Open by Default

A new way forward for Ontario

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Who we are

Chair: Don G. Lenihan

Don is Senior Associate at the Public Policy Forum in Ottawa, Canada. He is an internationally recognized expert on democracy and public engagement, accountability and service delivery. Don's latest book, *Rescuing Policy: The Case for Public Engagement*, is an introduction to the field of public engagement, as well as a blueprint for change, and a sustained argument for the need to rethink the public policy process.

Vice-Chair: Leslie Church

Leslie is the head of Communications and Public Affairs for Google Canada, where her mission is to promote the digital economy and the success of Canadians and Canadian businesses online. A graduate of the University of Toronto's Faculty of Law, Leslie holds over a decade of involvement in Canadian politics and public policy, serving on the Government of Ontario's "Rae Review" of post-secondary education and most recently as Director of Communications for the Leader of the Official Opposition in the Parliament of Canada.

David Eaves

David is a leading advocate for open government and public sector renewal. His work with the City of Vancouver to draft the Open Motion led to Canada's first open data portal. He also led a successful campaign to persuade the federal government to launch an open data initiative. David advises or has given talks to Code for America, the White House Office of the Chief Technology Officer, the World Bank, Mozilla and Greenpeace among others.

Peter MacLeod

Peter is the principal of MASS LBP, an innovative firm based in Toronto which works with forward-thinking governments and corporations to deepen and improve public consultation and engagement. Since 2007, MASS has led some of Canada's most original and ambitious efforts to engage citizens in tackling tough policy options while pioneering the use of Civic Lotteries and Citizen Reference Panels on behalf of a wide array of clients.

Don Newman

Don Newman is a writer, broadcaster, public analyst and public affairs consultant. Mr. Newman's storied career in journalism spans more than 40 years, including as senior parliamentary editor of CBC Television News for over two decades. He helped launch Canada's first all-news channel (CBC News Network), reported for The National, anchored daily and weekly political affairs programs and live specials, and was U.S. correspondent for both CTV and CBC.

Ray Sharma

Ray is the founder of XMG Studio Inc., where he oversees the mandate of having fun developing innovative mobile games for tens of millions of XMG fans worldwide. Prior to XMG, Ray co-founded Xtreme Labs, where he was Chairman of the Board. Ray is also a founding Partner of Extreme Venture Partners. Prior to recent adventures in the mobile app economy, Ray spent over 10 years in wireless technology investment banking research.

Norm Sterling

Norman Sterling served as an Ottawa area Member of the Ontario Legislature from 1977 to 2011 as a member of the Progressive Conservative Party. During his parliamentary career, Mr. Sterling held nine different Cabinet posts, served as Government House Leader for three years and chaired the Public Accounts Committee for seven years while in opposition. Mr. Sterling is known for taking a non-partisan approach in debate and has a record of defending and improving our parliamentary and justice institutions.

Elaine Todres

Elaine's career spans government, not for profit and volunteer sectors. Elaine was the Deputy Minister in the Ministries of Human Resources, Culture and Communications, and Culture, Tourism and Recreation. She also held the position of Deputy Solicitor General and Deputy Minister of Correctional Services. Currently, Elaine is CEO of Todres Leadership Counsel, a consultancy practice specializing in corporate governance, regulatory governance, human resources, strategy and strategic facilitation.

Hirad Zafari

Hirad is currently in his first year of Medical Sciences at Western University. He serves as the chair of the board of directors of the Ontario Student Trustees' Association. Formerly the president of the association, a student trustee of the Toronto District School Board (TDSB), and a member of the Minister's Student Advisory Council, Hirad represented and advocated for the needs of over two million Ontario students at the local and provincial level.

Letter from the Chair

Dear Minister:

On behalf of the Open Government Engagement Team, please accept this report, which provides recommendations on how to advance Open Government in Ontario.

As you know, over the last four months, we've had conversations with experts and members of the public from across the province. Certainly, people want more open government, but what is it they want?

For many in the high-tech sector, Open Government is about making government datasets available to the public, especially businesses. Datasets have growing commercial value and governments have huge numbers of them, on subjects ranging from weather to public health.

In asking members of the public about Open Government, many were concerned about the level of secrecy within government. They feel too many decisions are made behind closed doors and the government should be more willing to release the documents that shape its thinking. In their view, Open Government is about transparency.

Finally, there were others—including stakeholders, advocates and concerned citizens—who want to see democracy working better between elections. For them, an Open Government is one that is willing to engage them in a discussion on issues of concern.

Our discussions wound through these three areas, raising questions about digital tools and the release of data, secrecy and access to information, and the practice of democracy.

The size and open-endedness of the subject gave us pause and at times we wondered if we could do justice to all these issues in four months.

In hindsight, I think two things made the difference. The first was the impressive mix of skills and experience in our Team. If the process was not easy, fortunately, we had the talent to get it done.

Second, we discussed early on whether our report should be a more technical and detailed one or a short, simpler one with a few key recommendations. We opted for the latter.

This, in turn, allowed us to concentrate on a few basic questions about how the government views information, data and dialogue and how that needs to change. Our report speaks to these questions.

As a result, while our recommendations are few in number, they are ambitious and practical. Taken together, we believe they provide a foundation on which the government can build an agenda to change how business is done.

Some of our recommendations may make the government uneasy. We recognize that, but real change should be unsettling. And, in any event, we think Ontarians are ready for it.

Serving as the project chair has been a remarkable learning experience. I'm grateful for the opportunity and indebted to many people, a few of whom I'd like to mention before closing.

I tip my hat to Leslie Church, our unflappable vice-chair, whose good judgment and common sense were instrumental in landing some high-flying discussions.

I found my teammates' willingness to open their minds and journey to new places especially heartening. While there were serious disagreements among us, the flashes of brilliance that sometimes lit these exchanges are what I will remember most.

I am indebted to the members of the Open Government Secretariat for their support and professionalism. We would have been lost without them.

Our colleagues in the Cabinet Office, Strategy and Results Branch, were equally indispensable, providing ideas and expertise throughout the process.

Of course, many other government officials contributed to this report and, while they are too numerous to single out, I must at least note their contribution.

Finally, I must thank the participants who came out to our meetings to share their insights and concerns. I hope we have done justice to them.

Sincerely,

Don Lenihan
March 2014

Summary of Recommendations

1. Working Together

1-1 Establish Ontario as Canada's leader in public engagement.

a) Launch a series of demonstration projects across the government to build the skills and capacity to deliver effective deliberation and collaboration processes.

b) Develop a cross-government engagement framework to assist ministries in designing effective engagement processes and popularizing more deliberative and collaborative approaches to public engagement.

c) Make the use of digital tools an integral part of public engagement initiatives.

d) Develop an option for people to consent to sharing their contact information with ministries and agencies so the government can directly notify them of public engagement opportunities.

1-2 Increase opportunities for Ontarians to participate directly in government business and to develop good citizenship skills.

a) Go beyond conventional feedback tools, such as surveys and focus groups, and use design labs and other participatory methods that invite users to contribute directly in the reform of public policy and services.

b) Designate an appointee between the ages of 18 to 34 to agencies, boards and commissions as a best practice.

c) Explore the creation of a centre for research and education in Ontario, based in a college or university, similar to Simon Fraser University's Centre for Dialogue.

1-3 Foster a spirit of collaboration in the Legislative Assembly between Members of Provincial Parliament (MPPs) and the public.

a) Strike special committees of MPPs, with equal representation from each party, to work on multi-party issues; the size of any committee would be dependent on the issue and could vary from one representative from each party to several representatives.

b) Review the role of MPPs in the context of Open Government to identify opportunities to engage the public and organizations in new ways—especially through the use of digital tools—both in the legislature and constituency offices.

c) Develop a new annual initiative, modelled on the Government of Canada's Miscellaneous Statute Law Amendment Program, allowing members of the public, the public service and MPPs to propose amendments to existing statutes to ensure that laws are responsive and remain up-to-date.

d) Create an online forum to enable people to have their say about bills, particularly those referred to a standing committee after first reading when there is flexibility to change the bills.

1-4 Launch a "one-stop" Open Government platform and app that consolidates information for all public engagement initiatives across government.

a) Ensure accurate, up-to-date information on all engagement processes with options for providing input into these processes.

b) Provide public notices about *all* regulatory changes under consideration and options for public input.

c) Establish a platform seeking crowd-sourced solutions to problems identified by government and its agencies, modelled after the United States' Challenge.gov site.

d) Develop a process for the public to browse, sign or create e-petitions, modelled on the United States' and United Kingdom's e-petition programs.

2. Opening Up Government Information

2-1 Improve the Freedom of Information framework within one year of the submission of this report.

a) Reform the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* by basing them on the principles of Open by Default and requiring the proactive publication of certain types of information.

b) Reform the Freedom of Information process so that government systems can receive, process and respond to information requests online and in machine-readable formats.

c) Publish Freedom of Information responses online as soon as they are released to the requestor(s).

d) Waive claims to intellectual property for any product the government creates and ensure that it does not transfer intellectual property of information to a third party.

2-2 Require ministries to pay for all costs associated with Freedom of Information requests when:

i. the ministry fails to meet required timelines for responding to the request, and

ii. the information requested is held on IT systems that have been purchased in or after 2017.

2-3 Within one year, develop and publish an inventory of the types of personal information (including datasets) that the government collects and does not release for privacy, security or other legal reasons. The inventory should include clear descriptions of how the government uses its personal information holdings.

2-4 Give Ontarians the information they need to understand the government's plans and priorities by proactively publishing key documents online, in an open format.

a) Publish all orders in council, within two business days of being signed.

b) Publish all opinion polling that is publicly funded (including polling undertaken by publicly funded caucus services), within 90 days of receipt.

c) Publish detailed, plain language compendia for bills that describe the changes the bill would effect if passed, when bills are tabled.

d) Publish research reports and studies related to bills, after first reading.

e) Publish the Premier's mandate letters to Cabinet ministers that outline departmental and cross-ministry priorities, within two business days of being signed.

2-5 The Legislative Assembly should publish materials online in an open format.

a) Publish *Hansard* with an application programming interface (API) within one year of this report to allow developers to create applications to improve the searchability of *Hansard*, as well as the usability of the data it contains.

b) Publish new resources acquired by the Legislative Library and develop a plan to digitize the existing catalogue.

3. Making Data a Public Asset

3-1 Implement an Open by Default data policy that includes the following direction:

a) Publish all government data in commonly accepted open standards, unless there are privacy, security or legal reasons for not doing so.

b) Publish data in a timely manner, with the highest level of detail possible in a machine-readable format.

c) Make data available free of charge on non-proprietary or commonly/widely adopted formats.

d) Ensure no data is destroyed.

e) Waive intellectual property for data the government collects or creates and ensure it does not transfer intellectual property of data to a third party.

f) Extend Open by Default principles to agencies and broader public sector organizations when renewing existing governance agreements (e.g. Memorandums of Understanding).

