

[DRAFT] OPEN DATA POLICY

This is a draft policy. None of the provisions below are final, and the document does not represent an official policy statement or commitment from the City of Toronto. We are sharing it to collect feedback, and will continue to iterate the policy in response to that feedback. Thank you for reading!

0. DRAFT POLICY CHANGELOG

Dec. 18, 2024:

- Added roles and responsibilities for Legal Services.
- Clarified that the open data principle of “permanence” does not supersede the City’s records and retention policies.
- Added definitions to the policy.

Nov. 21, 2024:

- Added roles and responsibilities for the City Clerk
- Expanded the policy’s introduction and objectives section to more clearly illustrate the purpose the City’s Open Data Program and the goals of the policy.
- Clarified that Toronto’s open data principles are based on – not purely duplicative of – the Sunlight Foundation’s principles.
- Referred to the Government of Canada’s Digital Ambition, aligning our approach to prioritizing data with best practices of other jurisdictions.
- Shifted references to data requested by FOI or utilized in City applications to the Divisional responsibilities section, noting that such data must be considered as part of the annual publication process, but may not be prioritized as high as other data.
- Added footnotes and links to other relevant policies, documents and legislation, so as to illustrate where those materials are being referenced in the policy. Particular attention has been paid to acknowledging policies and strategies that reflect the City’s equity commitments and ensuring that such policies are considered when prioritizing and publishing open data.
- Added additional references to change management and support activities to the responsibilities sections for both the CTO and the Open Data Team.

Aug. 23, 2024:

- Streamlining language to be simpler and more accessible throughout, especially in the introductory sections.
- Clarified scope includes only divisions, but noted that agencies are encouraged to adopt similar policies.
- Noted that open data should be published “strategically and continuously” in recognition of the resources required to prepare and publish datasets.

- Added guidance on prioritizing data for release to the policy statement.

DRAFT

1. INTRODUCTION

Toronto's municipal administration generates, uses and manages vast quantities of data through its activities. These data represent significant assets for the City and its residents. With this policy, the City commits to freely sharing the data held in its trust, where possible, so that everyone may access and benefit from it.

The City envisions a future where anyone, anywhere, can improve life in Toronto with open data. This policy contributes to that vision by outlining the principles governing open data, along with the responsibilities associated with its application.

2. PURPOSE OF THE POLICY

When we open government data to the public and to City staff, we enable it to be used to improve public services, engage residents in the democratic process, or develop innovative solutions to civic challenges. The City also demonstrates its commitment to transparency, accountability and data-driven decision-making.

Releasing data requires investment; sensitive or private information must be safeguarded, data quality and accessibility must be considered, and technology must be put in place to manage and maintain open datasets. To make the most of that investment, the City should prioritize releasing data based on its potential to contribute to the positive impacts listed above.

Thus, the goals of this policy are:

1. to encourage all City of Toronto divisions to be proactive participants in the open data program;
2. to ensure the City is prioritizing the release of open data that residents and businesses want and are likely to use;
3. and to ensure open data is published in accordance with the City's legislative responsibilities and its commitments to privacy, security and equity.

3. APPLICATION AND SCOPE

This policy applies to all City of Toronto divisions.

City agencies and corporations are encouraged to review, adopt or update this policy according to their circumstances.

4. GUIDING PRINCIPLES FOR OPEN DATA

The City of Toronto's principles are based on the Sunlight Foundation's guiding principles^[1] for open data.

1. Open by default: Data collected or acquired by the city is considered able to be opened unless there is sufficient justification for restricting access to it.

2. Privacy-aware: The City will not post datasets containing confidential, proprietary or personal information^[2, 3].
3. Exhaustive: Data published by the City must be as complete as possible, while balancing the need for accessibility and usability.
4. Primary: Published data includes original data collected and any available details about how the data were collected.
5. Timeliness: Data made available are published and/or updated in a timely fashion.
6. Accessible: The data published are accessible to the broadest possible range of users and for the widest possible variety of uses.
7. Machine readable: Data are readable through computer processing and are structured to allow automated processing.
8. Non-discriminatory: Data are freely accessible to everyone, at any time, without prior justification or identification and may be used for any lawful purpose, including commercial purposes.
9. Non-proprietary: Data are published in an open format and do not require a specific software to be used.
10. Copyright-free: Open data are not subject to third-party copyrights, use of a patent, trademarks or trade secrets.
11. Permanent: Once published, data should remain accessible over time, in accordance with the City's records retention policies.
12. Free of charge: Data are published as collected, with no user fees.

