House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

Monday, February 14, 2011

———

Chair

The Honourable Shawn Murphy

Standing Committee on Access to Information, Privacy and Ethics

Monday, February 14, 2011

● (1530)

[*English*]

The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)): I call the meeting to order.

I want to welcome everyone. This meeting is called pursuant to the standing orders. It's to deal with the committee's ongoing study on open government or open data.

This afternoon's meeting will be broken into three segments. In the first segment, beginning at 3:30, we originally planned to have with us Jennifer Stoddart, the Privacy Commissioner of Canada. Unfortunately, Ms. Stoddart's office notified us this morning that she's very ill today and unable to attend, so we've substituted Madame Chantal Bernier, the assistant privacy commissioner of Canada. She's accompanied by Colin McKay, the director of research, education, and outreach.

I propose to take the first panel until about 4:20. Then we'll bring in the second panel of two witnesses. At 5:15 we'll deal with Madame Freeman's motion.

Madame Bernier, we'll now invite you to make your opening remarks. Please take no longer than 10 minutes. Again, welcome to the committee.

[*Translation*]

Ms. Chantal Bernier (Privacy Commissioner , Assitant Privacy Commissioner): Thank you, Mr. Chair.

Ms. Stoddart sends her sincerest apologies. She would have really liked to be here today.

I would like to begin by applauding the committee for addressing the highly relevant, topical issue of privacy in the context of open government.

As we plead for greater and greater openness in government, the issue necessarily arises of protecting personal information in that context. I think that this is a balance on which we must absolutely focus in a democracy. I am happy to be here today. Hopefully, I can contribute to your discussions.

[*English*]

In September 2010, Canada's federal and territorial access to information and privacy commissioners signed a resolution to endorse and promote open government as a means to enhance transparency and accountability. The resolution specifically stated that open government must afford due consideration to privacy, confidentiality, and security.

Our commissioner's letter to this committee on July 15 addressed this intersection between open government and privacy. It stated that any public interest that favoured disclosure ought to be weighed against the individual interest of the right to privacy. While our office supports increased efforts to bolster online access to governments, greater transparency, accountability, and public engagement, we also urge the government to remain mindful of the responsibility to protect the vast amount of personal information in its possession.

Let me turn to certain privacy concerns that must guide us in our discussion.

Integrating open government and the protection of privacy rests upon several considerations that are particularly put to the test through new information technology. The first relates to the nature of the information. Can seemingly anonymous information become, through technology, personal information? Second, how does the digital age impact on the traditional balance between transparency and privacy? Let me address each consideration separately with concrete examples.

First, what constitutes personal information? There is a difference between open data and open information, or structured and unstructured data, and this nuance is a key aspect of the discussion. Structured data are mostly facts, numbers, statistical sets, geographical maps, weather data, and so forth. These data sets do not contain identifiable personal information. The Privacy Act applies when data are found to contain personal information about an identifiable individual, and the issue is that the line between identifiable and non-identifiable information is becoming increasingly blurred with the emergence of new information technologies. What initially appears to be anonymous information can in some cases be combined with information from other sources and then manipulated using powerful database technologies to produce data that can be linked to specific individuals.

Here are two concrete examples of that. In the first case, an individual complained to our office that an organization had combined Statistics Canada's data on demography with White Pages phone book information to create new personal information and therefore should have required consent to use. Our investigation determined that the particular complaint was not well founded, because the new data produced were about neighbourhoods, not identifiable individuals. Still, it forced us to reflect on the consequences of merging databases.

The second illustration of how seemingly anonymous data can become personal information is in the case of Gordon v. Canada (Minister of Health). We were granted leave to appear in the case, which was heard in Federal Court in 2008. In that case, a journalist's access to information request for data contained in Health Canada's adverse drug reaction information system was granted, except for 12 database fields. These were withheld on the basis that the disclosure could link to identifiable personal information. The court was faced with determining whether the province from which an adverse drug reaction report was received should be exempt from access.

● (1535)

Mr. Justice Gibson found substantial evidence that disclosure of the province field could indeed lead to a serious possibility that an individual could be identified, and that alone was leading to valuable information. Obviously, such identification was not warranted in the public interest.

A second consideration I want to put to you is the impact of the Internet on transparency and privacy. Our office's position on Internet posting of the decisions of administrative tribunals is an example. Federal administrative tribunals are under the jurisdiction of our office and are subject to the Privacy Act. It is our view that the impact of the Internet involves costs to privacy that go well beyond the benefit of public interest.

[*Translation*]

To reconcile the goals of transparency of government and privacy of individuals in relation to administrative tribunals, our office, in collaboration with our provincial counterparts, has developed a guidance document on electronic disclosure of personal information in the decisions of administrative tribunals. This reference document is available on our website.

[*English*]

The guidance document makes a few recommendations that may guide administrative tribunals in ensuring both transparency and protection of privacy. For example, we recommend that a tribunal first assess what legal obligation it has to make its decision available to the public at large. Second, we recommend that it assess whether the public disclosure of the information is necessary and if it is appropriate, again based on public interest. We suggest that public interest be assessed by taking into account a series of considerations, such as protecting the public from fraud, protecting the public from physical harm or professional misconduct, or promoting deterrence. If there is a public interest to disclose personal information, it still must be weighed in relation to sensitivity, to accuracy, and to the possibility of harm that may come to the individual.

I also want to turn to privacy by design. Privacy by design is a pre-emptive approach that requires the integration of privacy considerations into new programs and databases from the outset, not as an afterthought. This concept is essential to open government.

A key part of open government is to build trust between government and the citizens it serves. An important way to do that is to treat people's personal information with respect, to safeguard it, and to ensure it is not inappropriately disclosed. That is why data protection authorities here and around the world are increasingly convinced that governments need to build privacy considerations directly into the design of any program or service through which personal data are being collected. Privacy must be the default position, rather than something acted on as an afterthought.

At an operational level it is important to identify in detail the logistics, architecture, and risks in open government projects. Given the pace with which governments are moving, it is vital that consideration be paid to ongoing privacy training, especially in IT project areas, to proper rules and processes for disclosing information, and to the mechanics and resourcing of the existing access to information and privacy system.

Let me move now to assessing open government initiatives. Every release of government information requires a careful assessment to ensure its continued compliance with the Privacy Act. Each data set must require varied assessment, giving the type of data in question, the intended objectives of releasing the data, the nature of the organization, and the issues at play. We are pleased to assist departments and agencies to strengthen their privacy practices through our review of privacy impact assessments.

● (1540)

[*Translation*]

In conclusion, I want to make it clear that our office supports open government as a key principle of democracy. Transparency should not, however, come at the cost of individuals' statutory rights to privacy. The delicate balance we have established until now between transparency and privacy must not be compromised by new technology that makes information both more accessible and more sought after than ever.

We urge the government to continue to incorporate privacy protection in the development of new IT systems and databases and to continue to value privacy as an immutable characteristic of human dignity.

[*English*]

I thank you. I remain available for questions, as does my colleague, Colin McKay. *Merci beaucoup*.

The Chair: Thank you very much, Madame Bernier.

We're doing two panels, but I'm just going to take it as the first round and the second round, so I thought you might want to take that into consideration.

We're going to start with the first round, which is seven minutes.

Please go ahead, Dr. Bennett.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thank you very much.

I understand that the Privacy Commissioner for Canada has signed a joint resolution on the importance of open government, which was also signed by the information and privacy commissioners of all the provinces and territories, but, shockingly, last week we heard from the CIO of the Treasury Board that there actually is no open government policy yet for the federal government.

You are using words like "pleased to assist departments". That means they don't have to ask you, because without a policy there's no process, no guidelines, and no directive that we will have privacy by design. There isn't a policy, and there are therefore no Treasury Board guidelines requiring that the Privacy Commissioner be consulted if there is a worry that this data set might or should or could reveal information that is private to Canadians.

Can you tell me how on earth you work in this environment in which the federal government has yet to declare that there will be an open government policy? Are you involved in any committees that are actually hoping, crossing their fingers, wishing, or working toward getting an open government policy for the Government of Canada?

● (1545)

Ms. Chantal Bernier: Thank you.

There is actually a Treasury Board directive that makes it mandatory for departments to develop privacy impact assessments for any project or initiative that has implications for the holding of personal data. Those Privacy Act assessments are submitted to our office, and we review them and make recommendations to ensure the protection of privacy.