3-2 Amend procurement policies to require that information technology (IT) purchases support Open Data.

a) Require that all new purchases store and manage data on platforms with commonly accepted open standards, starting immediately.

b) Develop a strategy to transition all IT systems to comply with this standard by 2017.

3-3 Promote the rigorous management of Ontario's Open Data portal tying it to a larger IT infrastructure that holds datasets that are not subject to an Open by Default policy for privacy, security or other legal reasons. These datasets should be protected by a firewall.

3-4 Develop partnerships to promote the use of data for economic, social and policy development.

a) The department responsible for Open Data should work with other levels of government and stakeholders to increase the interoperability and usefulness of data, including through community collaboration, feedback and quality control of datasets.

b) As appropriate, the Ministry of Economic Development, Trade and Employment or the Ministry of Research and Innovation and the department responsible for Open Government should engage with industry to raise awareness of the economic potential of Open Data and to identify strategic opportunities for the commercial use of government datasets.

c) As appropriate, the Ministry of Economic Development, Trade and Employment or the Ministry of Research and Innovation and the department responsible for Open Government should develop educational programs and tools to promote a data-literate society, particularly within government and the not-for-profit sector.

3-5 Develop comprehensive datasets based on key social and economic indicators at the community, regional and provincial levels to support social research and planning and conduct outreach to community organizations to inform them of these datasets. The government should consider Newfoundland and Labrador's Community Accounts as a best practice example.

4. Implementation and Sustainability

4-1 Take responsibility for Open Government.

a) Assign the Open Government portfolio to a senior minister within Cabinet.

b) Require the minister responsible to table an annual report in the legislature that reports on the progress made against the previous year's commitments and sets out priorities and goals for the upcoming year.

4-2 Expand the current Open Government secretariat to include two permanent groups:

i. a Public Engagement Unit to promote the use of deliberative and collaborative initiatives across government and to support ministries' engagement activities with expertise, advice and tools, and

ii. a Digital Centre of Expertise, modelled after the United Kingdom's Government Digital Service, to develop and lead the government's overall digital strategy, including Open Data, Open Information and Digital Engagement.

4-3 Develop metrics to assess government progress on key priorities, including Open Government initiatives. Display progress on an up-to-date dashboard, such as the City of Edmonton's citizen dashboard.

The Call For Open Government

In October 2013, the Minister of Government Services established the Open Government Engagement Team to find ways for the Government of Ontario to be more open, transparent and accountable.

This report is a response to two important trends. The first is the rapid rate of technological change that has altered the way in which people live and interact with one another. In less than three decades, we have leapt from an era of fax machines and filing cabinets to one of Big Data, high-speed internet and social media.

The second trend relates to shifting public attitudes towards government and, specifically, growing expectations for greater accountability and engagement.

In each case, it is obvious that government has not kept pace.

Old technologies, habits of mind and professional cultures remain significant barriers to the ability of government to act more openly, provide access to information and data more easily and engage with the public more meaningfully. The oath of office for public servants is symbolic of this culture; read literally, the oath prevents public servants from discussing anything with Ontarians.

The report makes a series of recommendations that, taken together, would help to change the culture of government so that it becomes more welcoming to public input, more collegial among elected officials and public servants, and more open with regard to sharing information and data.

The phrase "Open by Default" has gained currency among Open Government enthusiasts. We recognize that many of the things government does cannot be open. In fact, we rely on government to maintain strict confidentiality concerning much of its work.

But we believe that it is time to reverse the existing approach: Ontario should make openness the norm and secrecy the exception.

"Integrity is key to the success of Open Government. The government needs to be open and honest in its actions in order to get results and regain the public's trust."

— Participant at the Brampton consultation

Over the past four months, our Engagement Team has been privileged to meet with Ontarians online and in person. We have also had discussions with members of the Ontario legislature, senior public servants, journalists and government staff.

The message we received is consistent and clear: governments everywhere need to change how they do business to maintain their relevance and credibility.

Ontarians, legislators, journalists and public servants alike are frustrated with the status quo. It's time to open up.

What Is Open Government?

The idea behind Open Government is simple but far-reaching: a public that is engaged and informed of its government's day-to-day activities is more able to hold it to account, make a meaningful contribution to its decisions and help it deliver more responsive programs and services.

Open Government is a global movement gaining momentum from public demands for more transparency and accountability and from the opportunity new digital technologies provide. Governments are no longer asking *if* they should be more open and transparent but *how* they should go about it. But in doing so, governments must strike the right balance between the legitimate concerns of confidentiality and the need for transparency.

A key principle of Open Government is the concept of Open by Default, which means that information and data are presumed to be open to public scrutiny unless there is a compelling reason for them to remain unpublished. Wherever possible, the government should make availability to information and data the standard, without people having to specifically request them.

What Should Open Government Mean for Ontario?

Ontario is working to catch up to other jurisdictions, across Canada and abroad, that have implemented Open Government initiatives. Because Open Government is not a new idea, the Province can learn from other jurisdictions and consider how best to apply the principles of Open Government in the most useful ways for Ontarians.

Open Government Partnership

In 2012, Canada joined the Open Government Partnership, a global organization of 63 countries that provides an international platform for countries committed to making their governments more open, accountable and responsive to the public. Other countries active in the partnership include the United States, the United Kingdom and Australia. Each year, the partnership hosts an annual summit where partner nations share ideas about how openness can improve public services, drive economic growth, reduce poverty and corruption, and restore public faith in government.

We have focused our report on three related components:

- Open Dialogue is about using new ways to provide the public with a meaningful voice in planning and decision-making so government can better understand the public interest, capture novel ideas and partner on the development of policies, programs and services.
- Open Information is about proactively releasing information about the operation of government to improve transparency and accountability, and promote more informed and productive public debate.
- Open Data is about proactively publishing some of the data collected by government in free, accessible and machine-readable formats and encouraging its use by the public as well as within government.

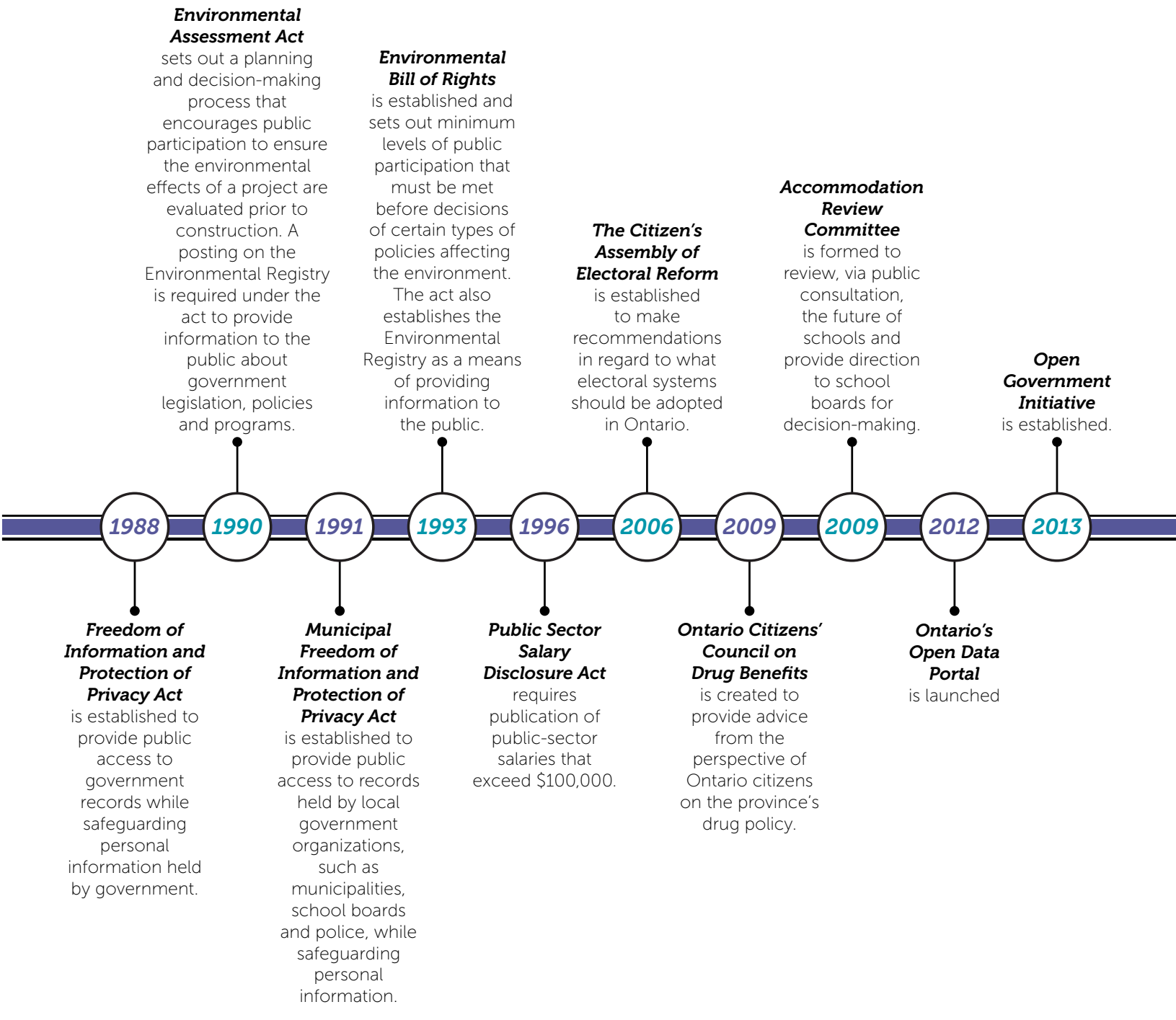
The Open Government approach our Engagement Team proposes for Ontario is ambitious but realistic. Our goal is to set the province on a course that, over time, will fundamentally change how the public accesses information and interacts with government.

The landscape of government has changed significantly over the past three decades in part because of the increase in the number of government agencies and broader public sector organizations. Though our recommendations focus on the legislature and public service, we believe that the principles of Open Government should be expanded out to agencies and the broader public sector wherever possible.

Open Government can help our government become more efficient and effective. However, a key condition of successful Open Government will be to educate elected officials, public servants and the public on this potential so that the embedded culture of secrecy and risk-aversion can begin to change.

Government is always challenged with evolving public expectations of what it should be. We are building on the work of previous governments to strengthen inclusiveness, transparency and accountability. In this respect, Open Government is not a panacea, but we think it is a good place to start.

Milestones for Transparency and Inclusiveness in Ontario



Working Together

We heard that people want to have a voice in the work of government. But they also told us that their interactions with government can be frustrating. We can improve how government engages with the public, its partners and stakeholders.

People want to have meaningful input with their government *before* decisions are made. They want to know how their input was considered. And they want to know how and why decisions are made.

What Is Open Dialogue?

Open Dialogue aims to provide the public with meaningful opportunities to participate in the policy-making process. It has recently emerged as an important component of the Open Government movement, in part because local governments and service providers have demonstrated how ideas from communities and individuals can strengthen public policy.

