hear something new and exciting and different, and I think we've heard that today. I think the message each of you has brought us has been very beneficial.

I'm going to start by asking Mr. Michaud a question, please. You have had some remarkable success, it sounds like, for the length of time you've been involved in this process. I think that you and your organization deserve a lot of credit for that, because I don't think it's an easy thing to do. But the one thing you did outline was that you had public involvement from day one and that you did public

consultation. Could you tell us how you did the public consultation? Outside consultants? In-house? The social media? Or was it a combination?

**Mr. Guy Michaud:** I would like to answer that question by explaining to you my personal journey through this open data event and the consultation.

We at the City of Ottawa have an IT subcommittee. The purpose of the committee is to look at any issues dealing with technology. As I mentioned earlier, we were requested by council to review our data dissemination policy.

If you live in Ottawa, you know we have a fiscal reality to deal with. Those IT subcommittees are open to the public. They are open to delegations. One delegation represented said to the committee if you give us access to the data, we'll develop the application free of charge to the city. That caught a lot of attention from the elected officials. This is how I first became aware of the community out there who wanted to have open data.

Following that, they invited me to what is called a hackerfest, where people go in for a weekend or half an afternoon and develop an application that is good for the region and the city. I saw the *enthousiasme* of the participants. They were trying to work to get a better city. We began to exchange information: their views, what they were looking for, what they need from us. Everything followed after that.

We never used outside consultants. We also talked to our colleagues in other cities and tried to learn from their experiences to see what we could do and what we could share in order to move forward. From day one we began to keep in touch with those individuals. I mentioned earlier the Apps4Ottawa contest we had. We said we would like to launch apps for our contest; what do you recommend for categories, prizes, judging panels, etc.? From day one, they continued to exchange information. We never used outside consultants. We used the residents. That's how we did it.

● (1640)

**Mrs. Patricia Davidson:** Thank you very much. That's certainly interesting.

Mr. Beamish, I think you indicated that you have responsibilities, both municipal and provincial, through your office, and that you felt that open government was done best at the municipal level.

From my involvement at the municipal level, I can see that the type of data people want is day-to-day, and you are definitely far closer to the people at the municipal level and are dealing with issues that they deal with on a day-to-day basis, whereas once you get to the provincial level you are a little further removed, and at the federal level I think you are a bit more removed again.

First of all, my question would be whether you would agree that this might have something to do with how well it's accepted or perceived to be done.

My other question for you would be this. In your opinion, what kind of federal data do you think would be of high value to Canadians? What would they do with it? What are the possibilities? What kinds of avenues would this open up for us?

**Mr. Brian Beamish:** I agree with your first statement. Just from my own observation in Ontario, I believe that municipalities that have gone down this road have done it better. Not every municipality in Ontario, obviously, has done what the cities of Ottawa or Toronto or Vancouver have done; there is still a patchwork. But those that have engaged in this concept and principle have done a very good job of it.

As to why that is, I don't know. It may be, as you say, that they are closer to the kinds of data people want. It may be that it's easier for them to adopt a principle and philosophy as a collective and put it into action, as compared with other levels of government that are dealing with multiple ministries and such. I'm not sure exactly why it is. Quite often in the United States public policy development happens at the state level rather than the federal level. It may be the same type of thing that's happening here: they are a bit like a laboratory that can try new ideas to see whether they work.

I can speak from the Ontario experience about the kind of data. In addition to the types of things that you've heard about, we have tried to put an emphasis on transparency of expenditures, the general principle being that the public has a right to know how public dollars are being spent.

I've seen a progression. In Ontario we have a Public Sector Salary Disclosure Act; I mentioned in my comments the extent to which posting of expenses is now required; we're making inroads in contracts. In terms of the kinds of formal FOI requests we get, we get a lot based on procurement: who won the competition and how much money they are getting. I think we'll continue to stress that area.

I think public expectations will drive this. I think we're not far from a day when government institutions will have to make their procurement process fully transparent.

**The Chair:** Thank you very much, Ms. Davidson.

Thank you, colleagues. That concludes the first round.

We're now going to go to the second round of questions, for five minutes, starting with Dr. Bennett.

**Hon. Carolyn Bennett:** Thanks very much.

We heard during the summer that different levels of government, particularly the Federation of Canadian Municipalities, would like the census data to be available without their having to pay for it again. They've already paid for it as a taxpayer; why do they have to pay for it again? In terms of the kind of data that you could use, would the census data and survey data that Statistics Canada collects be the first thing you would get up and online to start with?