Should there be, or when there will be, specific open government programs and initiatives, we expect to review a privacy impact assessment and make our recommendations as to how the protection of privacy and the goals of transparency can both be met.

Hon. Carolyn Bennett: When you signed the joint resolution on the importance of open government, did you have to indicate to your provincial and territorial colleagues how far along the Government of Canada was in developing an open government policy?

Ms. Chantal Bernier: Actually, this was at our federal-provincial-territorial meeting last September in Whitehorse. The discussion was very much focused on open government, very much focused on the fact that it was spreading, so to speak, and that it has become the new way to relate to citizens. Along with our colleagues, we wanted to make sure that the principles we felt should guide this new direction were stated; the exercise was very much one of

principles to ensure that we were all coming to the same conclusion as to how governments in Canada should move forward.

Hon. Carolyn Bennett: But is your office involved at the present time in developing an open government policy for the Government of Canada?

Ms. Chantal Bernier: We are not, specifically, but we work very closely with the Treasury Board Secretariat and therefore with the CIO's office. We expect any development in that area to be supported by a privacy impact assessment. We review privacy impact assessments thoroughly and make recommendations. I must say that on the whole, our recommendations are followed.

Hon. Carolyn Bennett: With regard to inclusion by design, are you satisfied that as long as everything has a privacy impact assessment just before it's disclosed, it's okay? My concern is with the work that needs to be done to say that open government means the default position is "open" and that people have to work to prove why it shouldn't be open. Is your office involved in any of that conversation about changing the default position, about changing the most secretive government we've ever had to an open government? Are you saying that there's not any working group now on getting a policy in place for the Government of Canada?

Ms. Chantal Bernier: At this point I'm saying our office is working with the Treasury Board Secretariat, and it has been working with individual departments every time they develop a program or an initiative that can have implications for the handling of personal information.

● (1550)

Hon. Carolyn Bennett: You understand that in the OECD document, Canada stated that by the fall 2010 there would be a single-source, open government portal, and we still haven't seen it. Do you have any idea why this isn't happening or where we are on the road to what they've told the world would be done last fall?

Ms. Chantal Bernier: Unfortunately, I'm not privy to that information at all, or to that work. What I can say is that if there were a specific program set up, then we would definitely be involved to ensure that privacy is duly considered and integrated.

Hon. Carolyn Bennett: The U.K. government has placed numbers on the impetus to a digital economy that comes from making data sets open, and it is in the area of £8 billion. This country is way behind, and sometimes privacy gets the blame for that.

Can you tell us what role you think privacy plays in the lack of forward movement on this, and whether, among your partners in Canada, there is any jurisdiction that seems to be doing better? The cities seem to be moving very quickly on this, and the feds seem to be slow. How are your provincial and territorial colleagues doing?

Ms. Chantal Bernier: We are all very conscious of the risks to privacy; therefore, everyone is proceeding very cautiously.

Our role as of the Office of the Privacy Commissioner is to ensure that the privacy considerations are duly addressed.

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

We now move on to Madame Freeman for seven minutes.

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Good afternoon, Ms. Bernier. Thank you for being here and thank you for your presentation. Good afternoon, Mr. McKay.

I would like to get back to a question that was asked and on which we should really focus. Last week, we had with us Ms. Corinne Charette, Chief Information Officer at the Treasury Board Secretariat. Ms. Charette talked to us about her team developing an open data portal.

You said, without being too specific, that this project is under way and has been approved by the government. I would like to know whether you were expressly consulted on the issue and whether you have been in any way involved in this project.

Ms. Chantal Bernier: We work closely with the Treasury Board Secretariat and we follow developments in open government. We have still not received a privacy impact assessment. We expect that the full project will be submitted to us as a privacy impact assessment and that the Treasury Board will keep us updated on any new developments.

Mrs. Carole Freeman: I understand that you want to be kept up to date on the work done by the Treasury Board, but I asked if you were involved in the process at some point. To be more specific, I would like to know whether the Chief Information Officer of the Treasury Board Secretariat, Ms. Charette, the information commissioner and Ms. Stoddart have met to assess the impacts of this portal. Open government is a huge project. I want to know whether you have worked together on the project at all.

Ms. Chantal Bernier: No, not yet.

Mrs. Carole Freeman: And you have not been consulted, in one way or another, on the topic?

Ms. Chantal Bernier: Not yet. They have not submitted a specific project to us.

Mrs. Carole Freeman: Had you heard that this portal was being created?

Ms. Chantal Bernier: Of course, like everyone else. We are staying informed. We have noted that various initiatives have been taken throughout the government. However, we have not yet been officially provided with a project on open government.

● (1555)

Mrs. Carole Freeman: And if a project was submitted to you, how would you apply the Privacy Act, specifically as part of an open data process?

A representative of the Information and Privacy Commissioner of Ontario appeared before the committee and said that, in an open government, we need to take into consideration personal information from the outset before we even begin the open data disclosure

process. If we wait until the process has already begun to do that, it becomes really unworkable. The Commissioner, Ms. Cavoukian, who is really a champion in her field, suggests this way of operating.

Do you agree with that approach?

Ms. Chantal Bernier: Absolutely. We are in complete agreement with that. We work a lot with Ms. Cavoukian. This is the very approach we take when we review privacy impact assessments. Once the portal is created and submitted to us, we will obviously consider it based on very specific criteria. In the first place, the portal should not provide access to personal information. The main objective of open government is to provide information of public interest. Clearly, we will assess all the technological aspects of the portal in order to ensure that personal information is not disclosed accidentally.

Mrs. Carole Freeman: Okay, I understand.

Ms. Bernier, I am under the impression that you work very closely with commissioners in charge of privacy and access to information from all over the country, even the world. I've noticed that Ms. Stoddart has a very good working relationship with the American government. She works in Europe as well. She is a true champion. She is always being congratulated on all her initiatives.

I have the impression that you work with all those people, but not with the federal government. Am I right?

Ms. Chantal Bernier: Because of all the reviews of privacy impact assessments we conduct, we work very closely with the public federal sector. In addition...

Mrs. Carole Freeman: What do you mean by the federal public sector?

The Treasury Board Secretariat is responsible for applying the Access to Information Act. You say that you have not been involved in the process and that you have not worked with that body. However, you just said that you work closely with everyone. In other words, you do some work, here and there, with departments that publish data, but you do not work with all of them or in a structured way. An open government—and all the witnesses have confirmed this—requires a political will that comes from the top. We are talking about the Treasury Board Secretariat and the department in charge. However, your testimony and your answers to our questions lead us to believe that you were never consulted about the implementation of this project or even of the portal. You say that you work closely with the federal government, but I don't see how you are doing that, except when departments consult you from time to time.

I was asking you if you work with all departments and in a structured way, with a clearly outlined political will from the top.

Ms. Chantal Bernier: You understand that we are agents of Parliament.

Mrs. Carole Freeman: Yes.

Ms. Chantal Bernier: Therefore, we are independent. However, I will clarify how we collaborate. We regularly meet with people from the Treasury Board Secretariat to discuss various topics. We were consulted about and commented on the set of privacy policies that the Secretariat recently developed and published. However, they are clearly free to follow or not follow our recommendations. We have still not been consulted about a portal. We have not received any privacy impact assessments on the issue.

Mrs. Carole Freeman: So then, you were not consulted overall about a portal that would reflect an open government.

Thank you, Ms. Bernier.

● (1600)

[*English*]

The Chair: *Merci, Madame Freeman.*

We're now going to go to Mr. Siksay for seven minutes.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Chair, and thank you for being here, Madame Bernier and Mr. McKay.

Madame Bernier, you've described the privacy impact assessments that you expect when government moves to post personal information or data sets. We've seen in other jurisdictions a really massive increase in the amount of government data that's published and made accessible to folks. Do you anticipate, if we go to this system of a more open government and more open data, an increase in your workload in terms of having to do privacy impact assessments of that kind of massive change in how government approaches publishing its data?

Ms. Chantal Bernier: It is possible, but I would say that we welcome it, in the sense that, as our colleague Ann Cavoukian says, that review of privacy impact assessments really does allow us to instill privacy by design, because if all works well, the privacy impact assessment comes to us before the program or initiative is implemented, which means that we can, right at the inception, make recommendations on how best to protect privacy.