The Engagement Team believes the Ontario government can and should go further. We think it is vital to challenge growing assumptions that people are too busy or disinterested to be truly engaged—or worse—that Ontarians are apathetic. These assumptions are false. In fact, people will give their time willingly, without compensation, to provide their input, insight and expertise. Experience with a variety of engagement processes in Ontario and other parts of Canada shows that rather than asking too much of people, *we ask too little* and are providing too few opportunities to become engaged.

People need to feel confident that their feedback will be taken seriously. They need to be supported by an educational process so they can engage in informed discussions. They need time to work through difficult policy choices.

"The key to Open Government is giving the public opportunities to discuss issues that matter to them in meaningful ways."

— Participant at the Thunder Bay consultation

Asking more from Ontarians and providing them with meaningful opportunities to engage with government will enhance both their civic literacy and voice within government.

The Need for Open Dialogue

Engaging people to make or contribute to important decisions is not a new or radical idea. The Ontario government regularly reaches out to gather views from stakeholders and members of the public.

But policy development has become increasingly complex: often, governments are grappling with policy issues that have implications that reach beyond a single sector and there is a need to reach trade-offs and agreement across multiple parties.

For example, Ontario's renewable energy strategy aims to increase the amount of energy created from sustainable sources. The development of wind farms and solar facilities has implications for the environment, economy, public health and safety, and the cultural heritage of the province. This list is not exhaustive, but it illustrates the breadth of interests a single policy issue can invoke.

In these types of cases, policy development works better when government takes a broad approach: the government needs advice and input from a wide spectrum of people and organizations. It also needs to reach *beyond* vested, organized and often well-funded interests to have conversations with the wider public to identify acceptable trade-offs and lasting solutions. And, technology can make it more convenient than ever for people to share their views with government.

Condominium Act Review

The Government of Ontario recently undertook a collaborative process to renew the Condominium Act, 1998, which was required because major growth in this sector has been leading to the emergence of new policy issues. In this context, collaboration is about the government and the public working together to solve issues or improve services.

To ensure condo owners, tenants and industry players had a say in informing the new legislation, the Ministry of Consumer Services launched an innovative three-stage process that allowed the condo community to take the lead on renewing the act.

- *In Stage One, owners and stakeholders participated in town halls, roundtables and online discussions to define the issues and options facing the sector. In addition, a unique reference panel of 36 randomly selected residents from across Ontario met over four Saturdays and provided valuable guidance to a committee of industry stakeholders.*
- *In Stage Two, industry experts and owners reached agreement on more than 100 recommendations to respond to the issues in Stage One.*
- *In Stage Three, province-wide roundtables and online submissions were used to validate the recommendations, which will now form the basis for the legislation to renew the act.*

This process is one of the clearest examples of how people, stakeholders, experts and government can all work together to find solutions to complex issues through collaboration.

The Goals of Open Dialogue

Open Dialogue has two goals:

- Effectiveness: to contribute to better policy decisions and outcomes by inviting Ontarians to share their views, grapple with complex trade-offs and ultimately weigh in on policy decisions; and
- Legitimacy: to improve the validity of government decisions by making the policy process more open, inclusive, transparent and collaborative.

Three Methods for Promoting Open Dialogue

- Consultation: This traditional approach invites public feedback on questions, issues, analysis, alternatives or proposals. Officials consider this feedback, behind closed doors, when they are making decisions. This is perhaps the most common form of engagement.
- Deliberation: In this approach, government asks the public to participate more fully in the process by working through an issue together —for example, balancing claims, setting priorities and considering trade-offs. Deliberative processes invite people to join an evidence-based, measured conversation about the range of policy options that exist. These processes have been shown to bring people's views on issues closer together. Done well, deliberation can lead to better, more durable decisions. But executing this approach effectively requires time, resources and distinct skill sets from those leading the deliberative initiatives. Government is only beginning to explore the use of deliberative processes (where it isn't already institutionalized, such as in the jury system).

Coroner's Juries: How Individuals Can Contribute To Policy Making

In Ontario, approximately 150 people participate in coroner's juries each year, making recommendations to government that, if implemented, could prevent future deaths. This process brings together a group of five randomly selected jury members who work with legal counsel and the coroner to put forward detailed recommendations that shape public policy.

Coroner's juries are an example of deliberation in action. Jurors play an important role in the inquest process by asking relevant questions of witnesses, raising issues of concern and making recommendations based on the evidence presented. Coroner's juries are just one example of authentic public engagement that government does well. We can use the processes and best practices from coroner's juries to create a better experience for the public when they engage with government in other venues.

- Collaboration: This approach goes beyond deliberation and asks participants to identify the roles they should play, and to assume a measure of responsibility for implementing solutions. A shared action plan is created that assigns roles and responsibilities for participants. This approach is relatively new to government, but early case studies have demonstrated that it is especially effective when goals exceed the government's authority and/or resources. Like deliberation, this approach requires sufficient time and resources to execute as well as skill sets that are not typical of public servants.

The depth of involvement of Ontarians in public policy can vary. Ontarians can provide ideas, proposals or options and leave it to the government to decide. They can be partners in identifying solutions that are agreeable to the government and to other people. And they can also be participants in implementing solutions. In order for Ontarians to play these different roles, public policy needs to be seen as something more than a competition of ideas with winners and losers.

Ontario Citizens' Council on Drug Benefits

The Ontario Drug Benefit Council is an advisory body that provides advice on drug policy to the Minister of Health and Long-Term Care. The council was created in 2009 out of the government's plan to reform the drug system.

The council is comprised of 26 Ontarians from all walks of life. Applicants that are deemed eligible are short-listed and selected at random to participate on the council. To ensure informed dialogue, the council is briefed by experts in the fields they are to discuss.

The council meets regularly to discuss and provide their values and opinions to reflect the needs, culture and attitudes of the public on drug policy in the province—a largely values-based policy issue. The council uses deliberative tactics to help government understand what the public values and considers important on these issues.

"Incorporating feedback from public engagement sessions into government decision-making processes is fundamental to good dialogue."

— Participant at the Ottawa consultation

Open Dialogue Recommendations

Doing Policy Differently

RECOMMENDATION 1-1

Establish Ontario as Canada's leader in public engagement.

a) Launch a series of demonstration projects across the government to build the skills and capacity to deliver effective deliberation and collaboration processes.

b) Develop a cross-government engagement framework to assist ministries in designing effective engagement processes and popularizing more deliberative and collaborative approaches to public engagement.

c) Make the use of digital tools an integral part of public engagement initiatives.

d) Develop an option for people to consent to sharing their contact information with ministries and agencies so the government can directly notify them of public engagement opportunities.

We believe that the best way to build capacity and learn to effectively engage the public is to learn by doing. Our Engagement Team has identified a series of demonstration projects (as outlined in Appendix 1) that could serve as the starting point for a collaboration agenda for Ontario. These demonstration projects focus on issues for which the government needs to move from traditional consultation to collaborative partnerships. Government could draw on the experience to develop a framework to guide future work. This framework would help public servants determine what type of issues require public engagement, when in the policy cycle public engagement should be considered and which of the three approaches is most appropriate.

This recommendation would increase the depth of government's engagement with people. Providing opportunities for the public to be meaningfully involved in decisions that matter to them could become a distinguishing mark of democracy in Ontario.

Government needs to take advantage of technology to increase the reach of public engagement opportunities. In-person public engagements should always incorporate a digital strategy that is appropriate for the target audience. Live-streaming, online chat technologies or video formats are all tactics that could be used to hear from people who are unable to attend in-person sessions.

Government does not have a direct way of communicating with people to promote public engagement opportunities, and generally relies on local and online advertising, or direct mail, to seek participants. Allowing the government to contact residents directly will help it become more efficient and effective in communicating with members of the public who are interested in public engagement opportunities. This theme is also addressed in our section on online engagement.

Finally, we would be remiss if we failed to acknowledge that there are a number of consultation processes in Ontario that occur by virtue of the Constitution (duty to consult with Aboriginal peoples), statute (the Environmental Bill of Rights Registry, Environmental Assessments) and convention (pre-budget consultations).We believe that government needs to conduct a sweeping review of existing consultation processes to ensure that they are meeting their objectives of engaging relevant stakeholders and the broader public while providing value for money.

Restorative Justice Programs for Youth: Dialogue That Promotes Justice

Restorative justice programs aimed at youth in conflict with the law for non-violent crime empowers both the victim and offender by giving them a say in the process while also giving the offender an opportunity to demonstrate accountability and remorse for his or her actions.

Restorative justice brings the victim and offender together in the same room with key community members and professional supports to discuss the crime. When the community comes together to work through conflict and develop solutions, communities are enriched and the chances of reoffending are reduced. The restorative justice process consists of the following actions:

- *Dialogue: with the goal of engaging both the victim and the offender;*
- *Relationship-building and collaboration: to help the offender, victim and community members find solutions to repair harm done; and*
- *Communication and understanding of societal values: which the offender can adopt moving forward.*

Restorative justice programs give youth and their communities an opportunity to learn from a difficult, often life-changing, experience and find a better way forward through collaboration.

Participating In Government

RECOMMENDATION 1-2

Increase opportunities for Ontarians to participate directly in government business and to develop good citizenship skills.

a) Go beyond conventional feedback tools, such as surveys and focus groups, and use design labs and other participatory methods that invite users to contribute directly in the reform of public policy and services.

b) Designate an appointee between the ages of 18 to 34 to agencies, boards and commissions as a best practice.

c) Explore the creation of a centre for research and education in Ontario, based in a college or university, similar to Simon Fraser University's Centre for Dialogue.

Through the Engagement Team's consultations, we heard that government should improve the quality of people's involvement in government planning and decision-making. The main critiques offered about successive governments' interaction with the public are as follows: real listening does not always occur, and conversations may be boxed in by too many predetermined factors, such as an undisclosed preference for certain approaches or solutions.

Design labs are about user co-creation of products and services so that, from the start, products and services are designed with the end-users' experience in mind. They are an established practice in the private sector but have been gaining traction in the public sector: governments in the United States, Australia and Singapore have all established their own design centres. Using participatory techniques, such as interactive workshop formats, visualizations, user prototyping and testing is likely to lead to policies that are more reflective of the public interest, and services that are more client-centred, efficient and effective.

Simon Fraser University's Centre for Dialogue

The Centre for Dialogue uses experiential learning and dialogue to generate non-partisan and constructive communication around difficult issues.

It partners with government, business and community groups to explore critical issues that impact the social, economic, environmental and cultural well-being of communities.

Programming at the centre connects student learning, university research and community engagement.

Increasing opportunities for youth to be involved in agencies, boards and commissions demonstrates a commitment to cultivating a sense of civic duty in future generations and also helps bring fresh thinking and innovative perspectives from a cohort that is fluent in today's digital platforms and tools.