How much does either of your cities pay to get census data? As I guess Penny knows, at the Public Health Agency of Canada we had the map generator project, whereby you could put the census data up and be able to map, with GIS, problems that you can show your citizens in a very simple way. Would that be one of the recommendations in the report, to get the census data up there and free?

● (1645)

**Dr. Penny Ballem:** Census data is used extensively by municipal governments, as are such things as the household survey and many of the various health surveys that are done. I can't tell you how much

we spend on those, but that kind of data is invaluable to us, and we need to be able to access it as much in real time as possible. There is a host of other StatsCan data that would also serve us extremely well, if we could access it more readily.

Stats Canada, as you know, has developed a number of tools to help fairly sophisticated users utilize their data sets, and I think it will be quite a transformation for them to potentially make it broadly available to all the public. I think the benefit of that enormous treasure trove of really valuable population-based information could be an enormous step forward in this country towards allowing us to address, as I said, important public policy issues.

**Mr. Guy Michaud:** Like my colleague from Vancouver, I can tell you that the information is very important to us, but I cannot tell you how much we are paying for it.

That being said, when we put the motion for open data in front of the IT subcommittee for a vote, one of the questions we got was whether we were going to sell this data. The concept of open data is to make the information freely available. Conceptually, there was an issue about why we should pay twice for the same thing, what the reason would be for doing so.

I used to joke with some of the elected officials that this will foster economic development, and all of us pay taxes, so sooner or later we are going to get the revenue anyway. I think it is better to make the information readily available free of charge and foster economic development.

The point we made also with some of the elected officials is that the process we would have to put in place to monitor who is downloading it and whether they have paid us and everything else would be more costly than the revenue we would get from selling it in the first place. So just make the information readily available—

**Hon. Carolyn Bennett:** Just to follow up on that, by having stuff out there through proactive disclosure, how much money do you think you save in access to information and all those people beavering away trying to—

**Mr. Guy Michaud:** We never did any study to determine how much money we had saved, but let's look at the result of our open data Apps4Ottawa contest. The initial investment was $50,000. That's it. Out of that contest, we received over 100 applications, either for smartphones or for websites, etc. After the first review, about 80 of them are what I would call of high enough quality to be considered for the contest.

Getting 80 applications for an investment of $50,000...? There's no way you could get even one developed for that cost. So we may not have savings, but we sure have a nice return on our investment.

● (1650)

**Mr. Brian Beamish:** I think you raise an interesting point about potential cost savings under the formal access system. I can give you an example. I know that the City of Toronto, between 2008 and 2009, cut their formal FOI requests by more than half, and they had been at one point the largest recipient of FOI requests in the province. So there can be that beneficial effect, although that might not be why you set out down this road.

**The Chair:** Thank you very much, Dr. Bennett.

Mr. Albrecht, you have five minutes.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thank you, Mr. Chair.

I apologize that I wasn't here for the first part of your presentation. I was at another meeting.

I do thank you for your input. I think those of us sitting around this table have not only found this discussion very enlightening, but also it follows up on our government's commitment to increase the accountability and transparency. I'm really thinking we're definitely moving in the right direction. Maybe we need to move more quickly. I think that's the impression we're getting.

I found the fundamental principles, Mr. Beamish, that you brought from your commissioner interesting. My question somewhat follows up on Ms. Bennett's question. The first one talks about being proactive rather than reactive. You indicated eliminating a costly and cumbersome disclosure process in the last part of that first paragraph.... I don't expect you to have the numbers for what the federal costs would be on access to information requests, but certainly, if my memory is correct, when we had Environment Canada officials before this committee, I think there were something like 15 full-time personnel dedicated simply to processing access to information requests. There's a twofold reason for that. One is the sheer number of requests that are being made, but the other is the complexity in terms of having to dialogue with other departments and so on.

To follow up on the earlier question, would you suggest—I think your earlier response indicated this—that possibly we could expect a 50% reduction in the costs of continuing with the current system of access to information requests if we were to move to a more open data availability?

**Mr. Brian Beamish:** The example I gave was the City of Toronto, and they did experience a 50% reduction in the number of requests. The comment I would make is that the resources that organizations have to commit to access to information, to the formal request process, while most of them may have staff who are dedicated to that—and my colleagues can comment—the commitment of resources does go far beyond that. For example, normally the information that needs to be retrieved does not sit with the FOI office; it sits with finance or parks and recreation or another arm of the ministry. It involves a lot of people whose main job is not access to information.