I would expect that the more information is released, the more we will need to ensure safeguards of personal information, so it could indeed impact on our workload; however, I think it would also enhance transparency and privacy at the same time.

Mr. Bill Siksay: Are you anticipating having to review the impact of each data set that is released, or do you make sure that a department would have something in place so that, if that department does it, you don't have to do it for each data set? Otherwise, are you looking at individual data sets specifically?

Ms. Chantal Bernier: Thinking of the wording of the Treasury Board directive that concerns privacy impact assessments, I would say that they would have to submit for our review any initiative or measure that could have an impact on the handling of personal information. That could mean, therefore, that as soon as there is a change in any measure, I would expect it to be put to us to ensure that privacy is duly reflected.

My colleague would like to add something.

Mr. Colin McKay (Director, Research, Education and Outreach, Office of the Privacy Commissioner of Canada): In the point we made about privacy by design, what's also important is that government database managers put in the controls within their own systems so that they understand the impact of the information they're considering for release. Ideally, they have structured their data sets so that they know ahead of time, before they come to us, the scope of what they're considering releasing and how it may interrelate with other data sets that have been made available.

One of the things we're doing as well is speaking to statisticians about guidance and possible explanatory materials for both public servants and private sector individuals who are considering this sort of data set publication, to give them some advice on whether or not they're entering into a situation in which there might be the disclosure of personal information.

Mr. Bill Siksay: You touched on the extra privacy implications related to combinations of data sets and gave an example. How do you possibly put in place a policy that deals with the possibility of personal information being disclosed when different data sets are being disclosed across the breadth of government? How would you know how one department's data would affect things in combination somewhere else, and how do you put a system in place that would challenge people to make those kinds of considerations?

Mr. Colin McKay: Luckily, as was mentioned, we have other governments that are ahead of the game. The United States and Britain have put into place processes that approach the release of data sets in a more structured way, and they take into consideration those sorts of complications and try to anticipate them. As assistant commissioner Bernier mentioned, we've had cases in which we've had to take steps to make sure that data sets weren't released, simply because there was the potential for that sort of re-identification, but it is really an opportunity to structure our information holdings in a more efficient way to allow us to handle them in such a way that they can be given to the public for further processing, rather than trying to avoid crises and avoid complications.

Mr. Bill Siksay: Madam Bernier flagged that training in the IT department was something that would need to be done around all of this. Has that kind of training begun, or have you been asked to provide that kind of training? What would be done differently from what is happening now, for instance? What kind of training would be necessary?

Ms. Chantal Bernier: Well, first of all, as my colleague said, we have technologists who are capable of looking at how different databases could possibly work together. They are capable of analyzing the technological impacts of various initiatives.

In relation to training, of course it is the first responsibility of the departments to train their staff and to put in place the technological and policy safeguards that protect privacy. That being said, we also contribute. For example, we have training on our expectations in relation to privacy impact assessments. We have training to the School of Public Service on the rights to privacy in policies. However, it is first and foremost the department's responsibility to ensure that they develop policies and practices that are respectful of privacy.

● (1605)

Mr. Bill Siksay: Are you concerned about consistency across government with regard to training, or would you have any input into that?

Ms. Chantal Bernier: The Treasury Board Secretariat should ensure, absolutely, the highest level of training and cohesiveness among the public service.

Mr. Bill Siksay: Okay.

Thank you, Chair.

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

Go ahead, Ms. Davidson, for seven minutes.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thanks very much, Mr. Chair, and thank you, Madame Bernier and Mr. McKay, for joining us this afternoon.

I think that we're all in agreement that more open government is certainly something we're all working towards, but I think we also recognize that there are a lot of complexities to the issue that we definitely need to understand better so that we know where we're going.

You talked about open government definitely being a clear principle of democracy. I think that's a very commonly held thought, but from what you've just told us, ithere's also a pretty delicate balance between open government and protection of privacy.

I'm wondering if you could elaborate a little bit more on how we achieve that balance. Can we achieve it without putting in unreasonable time constraints?

Ms. Chantal Bernier: The first step of the balance is to ensure that open government actually does not jeopardize the protection of personal information. That is done through policies that will direct staff on how to put information forward in an open government context and through making sure that the technology, the electronic infrastructure that would support open government, is sound and cannot be compromised to reach protected personal information.

Should personal information be disclosed—because, for example, there is a consideration that it is within the public interest—then that "public interest" definition should be quite clear so that there is indeed consistency and legitimacy to that decision.

Mrs. Patricia Davidson: Okay.

In your opening remarks you talked about specific concerns in using data compiled from different areas or different departments. Of course, we've been told over and over again that for open government, data have to be in an extremely usable form so that

people can take the data from wherever and manipulate or use the data in whatever way they determine is in their best interest.

How do you safeguard against data being manipulated in some form that is going to be dangerous for protection of privacy?

Ms. Chantal Bernier: That concern is more and more being voiced under the phrase "the ethics of analytics".

We realize that we have more possibilities for not only amassing personal information but for generating, through aggregation of the information received, an even more specific profile of a person. We realize that we truly need to have an ethical framework for that.

As we discover new models for, say, energy rates and the consumption of electricity, we realize that some people would actually like to have billing tailored to their personal consumption, which could reveal very personal information about usage. Combined with other information, it could actually draw a rather intrusive profile of an individual. That needs to be addressed, absolutely, through a proper ethical and legal framework to ensure that the principles of privacy we still adhere to—even in this new context of information technology—are respected.

● (1610)

Mrs. Patricia Davidson: We had the Information Commissioner before us a couple of times last year, or maybe more than that. I know she was here in April and again in November. She talked about open government initiatives and about the initiatives that have been taking place in the United States, in the United Kingdom, and in Australia. These are areas we are still going to hear from. We haven't at this point.

Are you aware of any specific issues those countries have experienced? If you are aware of specific issues, are there recommendations we can take into account as we're working our way through this report so that we do not fall under the same issues they had?

Ms. Chantal Bernier: I don't have any study in mind specifically. We would be happy to get back to you on that. Of course, each country has different contexts. There was a specific case that you will remember, the debacle of the British MPs' expenses. What was interesting was that the decision on what should be revealed was predicated upon the system in Great Britain for the management of the accounts or the supervision of the expenses.

I think we need to make some adaptation from country to country. Right now I do not have in mind the results of some studies, but if that is something the committee is interested in, we could get back to you on it.

Mrs. Patricia Davidson: Yes, I think we would be interested in that.

During your opening remarks, you also cautioned us a bit about Internet postings of tribunal decisions. Could you elaborate a bit more on that, please?

Ms. Chantal Bernier: Certainly.

I would actually take you back first to a more general statement by the Chief Justice of the Supreme Court of Canada, Beverley McLachlin, who herself has brought forward the idea that we have now such a context of dissemination of information that the open court principle has taken a meaning that goes way beyond what was originally envisaged.

The open court principle is there to shed light on the court—not necessarily on the parties—and to hold the court accountable. The situation now is that the posting of decisions on the Internet actually sheds light on the parties, and when you bring this specifically to the context of federal administrative tribunals—tribunals that deal with very personal and sensitive information, such as disability, grievances, and discrimination—the posting on the Internet may actually bring a cost to privacy that goes far beyond the public interest served.

I would like to share with you a simple anecdote. I received an email this summer from someone asking me for advice, saying that they had just found out that their grievance to a federal administrative tribunal was about to proceed and that they under-stood the decision could be posted on the Internet. Since they had alleged issues of discrimination, they were afraid that if indeed the decision were posted, it could hurt their career in the future. The person asked if I thought they should drop the grievance in light of that. Of course my answer was that I could not take that decision for them, but they should assume that it would be posted on the Internet, because we have not been successful yet in bringing the kind of discretion we would like to see.

The reason I share this anecdote with you is that I thought it brought to the fore the possibility of inhibiting access to administrative justice for the reason that the Internet has brought a differential impact on privacy that goes beyond what was originally anticipated or envisaged.

● (1615)

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

That concludes the time allocated to the first round. We are going to ask you, Madame Bernier, if you have any closing comments you want to leave with the committee. Then we're going to suspend for a minute to invite the second panel. We'll start with Mr. Easter when we return.

Madame Bernier, do you have any closing comments you want to leave with the committee?