Investing in the creation of an organization for public engagement research and education would help create the expertise needed to lead the new types of engagement that we outline in this report. It will also help the public make sense of important public issues and build capacity for constructive dialogue.

Increasing opportunities for youth to be involved in agencies, boards and commissions demonstrates a commitment to cultivating a sense of civic duty in future generations, and helps government tap into fresh thinking and innovative perspectives.

Public Engagement In The Legislature

RECOMMENDATION 1-3

Foster a spirit of collaboration in the Legislative Assembly between Members of Provincial Parliament (MPPs) and the public.

a) Strike special committees of MPPs, with equal representation from each party, to work on multi-party issues; the size of any committee would be dependent on the issue and could vary from one representative from each party to several representatives.

b) Review the role of MPPs in the context of Open Government to identify opportunities to engage the public and organizations in new ways—especially through the use of digital tools—both in the legislature and constituency offices.

c) Develop a new annual initiative, modelled on the Government of Canada's Miscellaneous Statute Law Amendment Program, allowing members of the public, the public service and MPPs to propose amendments to existing statutes to ensure that laws are responsive and remain up-to-date.

d) Create an online forum to enable people to have their say about bills, particularly those referred to a standing committee after first reading when there is flexibility to change the bills.

We believe that the principles of Open Government should apply as much within Ontario's legislature as they do to the public service. Like their constituents, MPPs may feel removed from decision-making that has increasingly been vested in the executive, in party leadership and, at times, among political staff. Votes are most often whipped and MPPs are expected to toe the party line. This leads to predictable results: MPPs come to feel that their efforts to be constructive are futile.

In the past 20 years, governing parties have been hesitant to use legislative processes for substantive all-party participation. But when these processes have been used, they have proven to be effective ways of developing policy. For example, the Public Accounts Committee has carried its meetings in a cooperative atmosphere, producing hundreds of reports that have been supported by all three parties; most select committees have acted with little interference from political leaders' offices and have produced good reports in the interests of the public and the Province; and bills that have been referred to committees after first reading have been successful in finding compromises between different parties.

We think that leveraging existing processes, and creating new ones to empower MPPs *from all parties* to make contributions, will result in policy that better reflects the interests

of the voting public. Of course, partisanship is, and will always be, a defining feature of the Westminster style of government. However, the legislature can be more conducive to collaboration by having House Leaders and MPPs define together areas where all-party support for policy, legislative or regulatory change is possible. One good candidate for all-party collaboration would be to address the well-known shortcomings of the Family Responsibility Office.

MPPs should also embrace the use of technology to have better and more direct interactions with the public. For example, adding voting buttons on their websites for specific policy issues, providing a space for online discussion or simply maintaining a social media presence can help elected representatives be more connected to the public. We have included a number of recommendations in this report that MPPs could use to better communicate with their constituents (e.g. online forums for commenting on bills, Open Government portal and app, and e-petitions).

The notion that the public's engagement with government ends when the ballot is cast is outdated and incompatible with the needs of a modern democracy. We believe that government should give Ontarians a permanent voice in the legislative process through a new program that allows people to propose amendments to existing statutes in order to ensure the laws are responsive to varying community circumstances and remain current.

There is precedent for this type of process. The Government of Canada's Miscellaneous Statute Law Amendment Program is based on submissions from *anyone* or *any organization* (including government departments) to improve statutes. An all-party committee is struck and operates under the guidance of the Department of Justice with clearly established criteria for submissions (for example, rights cannot be diminished). The key concept is simple: if any member of any political party objects to an idea presented, it is simply put aside. Decisions are based on consensus. To date, eight *Miscellaneous Statute Law Amendment Acts* have been passed.

MPPs should also embrace the use of technology to have better and more direct interactions with the public.

Online Engagement

RECOMMENDATION 1-4

Launch a "one-stop" Open Government platform and app that consolidates information for all public engagement initiatives across government.

a) Ensure accurate, up-to-date information on all engagement processes with options for providing input into these processes.

b) Provide public notices about *all* regulatory changes under consideration and options for public input.

c) Establish a platform seeking crowd-sourced solutions to problems identified by government and its agencies, modelled after the United States' Challenge.gov site.

d) Develop a process for the public to browse, sign or create e-petitions modelled on the United States' and United Kingdom's e-petition programs.

We believe it is important for government to meet people where they are: online. Now more than ever, technology offers new opportunities for the Government of Ontario to share information, connect with the public and encourage meaningful dialogue on issues in forums convenient to Ontarians. New technology allows government to offer different ways for the public to be engaged—from exploring information online to having sophisticated interactions between government and members of the public using the web.

Challenge.gov

Governments around the world are calling on the public to bring innovative solutions and new ideas to complex government issues.

A prime example is the U.S. government's Challenge.gov website, a collection of technical, scientific, ideation and creative competitions run by more than 50 agencies across the U.S. federal government. Prize money is offered for winning solutions to problems. Early evidence suggests that, in addition to innovative solutions to problems, it has resulted in time- and cost-savings to government.

Successful projects range from new apps that promote key priorities, such as healthy living, to the development of a production capable car that gets 100 miles per gallon.

Using online platforms to engage the public also increases the reach of government in engaging people from across Ontario. This province is geographically large, which poses challenges for in-person public engagement. Although connectivity in certain areas and access to technology remain barriers to participation, the use of computers, mobile and tablet technology continues to grow and to be an important channel for engagement.

It is critical that public engagement opportunities being offered by the government are communicated in a clear, straightforward way. Currently, Ontarians interested in participating in public consultations must look across all ministry websites to identify whether consultations are taking place.

We envision a "one-stop" destination for Ontarians interested in Open Government as a way to raise the profile of public engagement—a single platform where people could find information about *all* engagement opportunities and could conveniently contribute feedback online using their smartphones, tablets or desktop computers. This platform (and application) would be a dynamic gateway to the government's schedule of planned public engagements and a variety of forums, civic literacy resources, social media channels and e-democracy initiatives.

Technology can be used to increase transparency. Developing a forum where every regulation that is under consideration is posted for public input could go a long way to increase openness and promote engagement. Ontario's Environmental Registry does this for environmental matters that are subject to the *Environmental Bill of Rights*. The Regulatory Registry encourages comments from the business community on proposed regulations that would affect them. Offering a single point of access to these processes and ensuring that all regulations under consideration are posted for comment makes good sense.

It is critical that public engagement opportunities being offered by the government are communicated in a clear, straightforward way.

Ontario should draw inspiration from the successes of other jurisdictions in using online forums to engage the public's expertise. One example is the use of "challenge sites." These sites tap into the creativity of youth, researchers and the private sector for new ideas and innovative solutions to public problems posted by government and its agencies.

As well, the use of e-petitions increases opportunities for the public to have a say in their government. We recognize that Ontario currently has its own petition process, but it only allows for paper-based submissions, and feedback on the petition is not made widely available. This is an example of a process that could be modernized in order to make it more open and accessible like it is in other jurisdictions.

The United States and United Kingdom post e-petitions created by members of the public online so other members of the public can explore them and add their signature if desired. If the petition collects enough signatures, the government issues a response (U.S.) or debates it in the House of Commons (U.K.). This online forum allows people from across a jurisdiction to easily connect on ideas and issues that matter to them.

We envision a "one-stop" destination for Ontarians interested in Open Government as a way to raise the profile of public engagement

Opening Up Government Information

Ontarians have told us that information held by government is hard to find and often difficult to understand. We heard that the Freedom of Information process is cumbersome and the *Freedom of Information and Protection of Privacy Act* inhibits, rather than promotes, Open Government.

Embracing the principle of Open by Default will help government share information more effectively with the public. We recognize that this will require a dramatic cultural shift within government.

What Is Open Information?

Open Information is about proactively releasing information about the operation of government to improve transparency and accountability. It is also about releasing information about the legislature to promote more informed, productive public engagement. This currently happens through the publication of Freedom of Information (FOI) requests as well as the routine release of other information; for example, annual salary disclosure.

The Need for Open Information

Increasingly, people are interested in knowing *how* and *why* decisions were made. They are also interested in information about the internal workings of government, such as the goals government is working toward and how money is being spent.

Open Information aims to make this information available on a proactive, rather than a reactive, basis. This is called being Open by Default.

Reactive versus Proactive Disclosure

Reactive disclosure occurs when government holds on to information until a formal request is made before releasing that information (e.g. FOI request).

Proactive disclosure occurs when government takes the initiative to publish information instead of waiting for it to be requested.

Proactive disclosure builds trust in government and promotes the rule of law by enabling the public to learn more about a greater variety of existing laws, policies and government programs.

Posting government responses to FOI requests publicly rather than sending the response to the requestor makes information more widely available, saves taxpayers' money and cuts down on government resource expenditure and red tape.

The Goal of Open Information: Open by Default

In the context of Open Information, Open by Default is guided by the following set of principles:

- Complete and relevant: All government information that has value to the public is made available unless there are privacy, security or legal reasons for not doing so.
- Timely: Information is published as quickly as possible and should be kept up-to-date.
- Accessible: Information is easy to find, organized in a logical manner and written in plain language so that it can be understood by the widest possible audience.
- Affordable: Obtaining government-held information is free or low cost in order to overcome what can be a significant barrier to access.
- Machine-readable: Information is published in formats that allow for automated processing, such as comma-separated values (CSV) format (i.e. plain text file).
- Non-discriminatory: Information is available to anyone, and should not require registration for access.
- Licence-free: Within reason, the sharing or disclosure of information is not subject to restrictive intellectual property rights.

"Open Government should keep the end-user in mind when thinking about information and data. Accessibility, design and usability are all critical elements."

— Participant at the Kitchener-Waterloo consultation

REACTIVE RELEASE: The Provincial And Municipal Freedom Of Information And Protection Of Privacy Acts

RECOMMENDATION 2-1

Improve the Freedom of Information framework within one year of the submission of this report.

a) Reform the Freedom of *Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* by basing them on the principles of Open by Default and requiring the proactive publication of certain types of information.

b) Reform the Freedom of Information process so that government systems can receive, process and respond to information requests online and in machine-readable formats

c) Publish Freedom of Information responses online as soon as they are released to the requestor(s).

d) Waive claims to intellectual property for any product the government creates and ensure that it does not transfer intellectual property of information to a third party.

The *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Municipal Freedom of Information and Protection Act* (MFIPPA) protect the public's right to access government information and provide rules for the protection of personal information collected by public sector organizations.[1]

Under these acts, the public has the right to request government-held information by making written Freedom of Information (FOI) requests. In our conversations with the public, we heard that there are concerns about the limitations of this legislation and the FOI process. In particular, we heard from journalists who have extensive experience with making FOI requests. They often faced long delays and steep costs to receive access to information that they believe should be published proactively.

"The public has a right to know what is going on [in their government] and how public dollars are being spent."