Then I did mention the role of our office in an appeal. So individuals put in a request, get a response, aren't satisfied, and they have the right to appeal to their provincial access to information

commissioner, or federally. That, again, involves time and resources that I would suggest could be better spent elsewhere.

**Mr. Harold Albrecht:** I wonder if Dr. Ballem has any response to the question of estimating the potential savings. Certainly, we want to improve efficiency. I think that's clear. You pointed out that this will create economic development opportunities, and we get that. But on the other side of it, there is also the savings aspect, which I think would be good for the Canadian public to know.

**Dr. Penny Ballem:** Thank you, Mr. Member.

This is what I would say. We've experienced quite an increase in freedom of information requests. At a certain point, it's related to a changing government. Really, I think the way you can use this initiative to actually address that is to deconstruct what kind of request you're getting and what is absolutely amenable to just releasing the information regularly and proactively. There's a fair amount of those requests where you can do that.

The Vancouver Police Department uses this, for example. When media put forward FOI requests, they post that on their website. So actually by posting the requests you're getting, and you're not able to identify the requester, that also opens it up and makes it more transparent for the public and everybody to know what we're dealing with. Without any disrespect to my colleague, there is some silliness around FOI sometimes that consumes an enormous amount of time. By being transparent about what people are asking for, that helps mitigate that, and it helps the privacy commissioner understand what you're dealing with when you're having difficulty responding.

I've spent my whole career dealing with a statute that encourages us to share information. It's very, very important. I think, really, we have to continually transform how we're doing that business to make sure we are responsive under the law and responding to our citizens' needs. Sometimes it's not easy, but you have to remain creative. This open data initiative will do nothing but actually help us with that.

● (1655)

**The Chair:** Thank you very much, Mr. Albrecht.

Madame Thi Lac.

[Translation]

**Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ):** Thank you very much.

My first question is for Ms. Ballem. When I visited the site data. vancouver.ca/datacatalogue/ that you created, I tried to download documents and files made available by the City of Vancouver. In most cases, my computer did not have the programs required for opening these files and, in other cases, the downloads could not be completed. Do you think that the current data sharing method is effective for Canadians who are not computer experts?

[*English*]

**Dr. Penny Ballem:** I think your question is about one of the most important challenges ahead of us. Our data is being used by a broad array of people. Some of them have a lot of expertise in data analysis and others are just the public. The secret to helping the public use our data and understand it is really in the apps world. Our younger generation particularly has an ability to develop applications to take data that may be quite complex and translate it to make it easily understood. They use some of the new technology that our public is very much taken with and put it to good use. So it's a matter of application development and us developing tools that will make it easier.

[*Translation*]

**Mrs. Ève-Mary Thaï Thi Lac:** Do you feel that the federal government could also come up against similar obstacles by making certain documents available online? I ask that you keep your answer very short.

[*English*]

**Dr. Penny Ballem:** I think every level of government can make use of those methodologies. Every level of government has their mandates and areas. I come from the health sector, which is of importance at both the federal and provincial government levels. There are thousands and thousands of data sets. Many of them are really fairly simple, but they would be of great interest to our public. I believe they could be shared without any risk to individuals or to the policy agenda of a government.

So yes, we've shown that it can be done quickly at a different level, and there's a huge amount of opportunity.

[*Translation*]

**Mrs. Ève-Mary Thaï Thi Lac:** Thank you.

Mr. Michaud, in answer to a question my colleague Mrs. Freeman asked you earlier—and this is a topic that Dr. Bennett also touched on—you said that the City of Ottawa is bilingual. You said that you respond to geospatial data requests in the language of the person making the request and that, so far, you have not come across any translation-related obstacles.

I have something to share with you. Last week, we had a witness at one of our committee meetings. We were shown documents translated by Google and, in one of the documents, to my great bewilderment, it said that Colombia was a model of transparency. Of course, I questioned the witness about this, but it made me realize that, in extreme cases, completely erroneous information could result from translation, even if it is done with the best intentions.

What will be the biggest obstacles to overcome with regard to the translation of requested documents?

**Mr. Guy Michaud:** To answer your question, I would like to talk about data formats. When we make data available for citizens to download, we use the format used by the city. Let's look at the geospatial data example. There are two or three standards in the industry, and we make our data available in a format that is very recognized.

Our residents use a broad array of software, and it's possible that, in certain cases, they may not have the software needed to read the format.