Ms. Chantal Bernier: I believe I will simply summarize by again saying that I applaud this committee for addressing this issue. It is highly topical, and I believe we need to be seized of the privacy considerations toward open government to ensure that as we further the goals of transparency, we still maintain the deep value we afford to privacy.

Merci beaucoup, monsieur le président.

The Chair: I want to confirm something. I believe there was an undertaking given to Ms. Davidson that if there are any international materials, you're going to provide them to the committee.

Would providing those materials within three weeks be appro-priate, Mr. McKay?

Ms. Chantal Bernier: I will do that with pleasure.

The Chair: Okay, I appreciate that.

On behalf of all members of the committee, I want to thank both of you for appearing today. Your testimony was very valuable. On behalf of the committee, please pass on our best wishes to Madam Stoddart. Hopefully she will get better soon.

Ms. Chantal Bernier: Thank you very much.

The Chair: We're going to suspend for one minute and then we'll start the second panel.

● (1615)
_____ (Pause) _____

● (1615)

The Chair: I call the meeting back to order.

This is the second panel of witnesses we have today to deal with the ongoing study in open government.

The committee is very pleased to have, first of all, Madame Tracey Lauriault. Her resumé has been circulated. It's very extensive. She's done a lot of work on this particular issue.

We also have Mr. David Mason, executive director of Visible Government, who is also well informed on this particular issue.

On behalf of all members of the committee, I want to welcome both of you to the committee today. We're going to go until about 5:15, so we have about an hour. If you wish, I invite you to provide the committee with any open comments you have.

We'll start with you, Madame Lauriault.

● (1620)

Ms. Tracey Lauriault (As an Individual): Good afternoon, everybody, and of course happy Valentine's Day. It's great to be talking about data on such a wonderful day.

I received a great homework assignment from your clerk, and most of that homework is available to you in my submission, which I hope you've received.

I won't be going through everything that's in the submission, however. As an overview, I've introduced to you what civil society groups are about and what they do. I've introduced to you two civil society organizations, namely the Community Data Consortium and the Federation of Canadian Municipalities' quality of life reporting system. I've also introduced in that submission the Geomatics and Cartographic Research Centre, which is an official university research centre that uses quite a lot of data, but also produces data.

Then I talk about why open government is important. I provide some of the issues. I discuss which public data should be made available according to the perspective of community-based research groups, how the federal government can move towards more open government data policies, and ways to consult with users. Finally, I provide some recommendations.

I'm not going to focus on all of this today, but on the community-based organizations, on the research organizations, and on issues and recommendations.

I will begin with community-based organizations. There are thousands of them across Canada, and these organizations are heavily involved with doing work critically important to civil society. Some of their work involves such things as helping the homeless or working on issues of food security, as well as urban planning, education, population health, etc.

The Community Data Consortium is an organization that group-purchases Statistics Canada data on a consortium type of licence. It would do so otherwise, except that as we all know, Statistics Canada data is cost-recovered—and therefore very expensive—and has very exclusive and restrictive sharing licences. Therefore, they've had to form this consortium so that they can share between and among themselves, build a data-sharing type of entity and infrastructure, and develop capacity-building on how to use public data to inform their users.

The Community Data Consortium consists of 17 data consortia from 50 municipalities, cities, and regions across the country. It has 850 members, which includes school boards, police forces, counties, cities, large metropolitan areas, the United Way, social planning councils, and community health and resource centres, just to name a few of the 850. In here we have community-based researchers who use all kinds of public data from multiple government institutions, primarily from Statistics Canada, to do evidence-based decision-making at the local scale. These groups use these data to inform human services plans, poverty reduction strategies, sustainable development and environment, population health, etc., and as I discussed, they do so through this infrastructure called the Community Data Consortium.

What's important to these groups is to have data that are aggregated at the level of the community, so we're talking about neighbourhoods, health districts, city wards, etc. We're talking about a sub-municipal scale. The reason is that when you start looking at trends and patterns at the community scale, you can focus better and better target your efforts to meet the mandate of the variety of the civil society organizations you represent. I've given you a list of those organizations.

The quality of life reporting system, which is produced by the Federation of Canadian Municipalities, includes 24 cities in seven provinces across Canada. It collects data from CMHC, Industry Canada, Citizenship and Immigration Canada, Environment Canada, Elections Canada, the private sector, provinces, and NGOs, as well as collecting administrative data from the 24 cities involved in this project. They produce an indicator system that crosses 10 domains, such as demographic, civic engagement, community infrastructure, education, environment, etc., just to name a few.

They also have a great tool call the "municipal data collection tool". They have an official in each city who scurries through their respective municipal institutions to find data related to homelessness, to housing, to recreational facilities, to the quality of the public parks and swimming pools, and so on. They find out much it costs to take a bus in your city and what the issues related to social assistance are. They find out if people can afford those things.

● (1625)

They also have a data visualization tool they're going to be releasing in the summer. As you are probably all aware, they produce a number of really important thematic reports nationally that also have local flavours in the 24 cities. While we can have national platforms on housing and homelessness, immigration, and social infrastructure, we know that there are particularities in each city that differ. Calgary is not Vancouver, and it is not Halifax. However, there are some national strategies that these reports inform. They use data as evidence to inform a variety of those issues.

There's also the Geomatics and Cartographic Research Centre. It's an official research centre at Carleton University. The focus of that research centre is primarily open source interoperability, cybercartography, archiving, and preservation. It also produces atlases—multimedia, multi-sensory, dynamic, and engaging types of atlases—on a variety of issues, such as indigenous knowledge, aboriginal peoples in the north and treaties, the risk of homelessness, and a variety of other issues.

This research centre gets its resources primarily from public funds. They therefore believe that the outcomes of their research belong to the public. Therefore, their atlases and the committees within which they conduct their work focus on using open data whenever possible. If they produce data, they share those data in open formats and under open licences. They use and develop open-source technologies, they develop interoperable technologies, and they distribute the technologies they produce and the products they use under open BSD types of licensing.

These three organizations—the Community Data Consortium, the Federation of Canadian Municipalities quality of life reporting system, and the Geomatics and Cartographic Research Centre—represent about 1,000 data researchers across the country who all use, manipulate, study, and analyze public data at a variety of scales in their communities.

The Chair: Madame Lauriault, you're at seven and a half minutes, so could you perhaps conclude in a couple of minutes?

However, the main reason I'm interrupting is to ask if you could slow down a little bit for the sake of the interpreters.

Ms. Tracey Lauriault: Yes, I keep forgetting the poor ladies back there who are translating.

Excusez-moi, mesdames. Je parle un peu trop vite. Je vais faire de mon mieux.

These research organizations work in universities and communities, and they could all benefit from a more open government and an open data policy. Why? Because they could focus on their research and not focus on trying to find money to pay for public data. They could focus on actually using the data, as opposed to spending 70% of their time—and I really mean it, because I spend a lot of time doing this—trying to find those data in the myriad government institutions we have at all levels of government in Canada.

They could also benefit from that policy by not having to negotiate with public administrators on licensing. It's very difficult to negotiate access to data to do social research and policy research. No one is asking for private data; everyone's asking for aggregated data according to whatever geography they use when they do their area of analysis. If you ever try to negotiate access, in the current context of risk-averseness in the public service, to a public data set that may or may not make a particular minister look good, you will not get access to those data, because there is no overarching policy that guides how public officials should make decisions on the data sets they're using.

We have a number of issues, such as lack of public data standards in terms of formats. In particular, for the community groups I work with, data aggregation is important. The federal government does not have a mandate, it believes, to serve communities, yet that's where we live. We all live in a neighbourhood. We all live in a ward. We all live in a city or a county, and so on. We would ask that data be aggregated according to commonly recognized geographies—that is, according to these different communities as well as to Statistics Canada-recognized geographies and to the geographies of federal electoral districts or health districts.

There are regressive cost recovery policies. We often joke that you have to mortgage the house to study homelessness in Canada. That is deplorable. These are our public data. We have paid for these public data already through taxation. Please fund Statistics Canada in a way that it does not have to sell its public data. Don't make them give their data away free tomorrow, but then not properly fund them to do so. Increase their budget to cover the costs they would no longer recover, and let those public data be available to citizens so that they can do this great work these community groups are doing.