—Journalist, Queen's Park Press Gallery

[1] *Other legislation includes the Personal Health Information Protection Act, which establishes rules for the collection, use and disclosure of personal health information.*

Journalists from the Queen's Park Press Gallery highlighted that modernizing FIPPA and the FOI process is critical to the success of Open Information because information obtained through these vehicles sheds light on the inner workings of government in a way that only providing data cannot.

A study undertaken by the Centre for Law and Democracy echoes some of the concerns we heard about. The centre's Right to Information (RTI) ranking[2] compares Canadian federal and provincial governments' FOI legislation. The ranking noted that Ontario's law has several weaknesses, including the following:

- It lacks the proper procedural protections, such as lax limits on timeline extensions and poor rules around access fees.
- It has a limited scope of application for the Legislative Assembly.

It is expected that government would develop a set of guidelines to help streamline the proactive disclosure of records without compromising the legitimate need for confidentiality.

We are optimistic that implementing recommendation 2-1 would strengthen the original intent of the act and would help government move to a default practice of proactive disclosure for certain types of information such as briefing notes, survey data, policy papers and other analysis. It is important to note that these types of documents would likely contain certain information, such as advice to government, which would legitimately need to be kept confidential. It is expected that government would develop a set of guidelines to help streamline the proactive disclosure of records without compromising the legitimate need for confidentiality.

We recognize that posting FOI responses online as soon as the individual that submitted the request receives it could be perceived as undermining the efforts of that individual. This could be especially true for journalists who may have spent significant time completing FOI requests to get the information they are seeking for a story. However, we stand by the principle of Open by Default: government information that does not meet specific privacy, security or legal tests belongs to the public and should be available to *everyone equally in a timely manner*.

[2] *The Centre for Law and Democracy's ratings are available at www.law-democracy.org/live global-rti-rating/canadian-rti-rating/.*

RECOMMENDATION 2-2

Require ministries to pay for all costs associated with Freedom of Information requests when:

i. the ministry fails to meet required timelines for responding to the request, and

ii. the information requested is held on IT systems that have been purchased in or after 2017.

We recognize the complicated nature of many FOI requests and the difficulty that is encountered when attempting to collect and present such information. Some of this difficulty rests in attempting to access and make sense of older information that is not yet digitized. Governments should be aware that any new IT systems that are purchased must be sophisticated and responsive to a wide range of information retrieval requests. Given how quickly technology is evolving, we suggest that 2017 is a reasonable start date.

RECOMMENDATION 2-3

Within one year, develop and publish an inventory of the types of personal information (including datasets) that the government collects and does not release for privacy, security or other legal reasons. The inventory should include clear descriptions of how the government uses its personal information holdings.

It is commonly understood that the government collects personal information about its citizens. Voting lists, personal health information and licensing are just some examples of the necessary collection of personal information by the government.

There are also instances in which the government collects information that does not explicitly identify an individual by name, or identifying number, but could be linked to an individual.

The Automatic Licence Plate Recognition program is a good example. Through this program, police cruisers are equipped with cameras that can read up to 3,000 licence plates of cars an hour. So, the government is essentially able to track the movements of cars on the road.

While the collection of licence plates is not the collection of personal information per se, it is not difficult to imagine how a licence plate number can be linked to an individual. We think that disclosing the types of information that are collected and *could be linked to individuals* is just as important as disclosing the types of explicit personal information that the government collects.

British Columbia's Personal Information Directory

British Columbia's Freedom of Information and Protection of Privacy Act requires government to publish a Directory of Records, including a Personal Information Directory (PID). The intent of the PID is to document the management of personal information holdings of government and to assist the public in identifying the location of personal information about them held by government.

The legislation sets out specific information that must be listed for personal information banks, such as:

- *a description of the kind of personal information and the categories of individuals whose personal information is included;*
- *the purposes for which the personal information was obtained or compiled and the purposes for which it is used or disclosed; and*
- *the categories of persons who use the personal information or to whom it is disclosed.*

Prioritizing The Release Of Key Documents

RECOMMENDATION 2-4

Give Ontarians the information they need to understand the government's plans and priorities by proactively publishing key documents online, in an open format.

a) Publish all orders in council, within two business days of being signed.

b) Publish all opinion polling that is publicly funded (including polling undertaken by publicly funded caucus services), within 90 days of receipt.

c) Publish detailed, plain language compendia for bills that describe the changes the bill would effect if passed, when bills are tabled.

d) Publish research reports and studies related to bills, after first reading.

e) Publish the Premier's mandate letters to Cabinet ministers that outline departmental and cross-ministry priorities, within two business days of being signed.

Government should demonstrate a commitment to Open Information by proactively publishing key documents. A number of materials are not currently made available to the public but should be because they will help the public understand the government's plans and priorities. Here we discuss five items: orders in council, publicly funded opinion poll results, compendia for bills, research related to bills and mandate letters.

Orders in council (OICs) are statutory instruments that announce administrative decisions made by the executive (the Premier and Cabinet). One type of OIC—appointment orders—announces the naming of people to agencies, boards or commissions. Other OICs express legislative or regulatory decisions related to, and authorized under, an act of the legislature, such as authorizing the sale of surplus land or regulations that set out the details necessary to enact parts of a statute. For example, a piece of legislation might require licence holders in a given industry to include their business registration number in their advertising materials: a regulatory OIC would tease out details like whether this rule should extend to just print materials or whether it should also be included in broadcasting. Publishing OICs online would help make government decisions more accessible to the public.

Publishing publicly funded opinion polling would pull back the veil on the questions commissioned by government and on the responses provided by the public.

Compendia are intended to be plain language explanations of how a bill would change the lives of Ontarians if passed. In recent years, there has been a tendency to keep the compendia extremely brief. As well, compendia are not always a neutral account of the bill. This prevents people from being able to understand proposed laws and undermines openness. A focus on creating clear, appropriately detailed, and plain language compendia for all bills would be a good step toward increased transparency.

Mandate letters are a traditional way that Ontario Premiers have used to articulate priority areas for ministers. Mandate letters are used to set a general tone for a government and also to charge ministers with specific tasks. Posting mandate letters online would enable the public to more clearly understand the priorities of government.

Posting mandate letters online would enable the public to more clearly understand the priorities of government.

Digitizing The Legislative Assembly

RECOMMENDATION 2-5

The Legislative Assembly should publish materials online in an open format.

a) Publish *Hansard* with an application programming interface (API) within one year of this report to allow developers to create applications to improve the searchability of *Hansard*, as well as the usability of the data it contains.

b) Publish new resources acquired by the Legislative Library and develop a plan to digitize the existing catalogue.

The Legislative Assembly of Ontario website is the central hub for all information related to the legislature. While efforts have been made by the Office of the Legislative Assembly to increase openness and to support informed public debate—such as increasing the number and availability of reports and studies related to bills—we think more can be done.

Hansard, the official transcript of debates and proceedings in the Legislative Assembly, is a hallmark of transparency. Currently, it is available online, but it is equipped with a search function that isn't intuitive for users. Investing in the modernization of *Hansard* would allow the public to more easily find out what is happening in the legislature. Equipping *Hansard* with an API would make it possible for developers to create applications such as summarizing an elected official's voting record or comments in the legislature.

The Legislative Library is located at Queen's Park. Reference support is largely focused on MPPs and their staff as well as legislative committees. We recommend that the Legislative Library begin to digitize reference material and post it online so that the information that is made available to MPPs is also made available to Ontarians.

The public's expectation for instantaneous information is often at odds with the slow-moving, secretive nature of many legislative processes. Implementing this recommendation will help modernize the Legislative Assembly's website to bring it in line with the principles of Open Government.

Making Data A Public Asset

In our conversations with the public, we heard excitement and passion about the Open Data movement. People told us about the innovative ways that they are using data, often from municipal governments, but that a lack of common standards across jurisdictions prevents broader applications for Open Data.

We heard that Open Data would create opportunities for economic development and innovation. Public servants told us that opening up data would help them do their jobs more efficiently.

What Is Open Data?

Open Data refers to the sharing of information that the government collects and generates in free, machine-readable formats so that the public can access it and use it for their own purposes.

The Need for Open Data

When data is published in open formats, its value increases because it can be used for a wider variety of purposes—from economic development and innovation to better, evidence-based decision making. Recent reports have estimated that the potential value of Open Data is $3 trillion globally.[3]

Open Data has had a positive impact on people's lives for some time. For example, weather forecasts have long used government data. Applications that track public transit systems by onboard GPS data are now widely available and let people know about transit options or when their bus is expected to arrive.

> "We shouldn't be focused on the upfront investment costs of Open Data. We should be worried about the costs of not making this investment. The cost is innovation."
>
> —Participant at the London consultation

[3] *J. Manyika et al. (October 2013). "Open data: Unlocking innovation and performance with liquid information." McKinsey & Company. Retrieved from http://www.mckinsey.com/insights/business_technology/open_data_unlocking_innovation_and_performance_ with_liquid_information.*

And innovations continue. We spoke with a group of entrepreneurs in Ontario that developed iamsick.ca—an online tool that maps all emergency rooms, urgent care centres, walk-in clinics and pharmacies in Canada and provides estimated wait times to help simplify information about healthcare options.

The benefits of Open Data do not stop with the public. We think that one of the greatest promises of Open Data is that it can transform the way government works internally to promote better decision-making and a more efficient use of public resources.

The Goal of Open Data: Open by Default

Being Open by Default is a critical element of Open Data (as it is to Open Information). In this context, Open by Default is based on the following principles:[4]

- Complete: All data is published automatically, unless there are valid privacy, security or legal reasons not to do so.
- Primary: Data is published with the most detail possible (i.e. not aggregated).
- Timely: Data is published as quickly as possible after it is collected.
- Accessible: Data is made available to the widest range of users for as many purposes as possible.
- Machine-readable: Data is structured to allow for automated processing, such as comma-separated values (CSV) format or JavaScript Object Notation (JSON).
- Non-discriminatory: Data is available to anyone and does not require registration for access.
- Non-proprietary: Data is free and is available in formats that no one has exclusive control over.
- Licence-free: Data is released under a licence that does not restrict its use (i.e. no copyrights or patents).

G8 Open Data Charter

In 2013, the G8 adopted the Open Data Charter, which commits governments to making data Open by Default and adhering to international data schemes. There are four principles included in the charter:

- *Open data by default: government data will be published openly while continuing to safeguard privacy.*
- *Quality and quantity: data will be released in a timely fashion, will be well described and of high quality and will be open.*
- *Releasing data for improved governance: governments will share expertise and be transparent about data collection, standards and publishing processes.*
- *Releasing data for innovation: governments will consult with users and empower future generations of innovators.*

[4] *Principles are taken from https://public.resource.org/8_principles.html.*

Open Data in Ontario

Ontario launched its Open Data Portal in November 2012 with 63 datasets and continues to work on publishing more. Ontario was on the forefront of a collaborative project with the federal government and a number of other provincial governments in creating and adopting a common licence template. (Licences are used by governments to establish that there is no warranty to the data and that government cannot be held liable for the reuse of its data).