That being said, there are programs that enable users to convert this data. Normally, there should be no problem with text or spreadsheet files. Our long-term objective is to make several formats available in order to facilitate the residents' use of our data.

Regarding translation, I don't foresee any significant difficulties, except perhaps the effort required and the cost of translation. It's true that we use tools to translate certain documents. When the City of Ottawa issues a document, the translation is verified by translators. We have no intention of translating all the material automatically. Personally, I do not foresee any problems. It's a matter of demand and of our ability to meet it. We also have to know whether there is really a demand for bilingual material.

● (1700)

**The Chair:** Thank you, Mrs. Thi Lac.

[*English*]

Mr. Poilievre, you have five minutes.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Thank you very much for appearing today.

I think we all agree that for us to move forward and consider the evolution of open government at a national level, it's important to learn from the experiences of other levels of government.

Do you think that what works at a municipal or provincial level will necessarily work at a federal level?

Any of you can take that.

**Dr. Penny Ballem:** I do. Every level of government has their individual mandates, and the information is of interest to the public and the broader community—the business community, the non-profit community. As an example, your ministry of environment publishes data around permits and approvals, and we permit and approve different things. We permit buildings; the federal government permits mines and environmental assessments. I think it's all kind of the same business.

It may seem more complicated, but I think we're learning through these initiatives that the broader public has a tremendous capacity to deal with that complexity and sophistication. The easier we make it for them to access it, the better they do with it. So I don't see any barriers.

[*Translation*]

**Mr. Guy Michaud:** We don't see any barriers either.

[*English*]

I don't see why it would be more difficult. I think the principles are the same. If the federal government decides to do that, you will be very successful. I don't see any reason why not.

**Mr. Brian Beamish:** I think Monsieur Michaud said exactly what I was thinking, which is that the principles are the same. I know you've heard that Canada wouldn't be the first national jurisdiction to go down this road. There are already some road maps out there—particularly in Great Britain and the United States.

Cultural differences between jurisdictions may need to be considered, but I think the general principles are similar.

**Mr. Pierre Poilievre:** What kind of criteria do you use to determine which data sets you will produce for publication?

**Dr. Penny Ballem:** As I said, when you first start on this, you kind of go with what's easiest, because you're learning. You're bringing your organization along as much as you're bringing the public along.

It's really what's available. As I think many of us said today, don't start with the hardest, most politically sensitive data. Start with what's easy. But then, quite quickly, I think we all need to move to an assumption that all data will become public unless there are compelling reasons not to release it. Then you start to build your data sets in a whole different way.

Really, the criteria include, first and foremost, whether it is sensitive at a personal level. Will it confound privacy legislation and respect it? Is it interesting, and does the public want it?

Those are probably the most important criteria once you're past that.

●(1705)

**Mr. Pierre Poilievre:** How do you determine if the public wants it? For example, with access to information, the government gets hundreds, if not thousands, of requests it never would have guessed it would receive. How do you, on a proactive basis, without actually receiving a request, determine that a data set would be of value to the public?

**Mr. Guy Michaud:** We ask them. It's that simple.

**Mr. Pierre Poilievre:** More particularly, how do you do that?

**Mr. Guy Michaud:** What we did was engage the community. When we did the first data set release, there were 17 of them. The way we did it was we talked to the community, and they said those were the ones they would like to get. As part of our website, we asked the public which data sets they would like to get. Based on that, we saw which data sets they would like to get first, and we began to focus on those, and now we have 36.

Not surprisingly in Ottawa, the number one request was for transit information. Another was the park and rec guide we give to residents. The mayor has now put forward an initiative to make it even more available to our residents.

We asked them, and following the number of requests we received, we focused on those. That is how we did it. We asked them; it was that simple.

**Mr. Pierre Poilievre:** How did you ask them, though?

**Mr. Guy Michaud:** We did it through our website. We have a website called Apps4Ottawa.

**Mr. Pierre Poilievre:** But how do you...?

**Mr. Guy Michaud:** The question was which data set you would like to get. And we just monitored it on a regular basis.

**Mr. Pierre Poilievre:** How did you drive traffic to that site? How did you get people to go to the site? The reason I ask is that I'm sure the percentage of the population that visits your site—with due

respect, I'm sure it's a wonderful site—is rather small, as is the case with all government websites.

**Mr. Guy Michaud:** I think one of the keys to our success was that we engaged the media from day one. We engaged them. And when we publicized our Apps4Ottawa contest, we said that if you need more information, go to our website. On a regular basis we provide regular updates, and they have taken care of the publicity for us. And it hasn't cost the city anything.

