

Open Government/Open Data: Generating Value

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AMCTO Open & Smart Communities Forum

September 30, 2016



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Our Office

Information and Privacy Commissioner (IPC), independent office, oversees compliance with:

- *Freedom of Information and Protection of Privacy Act* **FIPPA**
- *Municipal Freedom of Information and Protection of Privacy Act* **MFIPPA**
- *Personal Health Information Protection Act* **PHIPA**



Mission and Mandate

- We resolve **access to information** and **privacy** complaints, review and approve **information practices**, conduct research and deliver education and guidance on access and privacy issues, and comment on proposed legislation, programs and practices



Open Government

- Open Government based on core belief that **public has right to access** records and proceedings of government
- key aspects:
 1. **Open Data:** proactive publication of data in free, accessible formats (e.g., water test results)
 2. **Open Information:** proactive release of information about the operation of government (e.g., contracts)
 3. **Open Dialogue:** giving public meaningful voice in planning, decision making and development of government policies, programs and services (e.g., police carding consultations)



Key Benefits

Enhanced Accountability

- strengthens democracy by making government more **accountable** for its decisions, actions, spending

Enhanced Public Participation

- public has **stronger voice**, ability to influence government
- empowers public to make better decisions impacting quality of life

Enhanced Economic Value

- increased use of government information supports **innovation**, creates **economic opportunities** that benefit business, government, public



Proactive Disclosure

- Open Government supports, expands right of access to records in *MFIPPA*
- requires institutions to do more than just reactively disclose (release in response to access requests)
- central tenet: require government information to be made public in anticipation of, and in response to, the **public's needs and interests**, unless there are legitimate legal, privacy, security, confidentiality reasons not to
- **Open by Default** is a **presumption** in favour of disclosure over non-disclosure, mirrors *MFIPPA*'s over-arching access principles



IPC Open Government Papers

- IPC strongly supports Open Government
- encourage institutions to start/expand Open Government activities
- implementing Open Government may be challenging, takes time, resources, commitment
- to start conversation, support institutions, IPC published three papers



Open Government: Key Concepts and Benefits

- Introductory, summarizes fundamental concepts and benefits, draws together variety of sources to facilitate understanding of Open Government
- highlights two significant goals:
 1. **Enhancing transparency** to improve the quality of governance and services by becoming more open, accountable, and responsive to the public
 2. **Enhancing public engagement** to enable broad participation and true two-way dialogue, resulting in more “citizen centric” information and services



Open Government:
Key Concepts and Benefits

September 2016



Open Government: Key Implementation Considerations

- overview of important considerations when implementing OG
- key factors for success:
 - recognizing OG is an **ongoing program**, not short-term project
 - making sure institution has **leadership**, commitment, governance, resources necessary to sustain program
 - defining scope and **deliverables** realistically, and appropriate for institution and its users
 - **engaging** internal and external users and public as institution plans, implements and evaluates its activities and services



Open Government:
Key Implementation
Considerations

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Open Contracting: Proactive Disclosure of Procurement Records

- benefits of **open contracting** include:
 - increased transparency and accountability about government spending
 - increased fairness and competition in contracting
 - **reduced resources** required to respond to related access requests
- guidance on designing/implementing **transparent** procurement process, while protecting confidentiality and privacy



Call for Reform of Acts

- 2015 Annual Report, IPC called on government to amend *FIPPA* and *MFIPPA* so that **specific categories** of information are identified for proactive disclosure, e.g. **procurement records**

“The public has a right to be informed about the procurement process, including how contracts are awarded, what has been contracted for, how the successful bidders were chosen, what the various costs of the contract are, and who is responsible for decision-making related to the contract.”



Key Factors in Creating, Measuring and Demonstrating Value

- **Learn from Others:** Understanding international, national, local developments enables institutions to learn from, build on, work of others. Also, collaborating with other institutions can help with understanding practical challenges and develop effective solutions
- **User Engagement:** Involving internal and external users, and the public, in planning, design, implementation helps foster **awareness** and **participation**, which are critical to the sustainability of Open Government



Key Factors cont'd

- **Monitor and Evaluate Progress:** Defining how institutions will monitor, evaluate and refresh Open Government helps ensure they continue to have value and adapt to changing priorities and emerging technology and trends
- **Publicly Report on Progress:** Public progress reports, including public and users' input, can help demonstrate value. Being transparent and learning from experience and user feedback enables institutions to move forward in a more informed way



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