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Submission to the Government of Ontario Consultation on the draft Open Data Directive

The Ontario Nonprofit Network (ONN) has prepared this submission on the Open Data Directive from the perspective of an organization that activates a network of nonprofits across Ontario for public benefit work.

ONN is the provincial network for the 55,000 nonprofit organizations across Ontario that make communities more vibrant, innovative and inclusive places to live, work and play. The nonprofit sector employs over one million people and contributes \$50 billion to Ontario's economy. ONN activates its volunteer base and its 7,000-strong network to develop and analyze policy, and work on strategic issues through working groups, engagement of nonprofits and charities and government.

The nonprofit sector generates data, uses data, and has an interest in data being made available to inform the nonprofit sector's work. As a key partner in making Ontario communities strong and vibrant, we hope our comments will help shape open data policy for Ontario. These comments follow from three broad points:

- **Data for the Public Benefit.** We agree with the statement set out in [Minister Matthews' Mandate Letter](#) that as a part of a broader movement towards open government, open data should contribute towards "increasing the opportunity for the public to open government, to have better access to, learn about and participate in government." Opening up data should facilitate the access to and use of data for these purposes. For this reason we believe that the Open Data Directive must be explicitly oriented towards public service and public benefit, taking this as a key principle and priority.
- **Strong Government-Nonprofit Partnership.** We appreciate the Directive's purpose to "Promote a culture of openness and collaboration - both within the public service and externally to the people of Ontario." Partnership with the nonprofit sector on Ontario's Open Data Strategy will help the Government of Ontario achieve its stated goal of open government. The nonprofit sector plays a key role in building connection between individual community members and the government, by sharing information about new government initiatives, encouraging those participating in programming to vote and get involved in the democratic process, and delivering government programs and services. In addition, nonprofits act as repositories of knowledge and facilitate conversation and collective analysis of community trends and issues. In this work, nonprofits both collect key data sets and use data to inform their work. For these reasons, nonprofits have an essential role to play in the transition from closed data to data that is not only open, but actively accessed and used to provide innovative solutions and benefit Ontarians.

The costs for this work should be considered in planning for a strong partnership between government departments and their colleagues in the nonprofit sector.

- **Transfer payment agreements.** From an administrative perspective, a large group of nonprofits are currently an integral part of the information management system mentioned in this Directive, as they receive transfer payments from the government to deliver services. We ask that the role of these nonprofits be carefully considered in partnership with them, to ensure clear, consistent and appropriate roles and compensation for those roles in the process of opening up data.

ONN proposes ***a joint working group comprised of the Treasury Board Secretariat, key ministries, nonprofit stakeholders and key municipalities and researchers focused on the use of data for public benefit.*** This working group would review data collection, data sets, data use, and ways to fill gaps or create new data sets for public benefit research and planning. The joint working group would act as a means to identify issues and opportunities relating to the nonprofit sector, which will enable the implementation of this Directive.

Please find below specific comments on the Directive. Thank you for the opportunity to participate in the development of this initiative. We hope the Directive can preface a strong collaborative partnership between the Government of Ontario and the nonprofit sector to unlock data in the service of community. People across Ontario can benefit from improved access to data for public benefit purposes.

Specific Comments on the draft Open Data Directive

Section 3. Principles

We understand that Section 3 is intended to provide principles for information management practices. Overall, ONN agrees with the principles. In support of the use of data for public benefit, we believe that data should be open by default and should be primary data to the fullest extent possible.

We do think, however, this could be strengthened by the inclusion of ***an explicit commitment in the principles to release data according to accepted open data standards that are already in place.*** In this way, the data will be more readily accessible for use.

Section 4. Mandatory Requirements

4.1 Data Inventory

- a. We recommend when government data sets are comprised of service and delivery data generated by nonprofit organizations under transfer payment agreement, the ***Treasury Board requires ministries to consult, work with, and support their transfer payment service providers as they design reporting formats that meet government objectives for open data standards, as well as the information needs of transfer payment agencies.*** Transferring the burden of data transformation onto the service provider is not feasible, effective or appropriate. In exceptional cases where data transformation may be completed by nonprofits, organizations must be compensated for the full cost of such work.

- b. Eventually, all data should meet open data standards (respecting privacy by anonymizing as appropriate). During the transition process, coordination will be essential to ensure that service providers with multiple funders will not be burdened with multiple, variable expectations and requirements from each government ministry or department that may fund them. This is a significant issue for nonprofits receiving transfer payments, as it is not uncommon for a single organization to have multiple different transfer payment agreements across numerous ministries. Coordination among ministries, and a consideration for the general lack of resources and staff for data management within transfer payment budgets, is essential to a practical, smooth redesign of data collection to result in good quality data. Involving service delivery partners in planning is essential as ministries identify and develop their data sets.

This coordination may be supported by ***a joint government sector working group in working in dialogue with the existing Transfer Payment Administrative Modernization Working Group to ensure the process, outreach, and transfer payment agreements and expectations are consistent, clear, and appropriate.***

Transfer payment agreements are the means by which the government engages nonprofit organizations to deliver services and supports in communities for public benefit. ***These agreements should be designed according to architecture review requirements to meet data standards while protecting confidentiality as required.*** This data is essential for planning and includes service data and anonymized recipient profile data.

4.2 Open Data Publication

- a. **4.2.4** ONN recommends that this section include allowances for data sets serving public benefit work to be prioritized through discussion with community stakeholders, including nonprofits. The nonprofit sector can use data to become better and smarter in our work in communities. ***The directive should prioritize opening up data to serve and enhance public benefit work.***
- b. **4.2.7** Old data is of limited use for community planning purposes. We believe that ***each data set should have a timetable established for regular updates and there should be clear accountability to ensure that those deadlines are met.***

4.3. Open Data and Procurement

ONN is very supportive of the requirement that data obtained in the course of a contract with government be available to the public without charge. Research conducted by and about the nonprofit sector frequently relies on data sets created or modified in the course of completing publicly funded projects. This clause will ensure that data is available for other research on nonprofits and communities.

Section 5. Open Data Engagement

- a. Engagement with the nonprofit sector will facilitate the use of data for public benefit. ONN recommends that ***the Treasury Board shift its language from “should” to “must” in Section 5 of the Directive to clearly support strong collaboration for access to and use of open data.***

- b. To support this aspect of the Directive (subsection 5.6), ONN proposes **a joint working group comprised of the Treasury Board Secretariat, key ministries, nonprofit stakeholders and key municipalities and researchers focused on the use of data for public benefit**. This working group would review data collection, data sets, data use, and ways to fill gaps or create new data sets for public benefit use.
- c. ONN supports the recommendation put forward by many commentators to **establish a body with the authority to problem solve, mediate, recommend and ultimately to order changes to data practices**.