I already mentioned the issue of restrictive and non-interoperable data licensing. I already mentioned to you the lack of data access policies and the absence of data discovery mechanisms, which means that there is no portal and there is no catalogue. You're talking to all these federal departments and crown corporations and agencies. You have to make cold calls, and each time you make a cold call, you talk to at least 20 or 30 people before you find the data set, and then you have to negotiate. Please make those data easier to find; as well, organize them and wrap them in good descriptions with good metadata.

Also, mandate that anybody who receives public research funding in Canada must have a data management strategy. It's deplorable that when Canadian research is done, researchers aren't mandated or financially supported to share their data. This is very simple. CIHR has started to do this; as well, the International Polar Year is an excellent example of one of the first research funding projects that has done that in Canada.

In addition, we're not archiving and preserving our data. Please support the creation of a data archive for Canada. It would just make sense. These are our heritage resources; let's keep them and maintain them for the long term.

Of course, there is a lack of research funding generally on issues related to research around data.

Finally, I'll conclude with some basic recommendations. You can go through the submission in more detail later. I provide you with names of organizations you can consult with and things you can do, but immediately appoint an entity called the chief data officer in each agency and each department. That individual's role and responsibility would be to conduct an inventory in the agency of what those data resources are, who produces them, and how they produce them. The officer would wrap them in all those good open-access and metadata types of principles and data management principles. Then he or she would create a portal so that when researchers and these civil society organizations in Canada do their work, they can call one person, not 50 people, for one data set.

● (1630)

If you think of the Federation of Canadian Municipalities project, that's 200 variables. I spend all my time talking with wonderful public officials on the phone, but I would prefer to do the analysis and write the reports, because that's what helps us Canadians at the end of the day.

I would also suggest developing a catalogue. I would look at the GeoGratis model. I would look at the GeoBase model. I would look at how the geospatial data infrastructure was created, so I would go to Natural Resources Canada, which is an excellent example of how we can consider building an open data infrastructure for Canada. Then I would put all of the best minds of the country together and have them collaboratively work on addressing this issue. I don't think it is only the responsibility of government to do this. I think there are many organizations—in research, the provinces, the territories, all the federal departments, the community, and the private sector—that should help you with this project.

Finally, you should consider more creative and common types of licensing for all of the Government of Canada's data, whether it be administrative data, maps, the census, and so on. New Zealand has done it. England has done it, and so has Australia—all Westminster countries that have crown copyright. We should also be able to do it.

Thank you very much.

The Chair: Thank you, Madame Lauriault. You've certainly given us a lot to consider. Thank you very much.

We're now going to hear from Mr. David Mason, executive director of Visible Government.

Mr. Mason, the floor is yours.

Mr. David Mason (Executive Director, Visible Government): Thank you.

I hope you have received our crowdsourced briefing document, where we covered an array of topics around open data, open government, and more involved citizens. We covered topics such as the usefulness of open data inside government to enable connections and better enable relationships with vendors.

The Chair: You're making the same mistake that Madame Lauriault made. You're going a little too fast.

It is Valentine's Day. We have to be good and kind to the people behind us, so we'll just slow it down a bit.

Mr. David Mason: Okay.

In science communities, having open data helps create wider standards for more data sharing and enables a culture of scientist-citizen. In education, notable institutions enable free access to the world's best information.

We talked about poisonous data and systems that assume individuals would never get access to their own health care record, as well as inspiring science from GCPedia and our geomatics community.

Others have spoken about how open data can make access to information more efficient and useful. Business is exploring more open and social modes. Consumer-serving openness is a competitive advantage. We talked about creating a culture of innovation and problem-solving built on the fact that so many Canadians are online and how what we're building can create consistent, reusable knowledge systems for everyone, through which a 14-year-old or 80-year-old can access the same data and networks as a researcher, organize it according to their perspective, and connect with others. We talked about how people can stop using their computers as typewriters and instead create reusable data, about how many more people can be deeply involved in democratic processes, and about how this can be used to build up trust in government.

I want to talk about a specific open data project. Today, if I go to a health clinic, I may be told I can't be seen that day. If I search many completely different sources of health clinic information, I might get a better idea of the best clinic to visit at that moment. Modern Internet-based software can provide easy solutions to these kinds of problems. In an afternoon, I scraped the locations of hospital emergency departments across Montreal. I put them on a map and included the user's current position and the closest hospital, and added scraped information about capacity and resource usage. Even this effort would be useful for someone trying to form an informed opinion and take more responsibility for their own health. It could help many people waste less of their own time sitting in a waiting room and help balance the health system by choosing the clinics closest to them and those likely to be least crowded.

However, if hospitals and clinics intentionally published information as quality open data, much more could be built. We could learn where clinics are best for different conditions and develop real-time and predictive views of when to go to particular locations. Past the technical design, people could contribute their experiences to help measure problems and successes. This would result in a low-cost harmonious feedback loop for individuals and their health system. With open data, lightweight Internet tools, and crowd-sourcing, the budget impact would be minimal and the effects profound. Because hospitals are fragmented, we may never have an official comprehensive system, though with a minimal level of open data support we can have useful, constantly developing systems that institutions could never build in the foreseeable future.

Many people like me are able to create this kind of system in an afternoon, because it's what we do during the day. We work with free world-scale systems that let us put interactive data into the best and most recognized web interfaces in the world. The proprietary and custom interfaces often used by institutions usually can't compete with this. They make the user relearn a system that's usually not nearly as good as the best in the web, and cut and paste an address to get transit directions or see what's nearby. They don't let users easily add information that can be helpful to others.

In the last few days I have read two news items about governments not taking advantage of the best the Internet has to offer. In one case, the U.K. government paid a consulting firm £200,000 to create a system that collapsed under load when put online. An individual wrote a system in eight spare hours that was more robust. In another case, the BBC announced that it had to shut down 172 content websites for budget reasons. An individual scraped and archived them using a $4-a-month hosting plan.

Using the best low-cost tools online today for free, people use digital maps to find restaurants and bus routes that suit them perfectly. Craigslist demolished the newspaper classified business with a free, easy-to-use, volunteer-based service. People count on looking up information on the collaboratively created Wikipedia. Fine-grained news travels quickly in social networks, with personalized comments. Sites like openparliament.ca publish and allow finer examination of proceedings. These are examples of the benefits of digital networks. A basis of open data enables people to effectively reuse information, to participate in democratic processes, and to enable lifelong learning.

In a generation, the Internet will be deeply embedded in everything we do. We'll continue to see problem-solving waves of innovation from the best and most motivated minds around the world. Most people may not profoundly interact, but some will, and it will affect everyone.

● (1635)

All of this potential is based on the existing features and design of computer data in the breakthrough web created by Tim Berners-Lee, who leads open data development in the United Kingdom government. Berners-Lee's mandate is to make data open and accessible, including individual direct involvement.

Openly learning from, using, and advancing efforts in standards around the world must be a key part of the Canadian approach. We know there are qualities of open data ranging from the opaqueness of a PDF to richly organized and connected data using open standards and licences.

"Accessible" means that data need to be consistently organized according to many perspectives in a culture that embraces the idea that this is the right thing to do. Although most people are online and computers can be equalizers for vision- and mobility-disabled people, one-third of Canadians are not online and may never be, so we look to social networks to connect people.

Many two-way knowledge translators will be required inside and outside government. This is an enormous undertaking, but it's an investment that will yield smarter, more capable people, and genuine quality-of-life improvements in a knowledge economy. There will be short-term rewards, but we need to create long-term goals, visions, and concrete milestones with the open involvement of many people.

If we think about real steps forward, we see that as more information becomes available, it needs to be carefully organized using systems like CKAN; otherwise, it will never be found, or it will be redundant and opportunities will be lost. Data directories that don't use these structured standards are a step backwards.

Licences need to be determined. For many reasons, Creative Commons by attribution could be considered the best; it's well-recognized and creates links with the origins of data.

Government needs to negotiate openly with firms like Google to make sure that data available in cloud-based services don't become dependent on any provider, and instead become standards like those developed for transit services. My experience in hospital systems informs me that there are clear aggregated sets of data that can be shared, and others that can't. Government departments need to enable their existing experts and appoint people to determine how to draw clear lines in data reuse, as well institute an open data culture.

Getting people to widely understand how data are reused is a harder problem, but government could serve many purposes by working with media, producing an awareness and participation campaign, and supporting privacy and anti-fraud interests to instill an entertaining and realistic culture of inquiry in social networks. That attitude is the best starting point to create a trustworthy, participatory culture.