**The Chair:** Thank you, Mr. Poilievre.

We'll go to Mr. Siksay for five minutes.

**Mr. Bill Siksay:** Thank you, Chair.

Mr. Michaud, I want to come back to the whole issue of translation and the importance of that or the need to do that. You mentioned that your data is provided in the language, I guess, in which it was gathered and whatnot, and so far, there haven't been any requests for translation.

I'm just wondering, in terms of the participation of citizens in the Apps4Ottawa contest or the folks who are using the data that's provided, if you have any sense that francophones are participating as much as francophones participate in the civic life of Ottawa generally. Is there any difference, or have they been eliminated from participation because a data set might have been in English or...? Is there any sense of that?

**Mr. Guy Michaud:** We don't have a sense of whether anybody was rejected or decided not to participate. But one of the rules of the contest is to encourage people to develop multilingual applications, which is a reflection of the community out there.

Nobody was eliminated if they only provided it in one language, but extra points were provided if they had it for more than one language.

**Mr. Bill Siksay:** But there wasn't any emphasis on French and English as requirements in terms of the contest or anything like that.

**Mr. Guy Michaud:** No. We're making the data available. It's the residents who decide what's important for them and what application they're looking for. We got the community to vote as well on the preferred apps for the residents. It's not only the judges who decide who will win. There will also be a portion where the residents vote.

●(1710)

**Mr. Bill Siksay:** Dr. Ballem and Monsieur Michaud, I'm struggling a little bit with this idea of giving away a public resource to folks who might make private profit out of it in the hope that there is some economic benefit down the road. I hear the argument that this caused some great development and potential development. Are there other aspects of municipal government jurisdiction where governments give away something? Do we give away property? I guess we charge permits...we talked about permits.

I'm struggling here, as you can see, because this whole idea that we give away something the public owns in the hope that private enterprise might turn it into something else is a little troubling in the back of my democratic socialist brain here. Have you had those kinds of conversations in your jurisdictions?

**Dr. Penny Ballem:** Well, yes, and it's interesting that you should ask. This was one of the initial things that some of our staff raised as a concern. Was it ethical for us to provide a public resource—in this case, data—and then allow entrepreneurs to actually use it to make a profit?

There are a couple of things that I would say. First of all, I would absolutely echo Guy Michaud's earlier comments on that. In the end, a prosperous economy is really important. This is public data, and there are a lot of other things that are directly beneficial to the public interest that can also happen with that data. So we decided that we didn't have a problem with that.

However, what we do want to make sure of, in taking that data and making entrepreneurial ventures with it, is that they not come back and limit our ability to continue to share it widely and make it available to our public. There have been some instances where business sector partners have come to us and wanted to do something, but in return have wanted to limit liability or limit different areas of the openness of our whole initiative. This is something that is really important. That will quite quickly compromise the whole intention of this, which is to use open source, to make it widely available, and to allow that wide availability to continue and not be restricted by software licences or that sort of thing. I think Monsieur Michaud is more of a technical expert than I am, but maybe he wants to add something.

**Mr. Guy Michaud:** I would like to make a comment on the statement you made a bit earlier. From our perspective, we don't own the data, but our residents do. We at the municipal level are the custodians of that information. We're just making the information available for them. It's their data.

We can have a long debate about whether they should pay for it or not, but they've already paid for it at least once. Conceptually, I'm not sure why we should pay twice for the same thing. That's my personal opinion.

**Mr. Bill Siksay:** Ultimately, won't property developers make the same argument about city-held land or something like that? They'll say, "As taxpayers we own this land, so why are we paying for it twice?"

**Mr. Guy Michaud:** I am not a city developer. I consider myself a technical person. I'm here to serve the public. The public has paid for that data already. I just give it back to them.

**Mr. Bill Siksay:** Okay.

Thank you.

**The Chair:** Thank you very much.

There's just one issue that I'd like a comment on from Ms. Ballem and Monsieur Michaud. That is on the whole issue of liability. You've indicated that certain geophysical data is published on your data sets. Let us assume that the data was inaccurate through an error being made by one of your staff members and that it was relied upon by—let's assume for the purposes of this discussion—an engineering firm or an architectural firm.

Let's assume that as a result of the erroneous data, the building was built or there was some construction done and it was not built according to code, or the wrong materials were used, or there was some major problem, and that as a result there was a liability. I know

that you people would have disclaimers and all of this, but I'm not sure they would hold up in court.