The purpose of the common licence is to harmonize licensing across jurisdictions so that users are not burdened or restricted by multiple requirements if they use data from multiple jurisdictions or ministries. To date, six municipal jurisdictions, including Toronto and Vancouver, have adopted the licence.

Ontario has also been collaborating with other jurisdictions through forums such as the Ontario Public Sector Open Data group, a network of more than 15 Ontario municipalities with active Open Data catalogues in order to develop metadata standards and centralizing access to multiple data catalogues.

In October 2013, Ontario partnered with the MaRS Discovery District on the Energy Apps for Ontario Challenge. This challenge promoted the development of new apps that use data collected by smart meters to help households and businesses better manage their electricity usage.

The government has announced plans to publish an inventory of its data so that the public can vote on which datasets it would like to see released first. This consultation is intended to help the government prioritize the release of datasets.

Apps Economy

The apps economy has generated over 25,000 jobs in Ontario,[5] and more than 2,300 apps are introduced each day.[6]

In municipalities that have embraced Open Data, members of the public have created apps that make people's lives easier, more efficient and pleasant, such as Washington, D.C.'s, Stumble Safely or Vancouver's Vantrash.

[5] *The Information and Communications Technology Council. (February 2014). "The Application of Everything: Canada's Apps Economy Value Chain." Retrived from: http://www.ictc-ctic.ca/wp-content/uploads/2014/02/AppificationFeb2014.pdf*

[6] *The Information and Communications Technology Council. (October 2012). "Employment, Investment, and Revenue in the Canadian App Economy." Retrieved from: http://www.ictc-ctic.ca/wp-content/uploads/2012/10/ICTC_AppsEconomy_Oct_2012.pdf*

Making Data A Public Asset

RECOMMENDATION 3-1

Implement an Open by Default data policy that includes the following direction:

a) Publish all government data in commonly accepted open standards, unless there are privacy, security or legal reasons for not doing so.

b) Publish data in a timely manner, with the highest level of detail possible in a machine-readable format.

c) Make data available free of charge on non-proprietary or commonly/widely adopted formats.

d) Ensure no data is destroyed.

e) Waive intellectual property for data the government collects or creates and ensure that it does not transfer intellectual property of data to a third party.

f) Extend Open by Default principles to agencies and broader public sector organizations when renewing existing governance agreements (e.g. Memorandums of Understanding).

We believe it is important that government starts investing and managing data as an asset—with the same rigour they manage physical assets such as roads and bridges. One of the most critical lessons we can draw from the Open Data movement is that in order to realize the full potential of data, it must remain *public*. This is something that government hasn't realized in the past.

"Not only does [the functional privatization of land assessment and transaction data] inhibit research that is potentially relevant for public policy, it inhibits effective functioning of the real estate markets, as limits to information create inefficient markets."

—Online submission

For example, in the 1980s, Ontario became the first jurisdiction to digitize its land-related documents and entered into an agreement with a private-sector electronic service delivery provider to help develop the database, which would eventually become Ontario Parcel.

But by doing so, the Province essentially privatized huge amounts of data that hold enormous economic opportunity. Access to the data is not free and is bound by restrictive licensing agreements. This type of functional privatization has serious consequences: it stifles entrepreneurial opportunities and makes innovation difficult.

Situations such as this uphold the corporate and disconnected culture that Open Government aims to break down. At a practical level, entering into agreements with third parties that manage its data is costly to the government. Embracing the principles of Open Data will protect data from being locked up by corporate players and could save governments and businesses millions of dollars in operating costs.

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Making Data A Platform To Enhance Access

RECOMMENDATION 3-2

Amend procurement policies to require that information technology (IT) purchases support Open Data.

a) Require that all new purchases store and manage data on platforms with commonly accepted open standards, starting immediately.

b) Develop a strategy to transition all IT systems to comply with this standard by 2017.

If government wants to unlock the value of its data, it needs to publish it on an easy-to-use portal. Ontario can learn from the experiences of other jurisdictions, which have sometimes placed too much emphasis on publishing data as quickly as possible without making sure that the governance and information management policies that support Open Data platforms are sound.

It is vital that attention is given to the type of investments that are being made in IT systems, whether they are new purchases or requests for customized solutions. If governments genuinely want to attract users to their Open Data portals, they must ensure that the proper technical and policy infrastructure is in place to make it is usable by the public.

> "Open government should publish data and information with the end user in mind. Accessibility, design and usability are fundamental."
>
> — Participant at the Kitchener-Waterloo consultation

Data should be treated as a layer within the government's IT architecture and not tied to specific uses. The desired outcome is for data to be managed on platforms that have open features as a core function. Creating a separate information layer will allow for the exchange and use of data, resulting in increased flexibility to how data is presented and reduced duplication of IT solutions. It also means that government is not restricted to contract IT companies for data management (e.g. data extraction).

Managing Ontario's Open Data Portal

RECOMMENDATION 3-3

Promote the rigorous management of Ontario's Open Data portal by tying it to a larger IT infrastructure that holds datasets that are not subject to an Open by Default policy due to privacy, security or legal reasons. These datasets should be protected by a firewall.

Open Data is sustainable if government accepts it as an integral part of its operation rather than something external and abstract that must be complied with in order to satisfy the components of Open Government. If government becomes the largest user of its own Open Data infrastructure, it will be in a better position to identify if the policy and technical infrastructure holding up the site is unsound and to suggest ways for improving ease of use—both for public servants themselves and for members of the public who might be interested in working with the data.

Tying the public-facing Open Data portal to a private, government-facing portal will motivate government to manage its data assets so they remain relevant.

Open Data is sustainable if government accepts it as an integral part of its operation rather than something external and abstract that must be complied with in order to satisfy the components of Open Government.

Partnerships To Support Economic Development, Innovation And Better Policy With Open Data

RECOMMENDATION 3-4

Develop partnerships to promote the use of data for economic, social and policy development.

a) The department responsible for Open Data should work with other levels of government and stakeholders to increase the interoperability and usefulness of data, including community collaboration, feedback and quality control of datasets.

b) As appropriate, the Ministry of Economic Development, Trade and Employment or the Ministry of Research and Innovation and the department responsible for Open Government should engage with industry to raise awareness of the economic potential of Open Data and to identify strategic opportunities for the commercial use of government datasets.

c) As appropriate, the Ministry of Economic Development, Trade and Employment or the Ministry of Research and Innovation and the department responsible for Open Government should develop educational programs and tools to promote a data-literate society, particularly within government and the not-for-profit sector.

Open Data Institute

The creation of the Open Data Institute was announced in the Government of Canada's 2014 Budget. The institute will be located in the Region of Waterloo, Ontario, and will work with governments, post-secondary institutions and the private sector to deal with the challenges and issues facing Open Government.

The institute is a public–private partnership that will work on the development of common standards, the integration of data from different levels of government and the commercialization of data so that people can attain greater economic benefit from datasets that are released by all levels of government.

The new institute provides Ontario an opportunity to explore partnerships with a broad range of organizations to promote the use of its data.

Open Data includes many uses and benefits.

- When the public is able to access and experiment with government data they find interesting, a spike in the number of opportunities for research, development and the commercialization of data occurs.
- Open Data provides a platform for public servants to access data they might not otherwise be able to locate to support their work.
- Open Data arms the public with the same information that the government is using to inform its decisions; as data is explored, the public can identify inefficiencies, problems and other issues that could save money and improve services.

To leverage the full potential of Open Data, the Province must work with other levels of government to collaboratively adopt common standards for their data in order to make it easy to aggregate. The Ontario government also needs to build the profile of the economic benefits that can be derived from private-sector use of Open Data. As well, Ontario needs to cultivate a data-literate society not only within government, but also in the not-for-profit policy community, so that both groups become comfortable with using data to drive decisions.

The interoperability of data is fundamental to innovation and productivity. While Ontario has already begun working with other jurisdictions to establish a common set of standards for data, we feel it is critical that more partnerships are fostered across a wider range of jurisdictions—municipal, provincial, federal and international—and across each of the public, private and not-for-profit sectors.

To leverage the full potential of Open Data, the provincial government must work with other levels of government to collaboratively adopt common standards for their data in order to make it easy to aggregate.

Data To Support Social Research And Planning

RECOMMENDATION 3-5

Develop comprehensive datasets based on key social and economic indicators at the community, regional and provincial levels to support social research and planning, and conduct outreach to community organizations to inform them of these datasets. The government should consider Newfoundland and Labrador's Community Accounts as a best practice example.

Good-quality data to support social research and planning at the community level is essential. Since the elimination of Statistics Canada's mandatory long-form census, social planning councils in Ontario have noted that there are serious gaps in the data they would normally use to advocate for community development and social justice issues.

We believe that there should be a national solution to this serious gap in information so that social planning councils can understand their own communities and have comparable indicators across provinces. But we also think that the Ontario can use Open Data to help alleviate some of the loss of information social planning councils are facing.

Newfoundland and Labrador has partnered with Memorial University and a number of private organizations to develop a data retrieval and exchange application that sources data from a variety of organizations and allows users a single point of access. The application provides a number of tools that help users access and understand the data. The Engagement Team considers this model a best practice.

> Good-quality data to support social research and planning at the community level is essential.

Implementation and Sustainability

Members of the public told us that Open Government will require elected officials to take a leap of faith. And we heard from public servants that a major culture shift must occur in order for Open Government to succeed.

Our Engagement Team believes that Open Government should be adopted as quickly as possible and become part of the day-to-day business of government.

Our Engagement Team believes that Open Government should be adopted as quickly as possible and become part of the day-to-day business of government.

Deep tensions exist between traditional government and Open Government. While traditional government is secretive, controlling and compartmentalized, Open Government requires transparency, collaboration and networking.

We believe the principles and ideas proposed in this report provide the basic tools to drive real culture change and, ultimately, to establish Open Government in the day-to-day business of government.

This will be not be achieved in a single mandate or by a single government. It is a long-term project—a work-in-progress—that successive governments must keep striving to achieve. Getting it started calls for strong and committed leadership.

Leadership from The Top

RECOMMENDATION 4-1

Take responsibility for Open Government.

a) Assign the Open Government portfolio to a senior minister within Cabinet.

b) Require the minister responsible to table an annual report in the legislature that reports on the progress made against the previous year's commitments and sets out priorities and goals for the upcoming year.

We advocate that the Premier formalize the responsibility for Open Government within Cabinet by creating a senior position designated as Minister Responsible for Open Government. We are not recommending that a new ministry be created, with all the associated staffing and infrastructure costs. Rather, our goal is to highlight the urgency of proceeding with Open Government by having it formally represented within Cabinet.

To support openness and transparency, the Minister responsible should be required to table an annual report on the progress made and the state of Open Government initiatives to the legislature. This will help drive Open Government initiatives and also serve as a year-to-year gauge on the government's progress.