 Finally, if government is going to conduct an e-consultation on this topic, that sounds like a great opportunity to work openly in a first real step to organize issues and truly involve individuals in these discussions as first-class participants.

Thank you.

● (1640)

The Chair: Thank you very much, Mr. Mason.

We're going to start the second round with Mr. Easter. You have five minutes.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, Mr. Chair.

Thank you to both the witnesses.

Tracey, thank you for your very extensive paper and recommendations.

One of the problems with data—and I don't disagree with you that we need it in an open fashion, and that it needs to be available—is

which data believe. How do you get around what's accurate and what's not?

In the most recent example, Stats Canada crime information was disputed—I think wrongly disputed—by a research think tank the other day. It seems the numbers in that crime data were cherry-picked out of another report. In any event, now you have both sets of statistics out there.

How do you see open government and information being made in a way that you can have confidence in the data itself?

Ms. Tracey Lauriault: First I would hope that any data our government officials produce to inform their business practices would be reliable, accurate, and authentic. I presume, from the start, that the data are of a high enough quality that they already use these data to inform their practices.

When I'm talking about administrative data, how many people receive student loans? I would presume that number is fairly well discussed.

With regard to the crime data, it was one not-quite-centre type of organization that did that analysis, and it was only one institution of the many hundreds and hundreds of institutions to whom Statistics Canada already sells such data. If the data are good enough to sell, the data must also be good enough to share.

While I don't like Statistics Canada's regressive cost-recovery policies or its restrictive licensing practices, Statistics Canada is one of the best statistical agencies in the world. I know that their data are accurate, reliable, very rigorously and methodically collected, wrapped in fantastic privacy practices to ensure that no private information is revealed, and good. I'm not asking you to share data that government officials would not already be using in their work.

I know that my government officials are professionals, so I expect their data to already have gone through quality checks.

Thank you.

● (1645)

Hon. Wayne Easter: I don't disagree with you on Statistics Canada, but we've already seen the decision made on the census, which will in fact jeopardize the reliability of the census information.

You're suggesting in your paper—and I think you mentioned it again now—that there are regressive cost-recovery policies at StatsCan and other organizations. Are you suggesting that in the future there would be no cost recovery applied?

Ms. Tracey Lauriault: At the moment, a municipality has to buy the data, and I pay municipal taxes. Provincial and territorial governments also have to buy that data, and I pay provincial or territorial taxes. The federal government and all of their myriad departments and divisions also all have to purchase the same data.

If I go to purchase it, I have to purchase it, and I've already paid for it with my taxes. As well, research organizations such as university libraries on the Data Liberation Initiative also purchase those data. I, as a data user, and with these different organizations that I work with, have purchased the same data at least 10 times, and these are resources that don't diminish with use.

What I'm suggesting is that cost recovery might in fact be more expensive than the cost of sharing the data generally. If you go back and look at Natural Resources Canada and the decisions they've made with GeoGratis, with GeoBase, with the *Atlas of Canada*, with the geospatial data infrastructure, with topographic maps, etc., they discovered the cost of managing and selling royalties and managing ATIP requests. I think each $5 ATIP request costs $75. Think each time you purchase data about the cost of managing all of that.

What I'm suggesting is that it's incredibly cost-prohibitive to sell us the data that we have already paid for through taxation, and I'm asking that we share back with us our own public data.

The Chair: Mr. Albrecht, go ahead for five minutes.

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

Thank you to our witnesses for being here today. I think we've really been enjoying this study on open data and open government, and we certainly see many of the benefits, especially as they relate to some of the things you've just mentioned in terms of the economy.

I certainly want to applaud your statement about community groups and volunteer organizations. That's one message that I think we, as members of Parliament, have the privilege of sharing over and over again. We get to see the value that many of these community groups bring to our communities. As you point out, government couldn't do it and wouldn't be able to afford to, and often it's done better.

In your statement, I think I heard you say—and you many want to correct me on this—that with regard to these neighbourhoods you've identified at the city level—even down to the ward level, and possibly even below that—the Government of Canada has the responsibility to report at that very small level, if I can use that term. How would that actually improve efficiency, when cities would have better access to the data and possibly report more accurately at that smaller level?

Ms. Tracey Lauriault: As to efficiencies, there is an issue about standards and common practices across all federal departments, agencies, and crown corporations: I would hope they would disseminate and aggregate data in that way, but in fact they don't. There's no standard practice.

CIC captures data according to landings. Well, landings could be anything, anywhere in Canada. Other agencies capture their data by postal code. Well, those postal codes don't line up with neighbourhoods, etc.

I would suggest that we roll up our sleeves and consider the geographies that Canadians once used to describe themselves, to talk about their communities, and to organize themselves. Then let's make a policy of aggregating these data according to those geographies. That would be efficient for the federal government, because you would have a standard that would span the country.

Everybody collects point data, but everybody aggregates it differently, and they don't talk to each other.

The other efficiency is that you would have interoperability between the different institutions. I have great fondness for community groups, because they're the ones who keep our communities vibrant. They're the ones who keep us all accountable and make sure that we do the things we're supposed to do, in cities in particular. They need those data at that scale to focus their efforts. For example, a school board needs to understand its catchment area. On population health, there was a great Senate committee that looked at social determinants of health. We need local micro-geography so that we can actually look at where these health issues are occurring, so there would be an efficiency there as well.

● (1650)

Mr. Harold Albrecht: Mr. Chair, I point out that I don't disagree with the premise at all.

Ms. Tracey Lauriault: No, no, I know that—

Mr. Harold Albrecht: I'm simply saying that we all recognize that ward boundaries change. Cities may add multiple wards from election to election, and I think it would be difficult for the federal government to take responsibility for reporting at that level. Certainly, I agree it should be reported there.

As to the other point you made regarding the Federation of Canadian Municipalities' quality of life reporting system, again that's great content and great philosophy. The thing I found surprising in your numbers there, if they're correct, was that in 1996 you had 16 communities participating, and now it's only up to 24.

It must be disappointing to you to find so slow a level of adoption of that system. That's just one every two years. Is there a reason for that? How could it be accelerated?

Ms. Tracey Lauriault: It represents about 75% of the Canadian population, because it's 24 of Canada's largest cities.

Mr. Harold Albrecht: So it's only the largest cities?

Ms. Tracey Lauriault: Yes. It's hard work to do this, to collect these 200 indicators across time. All the city officials donate their time and group-purchase the data to be able to do this work. It's really quite cumbersome, but it is continuing to grow.

On the geography question, the geoconnections program creates this file called the Canada street network file. It's a collaboration between provinces and territories. The data are created at the provincial and territorial level using interoperability standards, data standards, and the same types of geographies. It's a mosaic all together in one file, and it is shared back to Canadians.

All geography files could be created in that same way if we adopted those standards. All federal districts change every 10 years with the census. Health district boundaries change, but they don't change at a huge and fast rate, even in cities. We've done all of this amalgamation business and we can move forward and get our work done. There are good ways of being able to aggregate these data, ways that are not administratively heavy or difficult. The technology is there; we just need the will.

The Chair: Thank you, Mr. Albrecht.

Go ahead, Madame Freeman.

[*Translation*]

Mrs. Carole Freeman: Good day to both of the witnesses. Thank you for your presentation.

Ms. Lauriault, I find it quite interesting, because this is the first time that a witness has spoken to us about community groups. You talked about how open data can help those less fortunate, such as senior and the homeless. The process ensures that more data, information and services are available free of charge to the poor.

My first question is about the feasibility of access of information. You said it would be interesting to have a portal. The Treasury Board Secretariat is responsible for implementing the Access to Information Act and for ensuring open data. You talked about a portal in each department.

Would you not prefer to see a single portal to which every user would be redirected? Your users, often low-income earners, are not very adept at doing searches. Enquiries are directed to people who are highly skilled at seeking out information. You also deal with community groups and with communities that are more vulnerable. Wouldn't a simplified single portal be a better option?

My second question is directed to you as well as to Mr. Mason. It has to do with information that should not be disclosed.

Ms. Lauriault, the approach that you describe in your submission is much clearer. However, I'd like Mr. Mason to be a little more specific. I got the impression from the eight points listed in his submission that even private information was not safe from disclosure.

I'll let you answer the question.