5. POLICY STATEMENT

The City of Toronto will:

1. share with everyone its public datasets while adhering to rights of privacy, security and confidentiality, and abiding by relevant legislation, including the Municipal Freedom of Information and Protection of Privacy Act^[2], Personal Health Information Protection Act^[3], the City of Toronto Act^[4], and Toronto Municipal Code^[5].
2. align with the Government of Canada's Digital Ambition^[6] by "prioritiz[ing] the release of high-quality and demanded open data and information to allow the public to generate their own economic and social value." Where possible, priority will be placed on publishing open data that:

- a. responds to the needs and requests of residents, as demonstrated through Freedom of Information requests, public engagements and other activities.
 - b. improves public knowledge of the City's activities and commitments.
 - c. strengthens the City's accountability and the implementation of its strategic priorities.
 - d. facilitates collaboration and the creation of new tools and knowledge.
 - e. promotes the City's economic, social and ecological vitality.
 - f. creates opportunities for improving the delivery of public services and the quality of life of residents.
 - g. advances the City's commitments to equity, including the release of data to support socio-demographic analyses (including race, gender and disability).
3. ensure open data is published in accordance with the City's commitments to equity and inclusion, as outlined in Toronto's Data for Equity Strategy^[7] and Guidelines^[8], Action Plan to Confront Anti-Black Racism^[9], Black Data Governance Framework^[10], Digital Infrastructure Strategic Framework^[11] and other relevant policies.
 4. publish data on its open data portal, strategically, consistently and continuously, while considering the efforts and resources required for that purpose.
 5. publish and maintain an open data licence, and promote responsible use of City of Toronto data.
 6. adopt digital practices and solutions in order to facilitate appropriate data sharing internally and with the community, and to ensure data quality.
 7. establish participation mechanisms with Toronto residents and data users so their needs can be taken into account in relation to the open data program.
 8. explore opportunities to publish relevant third-party datasets – in accordance with the principles and legislative requirements outlined in this policy – on the City's open data portal, to support the analysis of civic issues or City priorities.

6. ROLES AND RESPONSIBILITIES

The Chief Technology Officer shall:

1. ensure the Open Data Policy is applied across the City.
2. ensure Technology Services provides support, where appropriate, to divisions to enable their adoption of the policy.
3. be responsible and accountable for the City's open data program and portal, and maintain the City's open data licence.

4. have the authority to make the final decision on the publication of a dataset to the open data portal, or whether to escalate the decision to the City Manager.

Divisions shall:

1. appoint one of its employees as the division's Open Data Coordinator.
2. create and maintain, in consultation with the Open Data Team, an inventory of datasets held in its trust, regardless of their degree of openness, and make that inventory available on the City's open data portal.
3. prepare, in consultation with the Open Data Team, an annual open data publication plan, identifying high-value and demanded datasets to be published on the open data portal.
 - a. The plan should identify and prioritize datasets for publication within the calendar year.
 - b. The plan should also identify existing open datasets that need to be updated, automated or retired.
 - c. As part of preparing the plan, divisions should review data requested through the Freedom of Information process, data utilized in enterprise and public-facing applications or visualizations, as well as data used to prepare reports to Council and committees.
 - d. In instances where high-value, high-impact or demanded data will not be published, a rationale must be provided and may be assessed by the Open Data Advisory Board.
 - e. The annual plan will be made available on the City's open data portal.
4. ensure divisional datasets published to the City's open data portal comply with necessary legislative, legal, records management, privacy, security or equity requirements.

Open Data Coordinators shall:

1. act as a liaison between the Open Data Team and the division.
2. prepare and maintain the division's inventory of data assets.
3. prepare the division's annual open data publication plan.