Organizational Change

RECOMMENDATION 4-2

Expand the current Open Government secretariat to include two permanent groups:

i. a Public Engagement Unit to promote the use of deliberative and collaborative initiatives across government and to support ministries' engagement activities with expertise, advice and practical tools, and

ii. a Digital Centre of Expertise, modelled after the United Kingdom's Government Digital Service, to develop and lead the government's overall digital strategy, including Open Data, Open Information and Digital Engagement.

Currently, Ontario has a small, centralized office housed within the Ministry of Government Services that is responsible for a number of initiatives related to Open Government. Given the scope of the work that is required to support Open Government, and the cultural shift involved, we believe the office should be expanded and reorganized into two separate and permanent groups: a Public Engagement Team responsible for promoting deliberative and collaborative initiatives across government and a Digital Centre of Expertise responsible for the government's overall digital approach, including digital engagement strategies. These groups would work collaboratively to promote and standardize their respective portfolios of Open Government across government while remaining connected through their overlapping and complementary responsibilities for public engagement.

Permanent offices will help increase the profile of Open Government. We advocate for a hub-and-spoke model that will not only offer centralized support but will also require individual ministries to designate leads so that capacity is built across the organization.

Government Digital Service (GDS)

The GDS in the United Kingdom was established to ensure that government offers world-class digital products for its citizens.

GDS has published a Government Digital Strategy that guides its work, including:

- *moving all departmental, agency and arm's-length body websites to gov.uk to make accessing information simpler;*
- *transforming the 25 highest -volume services to make them digital by default; and*
- *reforming the procurement process for IT to allow for a broader range of bidders, including small and medium-sized enterprises.*

Potential responsibilities of the two groups are outlined below.

Responsibilities

Public Engagement Group		Digital Centre of Expertise
• Researching and documenting best practices on public engagement and providing advice and expertise • Offering centralized training to ministries to build government-wide capacity in public engagement • Being a resource for specialized tools, such as maintaining a group of facilitators trained in public engagement, and providing education on engagement strategies to serve ministries on an as-needed basis • Developing and maintaining a set of common resources in the area of public engagement (e.g. database of venues, outreach lists)	**Groups would work together to ensure their public engagement strategies are aligned.**	• Providing overall direction for the government's digital approach, including development of cross-government web and application programming interface (API) standards • Creating and implementing a cross-government Digital by Default standard for online services and transactions, and developing User-Experience expertise • Creating a Digital Engagement Team to focus on strategies for public engagement, policy discussion and e-democracy • Offering centralized training to ministries to promote data literacy • Developing outreach partnership strategies to promote data use

Digital by Default Checklist

- ✓ *services/transactions are available online*
- ✓ *websites have highly searchable content interfaces and robust search engine optimization*
- ✓ *websites have accessible design, plain language content and are mobile-optimized*
- ✓ *web forms do not require downloading or printing/mailing hardcopies*
- ✓ *ability to use email, Short Message Service (SMS) and social channels to ask questions or get information, along with an estimated response time*
- ✓ *online video and visuals are used to communicate and explain.*

Measuring Progress

RECOMMENDATION 4-3

Develop metrics to assess government progress on key priorities, including Open Government initiatives. Display progress on an up-to-date dashboard, such as the City of Edmonton's citizen dashboard.

As with any initiative, it is critical that government focus attention on outcomes to assess whether the goals of Open Government are being achieved. In the spirit of transparency, we think that the government should report results to the public on an ongoing basis.

Metrics should draw clear links between government strategies and outcomes. Those metrics specific to Open Government initiatives should include feedback from the public on its experiences and perspectives.

As with any initiative, it is critical that government focus attention on outcomes to assess whether the goals of Open Government are being achieved.

APPENDIX 1: A Collaboration Agenda For Ontario

As mentioned in the body of our report, collaboration is an integral part of Open Government. Our view is the best way for the government to implement collaboration as part of a government-wide public engagement agenda is to learn by *doing*. This appendix contains four demonstration projects that show how and where government could build collaborative capacity and strengthen the policy process through such an agenda.

These four demonstration projects should be considered for possible inclusion of a bigger public engagement agenda for Ontario.

1. Mobilize Online Networks to Provide Community Leadership

Every month, immigrants working in Ontario send millions of dollars back to family members overseas via wire transfer. Fees for the service can be based on a number of factors and vary significantly. Because there are no standardized practices and little oversight, unscrupulous vendors often overcharge for the service.

In order to tackle this issue, the Ministry of Consumer Services is seeking ways to protect immigrant communities from such practices. While this could involve legislation to regulate the service, there may be a better way to proceed, especially given that the ministry lacks resources to educate the public about new regulations or to enforce them.

The ministry plans to join and leverage online networks to help raise awareness of the issue and to mobilize the community to take action. Officials will identify multi-stakeholder dialogues that are already engaging people and organizations with a stake in the issue, such as academics, the legal profession and immigration organizations.

Through this participation, the ministry will help educate and mobilize network members. They, in turn, will begin educating others in their respective communities by sharing this knowledge with them. As the discussion progresses, trustworthy businesses will be identified and those that are not will be exposed. This will motivate business owners to learn about and comply with the rules.

In terms of capacity-building, this initiative will teach the government how to leverage its role as a regulator and convener so that it can launch a discussion on a key issue in an online network, engage and focus the network's members on the development of the policy or legislation and, finally, mobilize the network to further engage and educate the broader community about the policy and promote compliance with it.

2. Simplify the Maze of Government

In our sessions, many people referred to the "maze of bureaucracy" with its endless corridors and numerous dead ends. For example, opening a restaurant in Ontario involves dozens of application processes to meet regulations, including zoning requirements (e.g. signage and patios), food safety, workplace health and safety approvals and alcohol licensing.

First and foremost, Open Government is about sharing information across government(s) more quickly and easily. This should include a commitment to simplify processes such as licensing by ensuring that single access point for service is available online or over the counter. Service Ontario and the Ministry of Economic Development, Trade and Employment are well positioned to jointly lead a task force to advance this single-window approach.

These partners would invite key stakeholders of restaurant licensing to work together through issues that stand in the way of a simplified approach to opening a restaurant. The group would likely include municipalities and stakeholders from business and consumer advocacy organizations. The process should have a tight timeline and aim to provide a template for simplification that could be applied to other areas of licensing and other services.

3. Strengthening Evidence-Based Decision-Making

Open Data and Open Information promote evidence-based decision-making, transparency and accountability, bringing improved outcomes. This is the case even in areas of government where data and information is already relatively open. In infrastructure development, for example, the Ontario government published a 10-year plan—Building Together—in 2011. It outlined government spending priorities: sectoral priorities, demographic priorities and functional priorities, such as improved asset management. Government legislation introduced last fall in the Ontario legislature would make long-term infrastructure planning a regular requirement.

Still, like much government spending, infrastructure decisions are sometimes the subject of backroom tactics—political jockeying and lobbyist influence. Ensuring the planning process is firmly based on evidence and made in the full light of public involvement counters such practices and helps ensure better decisions.

Infrastructure spending in the broader public sector—such as for hospitals or schools—has significant implications for communities and citizens. But the planning processes that support individual funding decisions could be more transparent, setting out metrics such as detailed costs and projected usage. The more detailed the data, and the more public that data is, the more difficult it is for special interests to argue successfully that a project that falls short in terms of value for money should gain provincial government support.

The Province could engage stakeholders in a dialogue to define a more open and transparent process. Such a dialogue would challenge interested parties to work together to define what principles, rules and tests might be appropriate to ensure planning decisions meet a high standard of evidence, transparency and accountability. Any provincial ministry would benefit from such a process. But, were a ministry such as Infrastructure to establish such a policy and process, it could provide a model for a similar approach in other ministries.

4. Refocusing Case Management on Collaboration in Social Assistance

Government services fall into two very different categories. Transactional services are when government makes goods and services available to the public in exchange for money. An example of a transactional service could include a client paying for a drivers' licence, health card or parking ticket.

However, many programs and services rely on much more than transactions to be effective. Services to rehabilitate young offenders or improving health have high levels of personal involvement that also require a high level of trust between the client and the service provider. We can say these relationships are collaborative to distinguish them from transactional services.

Collaborative relationships are inherently different from transactional services. Collaborative services are dynamic, interactive and emphasize the importance of human relationships in delivering that service. A client's view regarding the quality of this interaction will critically alter the effectiveness of the service. Social assistance programming provided by the Ontario Disability Support Program is a prime example.

The Ontario Disability Support Program provides a wide range of employment services and supports to help clients prepare for, find and keep employment, with clients working closely with a caseworker to access these services and supports, which are provided by third party organizations. However, many clients in the Ontario Disability Support Program say they are confused by the employment system. They say it is bureaucratic, controlling and unresponsive to their concerns. In short, the relationship may be more transactional than collaborative. These clients need to feel they have some personal control over their future, which requires a different kind of relationship with the system and the caseworker.

A promising strategy would be to build on work that is already underway around active case management to establish a partnership between clients and the social assistance system that emphasizes the collaborative relationship, rather than the transactional one. Clients would work closely with their employment service provider and/or caseworker to develop a personal plan to become employed or achieve other goals.

This plan would include several stages. Each stage would have clear goals and a practical strategy to achieve them, along with a statement of the resources and supports required. Each stage would also build on the last one and include milestones and measures for success, such as completing a training course, researching employment opportunities or identifying possible employment contacts.

Government delivers a wide range of programs and services in which collaboration could be employed more fully, including health services as well as community and correctional services. Open Dialogue is the foundation for this collaborative approach.

APPENDIX 2: Summary Of Consultations

Public Consultations:

From November 23, 2013 to January 24, 2014, the Open Government Engagement Team held public engagement sessions in various locations throughout Ontario, including:

Location	Date
St. Catharines	November 23
Toronto	November 25
Thunder Bay	December 2
London	December 11
Brampton	December 16
Ottawa	January 14
Kitchener-Waterloo	January 17
Toronto	January 24

The public was also invited to submit comments to the Engagement Team by email (opengov@ontario.ca) and Twitter (#openON).

The Engagement Team heard from individuals and stakeholders. Participants were asked to reflect on their experiences with government in relation to Open Dialogue, Open Information and Open Data and suggest ways that Ontario could become more transparent and accessible. The feedback and common themes are summarized below.

General Sentiments toward Government

- Generally, participants were optimistic that government could become more open and transparent. People highlighted that the window of opportunity is immediate, particularly because of the momentum of the global movement of Open Government.
- Many people who had previous experiences participating in government consultations stated that government was sometimes disingenuous in its approach. Several participants cited examples where they believed that government had already made a decision on a particular issue and were simply "going through the motions" of a consultation to legitimize that decision. In spite of this, participants expressed a willingness to spend time in public engagement processes when they feel that the government is willing to have authentic conversations.
- Participants noted feelings of mistrust toward political parties and political agendas. In particular, they felt that information provided by politicians and government is not candid, responsive or easy to find.