Have you ever thought of this, or is this an issue that has ever been canvassed by your staff? What would happen? Of course, cities would be looked at in this as having the deep pockets in a lawsuit, so is this an issue that has ever been talked about or discussed? What are your thoughts on it?

Madam Ballem first, please.

**Dr. Penny Ballem:** Yes. It is an issue that is discussed at length. I think Monsieur Michaud can probably give you a more detailed answer.

But of course on the liability and the issue of indemnification of staff and the government itself, it was something that as soon as you...and I would say to the member's question earlier on, if there is anything at the federal level that will slow you down, it will be your in-house legal support, who will have many, many reasons for why you cannot release data.

We, too, have our in-house legal counsel. They started out by being very nervous about this, but I think we work through discussions, and we continue to evolve the framework that actually allows us to put out what in some cases is likely and inevitably to be imperfect data but still feel comfortable that we are protected and not putting our governments at undue risk.

●(1715)

**The Chair:** Mr. Michaud.

**Mr. Guy Michaud:** At the city, since day one we have involved the legal department to see what the risks were with the data we were putting out there. Also, working with my colleagues in the G-4, we engaged a think tank here in Ottawa to look at all the legal aspects of open data from a licensing point of view, liability, and so on, and we compared various provincial legislation to see what the common grounds were.

We are supposed to get the report, I believe, next week, and that will be shared with the other participants of the G-4 and with anybody who requests a copy of the report.

So yes, we did consider liabilities, but they're not really a source of concern at this point. The point I would like to make is if you get a lawsuit because your data is not accurate, this is the data you're using right now, so you're going to get sued anyway. There is nothing magic about what we're doing.

**The Chair:** Thank you very much.

Ms. Davidson, go ahead for up to five minutes.

Mr. Calandra wanted a few minutes at the end. Then we're going to adjourn.

Ms. Davidson.

**Mrs. Patricia Davidson:** Thank you, Mr. Chair.

I'd like to ask Dr. Ballem just a couple of questions.

In your remarks you said that you started with 75 data sets and that there was a significant investment made to make these user-friendly. I just wonder if you could elaborate a little bit more on what "significant investment" means.

Then you also said that some of the departments—engineering, for example—were initially a little bit nervous about the integrity of the data and so on. Then I thought you said you had developed tools so that people could use the data correctly. Could you tell me a little bit about that as well, please?

**Dr. Penny Ballem:** In terms of the actual comfort with releasing our data, that is a very common thing you will encounter. It's to the point that Mr. Michaud made: departments know their data is imperfect, but somehow they think if nobody else knows that, then they're not so concerned. It's the same data whether you make it publicly available or not. What we are finding is that our partners are coming back to us and helping us on a much more rapid basis to actually improve our data. That is actually invaluable. The impact it is having is exactly the opposite of what we feared.

I'm not an expert on the development of tools. I do know, though, that there has been a lot of science with regard to what I would call translational tools that take a shift in data and convert it into what I would call a story so that somebody can understand what that data is telling them. It's really a significant area of innovation right now, which we're using. Whether it's through applications or other kinds of tools, we're actually helping to take data sets that for years public servants and some professionals have used, and we're trying to take them to a place where really anybody could use them without having to be trained extensively.

In terms of the resources we put into this, at the direction of our mayor and council we rolled out this initiative at a time when we were significantly constrained and actually finding areas of savings and efficiencies across our organization, so it wasn't a time of great largesse in our budget process. We had to commit a number of staff to doing the ramp-up of this initiative. We've now reorganized our whole information management and information technology department so that it works as a unified platform for our whole organization, which wasn't the case before when it was quite disparate.

We have both made an investment of staff time and, in some cases, spent some money to allow us to purchase some of the software that is helpful to us, but a lot of what we've come back with has been developed by our partners. As Mr. Michaud has said, there's a huge amount of free, in-kind contribution by not the developers community but the development community, which is so keen to help us move along this route that they are giving their time, their expertise, and, in some cases, their intellectual property for us to use.

● (1720)

**Mrs. Patricia Davidson:** Thank you.

**The Chair:** Thank you, Ms. Davidson.

Okay, that concludes the questions.

I'm going to invite any of the three witnesses, if they have any brief closing remarks they want to leave the committee with, to do so, and then we will go on to other committee business at that point in time.

We'll start with Dr. Ballem.

**Dr. Penny Ballem:** First of all,

[*Translation*]

I want to thank you once again for giving us the opportunity to speak.