The Open Data Team shall:

1. maintain and continuously improve Toronto's open data portal.
2. develop and maintain guidelines for open data, outlining the technical requirements, best practices and expectations for data published on the portal.

3. assist divisions in cataloguing, prioritizing and publishing open data.
4. assist divisions in complying with legislative, legal, records management, privacy, security or equity requirements, either directly or through the Open Data Advisory Board.
5. support Open Data Coordinators in their roles, by creating engagement opportunities and publishing guidance on cataloguing data assets and preparing annual publishing plans.
6. prepare the annual open data compliance report and make it available on the City's open data portal.

The City Clerk shall:

1. exercise all the responsibilities and duties of the "head" for the purposes of the Municipal Freedom of Information and Protection of Privacy Act^[3], as delegated to the City Clerk in the Toronto Municipal Code^[2] Chapter 169, City Officials.
2. establish information management-related strategies, policies, standards, procedures, and best practices to promote City transparency and ensure data and information are findable, accessible, interoperable, reuseable, safe and secure, and trusted and open.
3. establish privacy standards, guidelines, and procedures to support this Policy and the open data program.
4. support the open data program with consultative services to embed effective and compliant legislative requirements to support privacy protection and data management into their operations, services, and initiatives.
5. investigate complaints of information misuse and/or privacy breaches, including those in relation to open data, and communicate findings and recommendations (where applicable) to the complainant and Division Head.
6. provide support to the Open Data Team to develop awareness and training materials to help City staff incorporate open data priorities into their initiatives and processes, while ensuring privacy protection.
7. administer the Freedom of Information (FOI) program while protecting personal information from being released.

Legal Services shall:

1. support divisions, when required, by reviewing datasets to ensure they can be legally published on the City's Open Data Portal

2. provide legal advice to divisions, if requested, on any risks associated with releasing divisional data.

The Open Data Advisory Board shall:

1. consist of relevant subject matter experts from across City divisions.
2. at minimum, include representatives from the City Manager's Office, City Clerk's Office, the City's Data for Equity Unit, Legal Services, Technology Services and the Office of the Chief Information Security Officer, but may include additional subject matter experts or community representatives as required.
3. review annual publication plans to ensure alignment with relevant standards, processes, policies and legislation, and provide appropriate advice to divisions.

7. DEFINITIONS

Data: The raw material used to represent information, or from which information and records can be derived, represented as text, numbers, graphics, images, sound, or video.

Dataset: A collection of raw, non-manipulated data usually presented in tabular form with associated metadata, and which is machine readable.

Degree of openness: The authorized level of access for data held by the City.

Equity: understanding, acknowledgement and removal of barriers that prevent the participation of any individual or group, making fair treatment, access, opportunity, advancement, and outcomes possible for all individuals.

Machine-readable: Data that can be easily processed by a computer without human intervention. Portable document format (PDF) is not machine readable.

Metadata: Data describing context, content and structure of records and their management through time, and it can describe the properties of a document or file.

Open data: Data made available free of charge to the public under an open licence. Open data is meant to be easily accessible and available in open format.

Open format: Data format whose technical specifications are public so that the data is accessible with no technical, legal or financial restrictions.

Open licence: A licence that permits access, use and distribution of data, with little or no restriction.

8. RELATED CITY POLICIES AND STRATEGIC ALIGNMENTS

- [1] [Ten Principles For Opening Up Government Information](#)
- [2] [Municipal Freedom of Information and Protection of Privacy Act](#)
- [3] [Personal Health Information Protection Act](#)
- [4] [City of Toronto Act](#)
- [5] [Toronto Municipal Code](#)
- [6] [The Government of Canada's Digital Ambition](#)
- [7] [Toronto's Data for Equity Strategy](#)
- [8] [Toronto's Data for Equity Guidelines](#)
- [9] [Toronto's Action Plan to Confront Anti-Black Racism](#)
- [10] [Toronto's Black Community Data Governance Framework](#)
- [11] [Toronto's Digital Infrastructure Strategic Framework](#)