● (1655)

Ms. Tracey Lauriault: Perhaps I should let Mr. Mason field that question, because I've been talking a lot and he hasn't had an opportunity to say much. Is that alright with you?

Mrs. Carole Freeman: Is that fine with you, Madam Chair?

[*English*]

Mr. David Mason: I just wanted to say that having one portal is not absolutely necessary, because if the metadata from these content sources are published to a particular standard, it's very easy for centralized places to find that information.

With regard to privacy of information, there are absolutely clear lines, and there are grey areas where information should not be released. As Tracey has been pointing out, aggregated data are the safest kind of data to release, but even then, if you have a very small population centre and it could only be one or two people they're

talking about, there's still a danger. However, this is the kind of problem that can be resolved, and we're moving forward on lots of large data sets that can be easily released.

It's going to be a big project and it's going to take a long time to release all the finest levels of data, but I think there's quite a lot of information that can be released today with....

[*Translation*]

Mrs. Carole Freeman: I apologize for interrupting you, Mr. Mason. You state in your submission that you want unrestricted access to documents under open license. By that you are asking for access to data without copyright, patent, trademark, trade secret, confidentiality or security restrictions.

Could you explain your approach to us in further detail?

[*English*]

Mr. David Mason: The approach that I think is most appropriate for most publicly produced and publicly funded data sets is a well-known license called Creative Commons by attribution. What that means is that other people can take those data and reuse them for their own purposes, but they have to link back to the original producer of the data. In a culture, that means that people will see a data source. They may try to abuse the data, but those data have to link back to their origin, so if they're in network of people and they're trying to spread false or abused information—

[*Translation*]

Mrs. Carole Freeman: In your opinion, should copyright be abolished or should it be maintained?

[*English*]

Mr. David Mason: What we're talking about is a new form of copyright that's designed for sharing. It's really designed for the Internet. It's designed for these kinds of data sets. It's called Creative Commons. There's a movement behind it to revitalize copyright to make it easier to understand and easier to share. It's easier to remix and have different kinds of uses that are past the very simple traditional view of copyright that mostly exists today.

[*Translation*]

Mrs. Carole Freeman: Okay.

I'm curious as to whether some of the agencies you represent operate in the Quebec City region.

I see you nodding. However, what is the situation when it comes to disseminating information in French, which is an official language?

Ms. Tracey Lauriault: The City of Montreal is involved in the work and portals of the Community Data Consortium. This community disseminates Statistics Canada data in English and in French. We also communicate in both official languages.

In the case of the FCM Quality of Life Reporting System, the data as well as the reports are disseminated in both official languages.

Naturally, it is not always easy to ensure that databases are in English and in French, quite aside from how they are described.

It is critically important for the technology used for data sharing, for the research approach taken and for the database description provided to be bilingual. Aside from official databases such the Statistics Canada and Elections Canada ones, we are proposing and recommending that other databases be disseminated in the language in which they were created.

We have files X, Y, Z, 1, 2, 3 and 4 with as many headings as possible in English and in French. That is how we do things.

As to your question about portals, I will use as an example Ottawa's public libraries. Several of them have their own collection and their own portal. However, everything can be accessed through the City of Ottawa's Public Library portal. Users search at one location, but are linked to all of the branches.

We are calling on Treasury Board to set standards for portals like these with good metadata. Users would search at the same location, but the onus would be on the ones who create the data to manage it properly within their own institution, because they are most closely associated with that data.

As far as copyright is concerned, Mr. Mason is not suggesting that we do away with it altogether. He is arguing that some other licenses are more open in terms of digital data sharing. New Zealand, Australia and England have adopted these types of licenses.

Another license, called the Public Domain Dedication and Licence, just recently appeared on the Web. It is something I suggested in my report.

I also recommend that you get in touch with the University of Ottawa's CIPPIC. David Fewer, Michael Geist and Teresa Scassa are experts in copyright law, specifically in copyright as it pertains to data.

You'll find some references at the end of my submission. I list all of the organizations that I have mentioned here today. You can contact them for more information.

And feel free to get in touch with me, Mrs. Freeman.

● (1700)

[*English*]

The Chair: *Merci*, Madame Freeman.

Go ahead, Mr. Poilievre, for five minutes.

[*Translation*]

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Thank you for coming here.

Can you tell us a little about the international initiatives that prompted you to put forward some of the ideas that you have discussed with us here today?

Ms. Tracey Lauriault: The British model inspired me a great deal. The history of open digital data can be traced back to England. The story actually goes back 400 years, to the astronomers and scientists who were the first to develop data hundreds of years ago. They had always worked together and shared their data, because

they knew that the data on lakes and forests needed to be organized and shared.

In point of fact, England had the most regressive policy in place with respect to cost recovery, as well as the most regressive licensing system of all countries that, like us, had adopted the Westminster system. The Guardian newspaper launched a campaign calling for the public dissemination of data. In the area of public sector information management, there are open data and access to information policies such as the European Union open data policy and the Europe INSPIRE initiative.

England organized its institutions looking to broad European Union policies for inspiration and in the spirit of open government. Everything I've talked about today can be found in that country.

Another example to consider is that of the United States. However, their case is unique in that they already have in place a system whereby documents created in the United States are deemed to be in the public domain.

Here in this country, we have a bit of a problem because data is not subject to a public domain system, but rather to the Crown copyright system. We, the citizens, are subjects to the Crown.

[*English*]

We are not citizens in the same way as citizens in the U.S.

● (1705)

[*Translation*]

However, government responsibility for data dissemination is somewhat different.

Mr. Pierre Poilievre: Is the whole question of Crown copyright that important? I'm asking the question, because I understand that a government publication cannot be copied in its entirety, contrary to what is done in the United States.

However, that publication can be used for just about any purpose. If, for instance, a journalist quotes a government document, he is not breaking any rules. If the media receives a report on public accounts, on Parliament's budget or some other subject, it can release that report to the newspapers, to television, or post it on their blog. Professors can discuss it. I understand the principle. However, from a practical standpoint , how important is Crown copyright?

Ms. Tracey Lauriault: From a practical standpoint, Crown copyright restricts the rebroadcasting, reuse or resale of information produced by the federal government. If I want to use data produced by Statistics Canada, that department will advise me that I do not have the right to redisseminate that data, not only because of Crown copyright provisions, but also because their policy is...

Mr. Pierre Poilievre: Excusing me for interrupting you. Could you explain the meaning of the word "redisseminate"? Statistics Canada publishes reports every day. I turn on the television and see the figures. So then, that data is redisseminated.

Ms. Tracey Lauriault: Yes, the data is redisseminated.

I can only redisseminate Statistics Canada data if it is in the form of a table, chart, graph or map. I cannot use data provided by Statistics Canada, pass it on to David and ask him to do something with it. I draw up a map and I ask him to tell me a story based on this data. If I turn the data over to him, I am in fact infringing Canada's copyright legislation.

This goes for all works created by the federal government. They are subject to Crown copyright. David and I, along with several other organizations, have asked that Creative Commons Attribution or Creative Commons Public Domain Database licenses be granted to protect copyright in Canadian digital data, whether scientific, geomatic, administrative or federal government data. If such licenses were granted, this would mean that I could take Statistics Canada data, analyse them and share them with David who could then use them for another purpose. If I wanted to, I could analyse the data and resell my research findings.

Under the Crown copyright system, if the government does not like what I say, then it can take back the data. This is also a bit of a problem, one that came to light when the government started to influence the questions asked in the census. It is a regressive policy. We would not want all digital data to be controlled in the same way, especially public digital data on the different geographic zones we talked about earlier. That is the problem with the Crown copyright system. Federal government data cannot be shared or redisseminated or used to create other digital products.

[*English*]

The Chair: Thank you, Mr. Poilievre.

We're going to conclude now with Mr. Siksay.

You have five minutes, Mr. Siksay.

Mr. Bill Siksay: Thank you, Chair.

I want to thank both of you for being here. Both of your briefs were extremely helpful, and they were different from things we've heard so far. They are very important to our work.

Mr. Mason, I wanted to ask you about the benefits section of your brief.

You've done something that we haven't spent a lot of time on. You talked about the future of open data and open government, whereas we've been talking about catch-up a lot of the time. In the final paragraph in that section you talked about some interesting things, such as reports writing themselves. You talked about automated inference. You talked about developing sensitive, creative, self-correcting feedback models.