[*English*]

It's been a real privilege to be here and to discuss this.

I would only say, fill your boots; go for it. It's an amazing thing to do. Know that you will get initial resistance from your departments because it makes them nervous. I think those of us who've been there understand that, but they have colleagues at another level of government who have experience, who are starting to establish some standards and some practical applications of how to move forward quickly. We are willing to share.

**The Chair:** Mr. Beamish.

**Mr. Brian Beamish:** Some of the discussion about liability brought some memories back to me. Part of my job is to adjudicate access to information appeals. The government agencies come to me and say they can't release that information for such and such a reason. I've probably heard and read it all. There are solutions to these things. These should not be impediments. These are things that have answers. Transparency and accountability are important principles. We encourage you to move forward.

**The Chair:** Monsieur Michaud.

[*Translation*]

**Mr. Guy Michaud:** Thank you for inviting us here today.

The experience of the City of Ottawa has surpassed all our expectations. We are cooperating with other municipalities in developing common standards and tools. For instance, an application developed for the City of Ottawa can easily be transferred to Toronto, Edmonton or Vancouver, or to any other municipality.

The key to our success has been cooperation among the various municipalities and the fact that the community has been involved in the process.

[*English*]

I'm encouraging you guys to go for it. I'm telling you to go for it.

**The Chair:** On behalf of all members of the committee, I want to thank you for your appearance here today. This was interesting, and you've aided the committee's deliberations considerably.

We're now going to move to Mr. Calandra, who wanted a few minutes of the committee's time.

Mr. Calandra, the floor is yours.

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Mr. Chair, I wanted to see if either you or the clerk could update me with respect to the CBC and changes in the hearing dates, as we discussed at the end of the last meeting.

**The Chair:** Yes, we had communication with the parties involved. They weren't able to accommodate us at an earlier date.

Perhaps I'll ask the clerk to speak in more detail.

**The Clerk of the Committee (Mr. Chad Mariage):** Thank you, Mr. Chair.

I was in contact with the CBC last week as per the committee's recommendation. They wrote back saying that our previous negotiations allowed for some give and take. They were ready to come on March 21, and there didn't seem to be any alternate dates that were convenient for them.

**Mr. Paul Calandra:** What dates might we have available in advance of March 21?

**The Chair:** The schedule has been circulated to everyone. On February 9 and 14, we have confirmed witnesses. On February 16, we have one or two confirmed witnesses. There's always some possibility. Then we're into March after that. We have hearings scheduled on this study for February 28, March 2, March 7, and March 9. The committee is trying to get this wrapped up by March 9.

●(1725)

**Mr. Paul Calandra:** Is there some availability on February 16?

**The Chair:** It depends on whether these witnesses confirm or not. For March 9 and some other dates, we're still at the e-mail stage. March 9 is our United Kingdom panel, and we don't yet have it firmed up. These are ongoing discussions we're having with the individuals.

As you can see from the schedule that has been circulated, we are doing pretty good. The U.K. panel hasn't really been firmed up yet, and we're still waiting for one or two of the Australians. The United States is pretty well confirmed.

I'd just point out that with respect to one of the witnesses not confirmed on the 16th, that date has been given to him as an alternate.

**Mr. Paul Calandra:** Is that February 16?

**The Chair:** February 16.

**Mr. Paul Calandra:** I'm sorry, I don't have the schedule with me and that's why I'm having to rely on you, but thank you.

**The Chair:** Okay.

**Mr. Paul Calandra:** Then we do have some time potentially for February 16, if we were to take a look. There is some time on the schedule.

I would seek your permission, Mr. Chair, if we could call the CBC to appear on February 16, seeing as we have some time. I think we're going to need some time to look into this. Then we can, perhaps as a committee, look at some future dates. But since we do have some time on February 16, I'd like us to consider calling them before the committee on February 16.

I will stick to the original thoughts of last week, Mr. Chair. I find it unacceptable that an organization that takes well over $1 billion can't seem to squeeze us into their schedule three months after a motion was passed by this committee. I would respectfully submit that we call them before the committee on February 16 and we reserve that date for a further review and to begin the investigation of the motion I brought forward before Christmas.

**The Chair:** Thank you for your comments. There are just two items, Mr. Calandra.

First of all, to change the committee's schedule I believe would require a motion from you to call whichever witnesses you have in mind.

The second one is important. It's our information that the Office of the Information Commissioner will be issuing a report. We are informed that this report will include an analysis on the Canadian Broadcasting Corporation, which will form the parameter of our hearing, I would assume. We are informed that this report will be tabled prior to March 21. I think it's important that we have that before we have the hearing.