Open Government: Opportunities

- Many participants viewed the three streams of Ontario's Open Government initiative (Open Dialogue, Open Information and Open Data) as mutually supportive. People agreed that information and data can promote more constructive dialogue to inform better policy.
- At nearly every engagement session, participants advocated for the release of government data in order to fuel innovation and opportunities for economic development.
- Some participants suggested that creating meaningful opportunities for public engagement, and demonstrating how their voice was counted, could heighten their confidence in government.

Open Government: Challenges

- Most participants recognized that Open Government will require a significant culture shift and a "leap of faith" for both politicians and government. It was recommended on several occasions that Open Government be supported by leadership at the highest levels in the political and bureaucratic arenas.
- Those participants that had previously taken part in government consultations noted that they often feel disadvantaged when participating in public engagement processes because government information about the issue at hand is not often available or is difficult to find and understand.
- Some participants noted that investments will likely have to be made in order to implement Open Data initiatives. However, the Province's financial situation shouldn't prevent government from moving forward quickly because the benefits greatly outweigh the costs.

Other Consultations:

Elected Officials

A series of meetings with Members of Provincial Parliament (MPPs) was held to understand how elected officials felt about the concept of Open Government, particularly what they viewed as the risks and benefits of more transparency in legislative processes. A series of four meetings was held—three meetings divided along party lines and one all-party meeting. In total, 29 MPPs participated in these meetings.

The meetings suggested that MPPs have similar concerns, regardless of party affiliation and role within government. In particular, MPPs lament the decline of collegiality in the legislature and feel that they should have a lead role in public engagement. In general, MPPs felt that Open Government could influence legislative business in a positive way and create new opportunities for public engagement with constituents and dialogue with one another.

Government Officials

Members of the Engagement Team interviewed a number of senior government officials to gain insight into how Ontario could implement Open Government in a realistic and sustainable manner. Interviews were held with the Secretary of the Cabinet and senior officials in the following ministries: Cabinet Office, Consumer Services, Finance, Infrastructure, Government Services and Transportation. Through these interviews, the Engagement Team identified a series of projects that formed the Collaboration Agenda, outlined in Appendix 1.

Several meetings with the Assistant Information and Privacy Commissioner took place to discuss the impact of the *Freedom of Information and Protection of Privacy Act* on Open Government.

Interviews were also held with the Environmental Commissioner and Deputy Chief Coroner of Inquests to discuss how their work integrates elements of Open Government.

Public Servants

Engagement sessions were held with Ontario Public Service staff in Thunder Bay and Toronto in order to assess the receptiveness of staff to embrace Open Government and to identify barriers to Open Government in staff's day-to-day work. More than 90 staff participated in roundtable discussions with Engagement Team members.

In general, public servants felt that Open Government was a goal Ontario should strive toward but noted that it represents a significant shift in the way government does business and engages with the public. Public servants felt that a sustained, enterprise-wide commitment would be required to successfully implement Open Government initiatives and that the culture of the public service could start to shift if government focuses on the following three elements:

- building staff capacity in the areas of dialogue, information and data;
- trusting in staff to be more open and responsive to the public; and
- motivating or encouraging staff to embrace the principles of Open Government.

Queen's Park Press Gallery

A small engagement session was held with members of the Queen's Park Press Gallery. The media was asked about the current state of government openness and where it could make the most progress. Participants agreed that the *Freedom of Information and Protection of Privacy Act* and the Freedom of Information request process need significant overhauls due to delays in processing, complex appeals processes and high costs. Participants also felt that while Open Data is useful for certain purposes, it should not be seen as a solution to the issues they identified with Freedom of Information.

It was also emphasized that the culture of government has changed over the years, limiting the information that journalists can obtain and report on. For example, press releases contain very limited information on which to draw from. Moreover, journalists feel that it is becoming increasingly difficult to speak with senior bureaucrats about policy issues, even to get background information on complex policy changes.

Aboriginal Communities

A small engagement session was held with the Aboriginal community in Thunder Bay. Participants agreed that government needs to make Open Dialogue a priority. In particular, participants felt that collaborative approaches could be better used by government when partnering with Aboriginal communities. Participants also discussed the potential benefits and challenges associated with Open Data, including how it could benefit local decision-making but also highlighting challenges related to accessing machine-readable data in rural and northern Aboriginal communities.

Academics

Finally, the Engagement Team called upon the expertise of the following academics for their insights on the Government of Ontario and elements of Open Government:

- Sean Conway, Visiting Fellow at Ryerson University and former Member of Provincial Parliament;
- Dr. Robert Greenwood, Executive Director of Public Engagement at Memorial University;
- Dr. Lorne Sossin, Dean at Osgoode Hall Law School; and
- Dr. Graham White, Professor of Political Science at the University of Toronto.

APPENDIX 3: Engagement Team Terms Of Reference

Background

Open Government initiatives in Canada and around the world have focused on providing open access to government data, proactively releasing information about government activities and using new and innovative mechanisms to increase public engagement and collaboration.

The Ontario Public Service is moving toward greater openness and transparency by taking steps to increase the amount of information available to the public, enhancing accountability measures and establishing multi-channel, customer-focused delivery of programs and services.

The Government of Ontario is committed to openness, transparency and collaboration to promote an efficient, effective and modern public service. The long-term objective of Open Government in Ontario is to increase public trust and confidence in government by:

- increasing public engagement and participation by introducing new, relevant tools for consultation;
- delivering more responsive policies, programs and services by harnessing the public's collective knowledge, expertise and ideas; and
- increasing transparency, and propelling innovation and economic growth, by making data and information available, accessible and useable to the public.

The Open Government Engagement Team has been established to provide advice on how Ontario can move toward a more open, accountable and engaged government.

A. Mandate of the Engagement Team

The mandate of the Engagement Team is to provide advice and guidance to the Minister of Government Services on the development and implementation of Open Government initiatives in Ontario and act as a sounding board for ideas and suggestions from the public.

The focus will be on increasing meaningful public engagement and collaboration to improve the government's understanding of the public interest, capture novel ideas and partner on the development of policies, programs and services so that they better reflect and address the needs of the public.

The Engagement Team will also look at expanding access to government data and information and promoting its use to propel economic development and innovation.

The Engagement Team will conduct public consultations with a broad range of stakeholders from within and outside government to determine expectations with regard to Open Government in Ontario in these areas. The results of the consultations will be considered in the Engagement Team's final report (see Section I).

B. Duration

The Engagement Team has been established as a short-term body, terminating no later than March 31, 2014.

C. Composition

The Engagement Team will consist of a Chair and up to eight additional members.
The Engagement Team will be comprised of subject-matter experts in communications, innovation and social media from academia, business and community groups.
The members will also be representative of different generations and cultures.

D. Roles and Responsibilities

The Chair is responsible for:

- ensuring the Engagement Team is operating within its mandate;
- providing oversight and strategic leadership to the Engagement Team;
- scheduling Engagement Team meetings;
- establishing sub-committees, if necessary;
- ensuring deliverables are submitted to the Minister within the timelines prescribed by these Terms of Reference; and
- reporting to the Minister of Government Services as required and/or requested by the Minister (see Section E).

Members are responsible for:

- attending Engagement Team meetings and sub-committee meetings as requested;
- providing the Chair with advice and assistance in meeting his or her responsibilities;
- contributing to the completion of deliverables outlined in these Terms of Reference as requested by the Chair; and
- ensuring effective communications with the Chair and other members of the Engagement Team.

E. Reporting Relationships

The Chair of the Engagement Team will report to the Minister of Government Services. The Chair will provide the Minister with any advice the Minister may require with respect to the Engagement Team's mandate.

The Chair will keep the Minister advised of issues or events, including contentious matters that concern, or can reasonably be expected to concern, the Minister in the exercise of the Minister's responsibilities. The Chair will advise the Minister immediately of those contentious issues.

The Chair will report regularly to the Minister on the status of the Engagement Team's work. The Minister may determine the frequency and type of reporting required.

The Minister may request the Engagement Team to provide advice and guidance following the acceptance of the Report on an Open and Engaged Government (see Section I), up to the termination of the Engagement Team no later than March 31, 2014.

F. Meetings

Engagement Team meetings will occur at least once a month until deliverables are met. Meetings can be virtual or face-to-face.

G. Openness and Public Engagement

A presence on Ontario.ca will be established to showcase the work of the Engagement Team. Meeting agendas and minutes and summaries of public consultations will be posted on the site. The site will include a mechanism for public feedback.

Members will demonstrate a commitment to openness by using their personally established social media forums (e.g. Twitter, blogs, etc.) to engage the public on topics within the mandate of the Engagement Team throughout its duration.

H. Administrative Arrangements

The Ministry of Government Services will provide secretariat support for the Engagement Team. The Engagement Team will not have the authority to hire staff.

Engagement Team members will be informed of the ethical framework that applies to public servants with the expectation that they will conduct themselves in a similar manner.

I. Deliverables

1. Public Consultation

- Engagement Team members will conduct consultations with a broad range of stakeholders from within and outside government. The goal of the consultation will be to gauge the expectation for open and engaged government in Ontario. The findings might also indicate the readiness within government to meet the expectations. The consultation findings will be used to complete the deliverable outlined below.

2. Report on Open and Engaged Government

- The Engagement Team will submit a report with recommendations on the development and implementation of open government in Ontario.
  The report will summarize information obtained through public consultations. The Engagement Team may choose to publicly workshop various themes to be included in the report; however, the report itself will be authored by the Engagement Team and not crowd-sourced. The report will include the following elements:

  i. Public engagement—open dialogue—increasing opportunities for the government to have meaningful dialogue with the public; engaging and collaborating with people to increase the public's overall levels of civic participation. The report will also identify metrics that will help government assess its progress toward becoming more participatory. Public engagement will be the primary focus of the report.

  ii. Data and information—increasing public access to government data and information; and encouraging its use by the public and business to drive economic development and innovation, and to increase transparency. The report will also provide recommendations for the proactive and routine disclosure of government information (i.e., communications, opinions or representations of knowledge).

  iii. Implementation—prioritizing the implementation of report recommendations and the identification of strategies to sustain open government activities, including methods and tools to drive a culture change within government that is necessary to support increased collaboration, openness and transparency.

The report of the Engagement Team will be the property of the Government of Ontario, and a copyright notice will be included in the report as follows:
© Queen's Printer for Ontario, 2014.

J. Appointments, Remuneration and Expenses

The Chair and the other members of the Engagement Team will be appointed by Minister's letter. Appointments begin the date of the appointment letter and end no later than March 31, 2014.

The Chair and the other members will be remunerated in accordance with Order-in-Council 764/2012.

- The Chair will receive a per diem of $350 up to a maximum of 45 days.
- Members will receive a per diem of $200 up to a maximum of 30 days.

Reimbursements for reasonable expenses will be in accordance with Management Board of Cabinet's Travel, Meal and Hospitality Expenses Directive. The Engagement Team will not have authority to make expenditures outside the scope of this directive. The Deputy Minister of Open Government, or the deputy's designate, will approve all expense claims.

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