Can you say a bit more about how you see that future, and what kinds of things you think might be possible? Do the futurist thing for us.

● (1710)

Mr. David Mason: The information we've always used has just been information. It's basically been like a fax. The last point discussed taking information and putting it on the news; that's not really thinking there are people out there who would want to look at that issue in more detail. If they wanted to find more detail, they would have to go through a very long process to try to find the actual information that was involved.

Like it or not, today we're being dragged along by a lot of technological development that's happening around the world, emanating from a few centres of incredible innovation. We're barely tapping into these, and it's mostly coming from companies like Google. One of the most important trends is that the information itself is becoming more structured. Sometimes these structures are intentionally applied. If a spreadsheet is released, then somebody else could take the data and learn a statistic about a region, but sometimes that information can be extracted using different methods. By using these different methods, such as those I used in the hospital case, we can start to understand that if it's a Tuesday afternoon at four o'clock and it's the day after New Year's, then this might be the best clinic to go to.

We never really want to think of computers replacing humans in their roles, but we always want to think of computers augmenting the work of humans, adding information, and being an agent. The most advanced systems that are being developed around the world are focused on this kind of intelligence, on adding to information, so that it can create a much more informed view of the systems we interact with.

Mr. Bill Siksay: You talk about that type of innovation being concentrated in a few organizations, such as Google. In your brief you also talk about accessibility and inclusiveness and the broader population's ability to participate in this evolution or revolution or transformation in how we use data. Can you say a little more about inclusiveness and accessibility?

Maybe, Ms. Lauriault, you have something to add on that score as well.

Mr. David Mason: The way I think of government is that it has to have some influence in shaping what's happening, and I do think privacy and participation and anti-fraud crime can be the same ball of wax. I think it could be a message that this is an opportunity for Canadians to better engage with government and for learning institutions to access information, real information, directly. I think it's really a good opportunity, perhaps through your e-consultation and other means, to promote these ideas and to see it as an opportunity for revitalization and informing as well.

Mr. Bill Siksay: I'll pass to you, Ms. Lauriault. Australia did this huge infrastructure project, or at least is in the process of their broadband network proposal. Is that an accessibility piece of this idea? Does it have an impact on this? Maybe you can say something about that.

Ms. Tracey Lauriault: Of course infrastructure has an impact, right? You need the pipes to move the information and the themes. The geomatics and cartographic research centre, for instance, works in the north. There are serious broadband issues in the north, so we've had to create local area networks so aboriginal elders and students can interact with their own maps and the atlases that they've created themselves.

Of course you need the pipes to move the content, and that's a big issue. As well, Internet metering would certainly be a problem, among a couple of other problems, if we're looking at open data. Accessibility certainly has an impact in that way.

However, there's also accessibility in terms of people with disabilities. The Government of Canada has been excellent in working on that file and advancing that agenda through its common look and feel initiative and other standards that have come through the Treasury Board in that area, but there's also something very important called the World Wide Web Consortium. There is a focus in that consortium specifically on creating content for people with disabilities.

Another very good issue—and I think Madame Freeman brought it up—is the issue of whether these things are easy to use. Can we find stuff? Does it look nice? Is it a super-übergeeky thing that no one can navigate, or do we feel that this is a place we want to be to look for information and that we'll be able to find it and use it?

I see accessibility that way, as well as accessibility to the pipes and accessibility in terms of licensing. I also see accessibility in terms of having that chief data officer tomorrow so that I can find the stuff we need to do our research.

Thank you.

●(1715)

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

Thank you, Madame Lauriault.

That concludes the questions. On behalf of all members of the committee, I want to thank you both. You gave us what I would consider a lot of information over the last hour. You've taken it from the perspective of the user, the on-the-ground user, so your testimony has been extremely helpful to the committee.

I'm going to allow you, if you want, to give us any closing comments. I do this with some caution, because we're very tight for time. If there are any brief remarks you want to make to the committee before we go to another aspect of committee business, please go ahead.

We'll start with you, Mr. Mason.

Mr. David Mason: Well, I did mean to mention that technology can be very enabling. It can be an equalizer when it comes to people who are vision impaired or mobility impaired. Also, many more people can fit into a conversation than can fit in a room. I think that's really important for democracy as well.

My hope is that there will be some shaping of this so that it's not just a kind of a Google coming along and swallowing what we did today. There's a tremendous danger that services can all be uploaded to the cloud.

Ms. Tracey Lauriault: It's our Canada. It's our government. It's our data. We have a country full of really smart people, really great community-based organizations, and, if I may dare to say it, wonderful politicians who could all work together towards creating an open data infrastructure for Canada.

But we will have to find a way to work differently. We will have to be less risk averse, and we're going to have to be okay when people sometimes say things we don't like, because that's what a knowledge-based economy and a democracy are about. I think open government and open data are all about a good, functioning, knowledge-based economy, and that's why we should do it.

There's one last thing, if I may. David and I have some little open "we love Canada" data Valentine's cards that we'd like to give you as well.

Thank you.

The Chair: We would appreciate that.

Again, thank you very much. Your testimony has been invaluable, and thank you very much for that little Valentine's gift. We all appreciate it.

We now have a few minutes left. I'm going to deal with Madame Freeman's motion at this point in time. I'll get the clerk to give me a copy of the motion. It's very brief. It can't be any briefer. I will read it:

> That the President of the Treasury Board be invited to appear before the Committee in regard to the study on open government.

I propose to allow Madame Freeman *deux minutes* to speak to this motion. I'll entertain up to six interventions. Then we'll come back to Madame Freeman and put it to a vote.

[*Translation*]

Mrs. Carole Freeman: Thank you, Mr. Chair.

My motion reads as follows:

> That the President of the Treasury Board be invited to appear before the Committee in regard to the study on open government.

It is critically important, in my view, that we invite the President of the Treasury Board, given that we heard testimony last week from Ms. Corinne Charette, the Chief Information Officer who reports to the Treasury Board Secretariat. She is already working on an open government portal. The Treasury Board Secretariat is, after all, the institution responsible for the Access to Information Act, for open data and for the Privacy Act.

As such, it is critically important, in my opinion, that the minister responsible for the Treasury Board Secretariat, the institution that enacted this legislation and that is responsible for information disclosure, come here to discuss policies with us.

We met with the Chief Information Officer, who reports to the minister. However, we are not sure exactly what mandate she was given. It isn't clear. It would be good to know more about the directives and mandate issued to the Chief Information Officer who is responsible for ensuring open data in an open government.

Thank you, Mr. Chair.

●(1720)

[*English*]

The Chair: Does anybody else want to speak to the motion?

Go ahead, Mr. Siksay.

Mr. Bill Siksay: Chair, I think this is a really important motion. I want to support it.

I think understanding the political will of government to move in this direction is important and I think only the President of the Treasury Board or the Prime Minister himself could give us that information. I want to support Madame Freeman's motion.

The Chair: Mr. Easter, did you want to speak? Your name is on the list.

Hon. Wayne Easter: I also support the motion.

As was said in earlier questioning, in the OECD document we said we were going to have a single portal on open government in 2010. That hasn't happened. We need to know why that hasn't happened, and we need to know what kinds of directives have been sent out to the various departments to direct government departments to a more open government policy, if in fact that has even been looked at.

The Chair: Okay, Madam Freeman, do you have any final comments you want to make?

Mr. Pierre Poilievre: Mr. Chair, I could just say, while she's returning, that we will be supporting the motion.

[*Translation*]

Mrs. Carole Freeman: Thank you, Mr. Poilievre.

Mr. Pierre Poilievre: Today is a very special day, We would like to spread the love here today.

Mrs. Carole Freeman: Thank you. Your candour never ceases to amaze me. Perhaps because it's Valentine's Day...

[*English*]

The Chair: We should make every day Valentine's Day.

[*Translation*]

Mrs. Carole Freeman: Thank you, Mr. Poilievre.

[*English*]

The Chair: Somebody should make a motion that every day be Valentine's Day.

[*Translation*]

Mrs. Carole Freeman: We must not forget to thank the researchers who brought us some chocolate today. I want to thank them as well.

This is indeed a special day for the committee.

[*English*]

The Chair: Okay, you've heard the motion.

(Motion agreed to)

Since there's no other business to come before the meeting at this point, I'm going to adjourn. I want to thank the witnesses again. Thank you very much. Thank you for your little gift.

The meeting is adjourned.