I don't know if they're going to table it before March 16 or not, but I know it will be before March 21. That is an important issue on this whole discussion.

The clerk has pointed out that February 16 was talked about before and they weren't available on that date. There were a number of discussions and e-mails to come to the February 21 date.

●(1730)

**Mr. Paul Calandra:** I don't want to belabour it too much, but I don't want to have to set our schedules based on when the Information Commissioner might issue a report. I'm envisioning a much more extensive hearing than just one day, to be honest with you, Mr. Chair. So if it's in order, I'd like to put a motion forward that we reserve February 16 to commence the investigation or to look at fulfilling the obligations of the motion I passed before Christmas.

**The Chair:** Could you be a little more specific on your motion, Mr. Calandra? Because that's not part of the business of the day, we're going to accept that as notice. That motion will be typed up and circulated and we'll vote on it at Wednesday's meeting, in accordance with the 48 hours' notice.

Could you be just a little more specific as to the witnesses you plan on calling?

**Mr. Paul Calandra:** Mr. Chair, specifically:

> That February 16, 2011, be reserved to commence the study into the access to information at the CBC, as per the motion filed December 14, 2010, and that Mr. Lacroix be compelled to attend.

**The Chair:** And the Information Commissioner, too?

**Mr. Paul Calandra:** No, we can start there.

**The Chair:** We're not going to debate the motion, members. This is going to be for notice only, and the motion will come back to the committee on Wednesday, February 9.

The clerk will clarify the wording. It has to be very specific. Is it to call or to summons Mr. Lacroix?

**Mr. Paul Calandra:** At this point I think we'll say to call Mr. Lacroix for the 16th.

**The Chair:** Okay, so it will be to call Mr. Lacroix to be a witness to testify before the committee on Wednesday, the 16th of February —and we'll get the wording right—as to looking at their compliance with the access to information legislation in Canada.

So that's the gist of it. We'll accept that motion on notice. I will ask the clerk to perhaps go over the wording with Mr. Calandra, and that will be brought back before the committee on Wednesday of this week.

Dr. Bennett, we'll let you speak, but we're not going to debate the motion.

**Hon. Carolyn Bennett:** Mr. Chair, it's process.

I think Mr. Calandra should understand that his representative at the steering committee, Ms. Davidson, did an excellent job taking his wishes forward today at one o'clock—

**The Chair:** Ms. Bennett, could I interrupt you just for a second?

As you know, what goes on at the steering committee is not to be broadcast to the world.

**Hon. Carolyn Bennett:** But this was dealt with at the steering committee, and the clerk told us then that Mr. Lacroix is not available on February 16. So I don't know why we're redoing.... This is now three weeks in a row that a member doesn't seem to understand what their representative on the steering committee has already done.

**An hon. member:** A point of order, Mr. Chair.

**The Chair:** He's within his rights.

The steering committee is not a decision-making body. Any decisions made by the steering committee have to be ratified by this committee. And if the committee as a whole, the majority of the committee, does not agree with the direction or any decision made by the steering committee, it's certainly within their rights to change it or overrule it. We understand that.

**Mr. Harold Albrecht:** A point of order, Mr. Chair.

I think it's incumbent upon you to make a ruling as to the accessibility of what happened in the steering committee to the public. I think you made a point that it should have been in camera, in private, and I think, with all due respect, this member has divulged information that this committee should not be privy to.

**The Chair:** Well, the information of the steering committee is set out in the agenda. That's the—

**Mr. Harold Albrecht:** Mr. Chair, the final decisions, but the actual inner workings of the committee—

**The Chair:** Yes.

**Mr. Harold Albrecht:** —I think if you're going to have it function—

**The Chair:** The deliberations are, yes. You're quite right.

● (1735)

[*Translation*]

**Mrs. Carole Freeman:** I move that the meeting be adjourned.

[*English*]

**The Chair:** Okay.

Order. Madam Freeman has the floor.

[*Translation*]

**Mrs. Carole Freeman:** Please, Mr. Chair, I move that the meeting be adjourned.

[*English*]

**The Chair:** A motion to adjourn?

[*Translation*]

**Mrs. Carole Freeman:** Yes.

[*English*]

**The Chair:** It is 5:30...well, it is 5:35.

Does everyone agree with that, a motion to adjourn?

(Motion agreed to)

**The Chair:** The meeting is adjourned.

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