



**OFIFC**

Ontario Federation of  
Indigenous Friendship Centres

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# Consultation Response on Open Data Directive

July 2015

## **About the Ontario Federation of Indigenous Friendship Centres**

The Ontario Federation of Indigenous Friendship Centres (OFIFC) is a provincial Aboriginal organisation representing the collective interests of twenty-eight member Friendship Centres located in towns and cities throughout Ontario. The vision of the Aboriginal Friendship Centre Movement is to improve the quality of life for Aboriginal people living in an urban environment by supporting self-determined activities which encourage equal access to, and participation in, Canadian society and which respects Aboriginal cultural distinctiveness.

The OFIFC administers a number of wholistic, culture-based programs and initiatives which are delivered by local Friendship Centres in areas such as justice, children and youth, health, family support, long term care, healing and wellness, education, and employment and training. Friendship Centres respond to the needs of tens of thousands of community members requiring culture-based and culturally-appropriate services every day.

The Friendship Centres represent the most significant off-reserve Aboriginal social service infrastructure across Ontario and are dedicated to achieving greater participation of all urban Aboriginal peoples in all facets of society, inclusive of First Nation – Status/Non-Status, Métis, Inuit and all other people who identify as Aboriginal. The OFIFC manages \$45 million in direct delivery funding across the province, not taking into account the direct resources procured by Friendship Centres at the community level.<sup>1</sup>

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<sup>1</sup> Ontario Federation of Indigenous Friendship Centres., *Annual Report 2012/2013* (Toronto, ON: Ontario Federation of Indigenous Friendship Centres, 2013) 47.

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## Introduction

In April 2015 the Ontario Government released its draft Open Data Directive for public consultation, a recommendation from its Open Government Engagement Team in implementing an “open by default” data policy. In providing feedback on the Draft Directive, we found it was important to cross-reference the aims of the Directive with the recommendations of the government’s Open Data Initiative. Our feedback begins with an overview of the 2014 Open by Default Report’s recommendations for open data, analyses the 2015 draft Open Data Directive in light of specific feedback and recommendations for consideration.

## Data and the OFIFC

The OFIFC understands the importance and relevance of data in the work that we and our member Friendship Centres do every day. It is through the collection and analysis of our own program data that we can make informed decisions about program administration, delivery, and enhancements, and it is a critical tool for community-based planning decisions. Our organization has undertaken the development of an integrated database system to collect unidentified client data across all Friendship Centres in order to better quantify trends and track the progress made by our programs. At the same time, we highly value the power of narrative reporting data which contextualizes the successes that Friendship Centres are seeing in their communities in their voices. Our robust Research and Policy Analysis departments at the OFIFC use a combination of our collected quantitative and qualitative datasets to share the stories of Friendship Centre communities.

Since the dissolution of Statistics Canada’s mandatory long-form census, the drought in reliable, Aboriginal-specific, community-based data has been a persistent issue for the OFIFC and Friendship Centres. We know that Aboriginal demographics in Friendship Centre communities have changed dramatically since the 2006 Census, but without localized population statistics, we remain restricted to reference population statistics that are now a decade old. As society comes to depend and expect quantifiable measurement of indicators of social health and wellbeing from government, and as different levels of government commit to such initiatives as the Poverty Reduction Strategy, Point in Time Homelessness Counts, and acting on recommendations from key reports such as Justice Iacobucci’s report on *First Nations Representation on Ontario Juries*, the need to quantify, track, and improve upon statistics increases.

Knowing that Aboriginal people experience some of the lowest rates of wellbeing across many different social and economic determinants, it stands to reason that Aboriginal-specific data must be collected by government and shared publicly according to the ‘Open by Default’ principles.

## Background: 2014 ‘Open by Default’ Report

Over the past few years there has been a movement within western democratic governments to develop ‘open’ processes that are more transparent and accessible to citizens. This focus is a response to citizens’ shifting attitudes toward governments, expectations for transparency and engagement, and the widespread use of technology and social media for communication and interaction.<sup>2</sup> The global non-profit organization, Open Knowledge, has been a leading force in this movement, developing the ‘Open Definition’ to which many governments and agencies subscribe. In summary their definition states that “knowledge is open if anyone is free to access, use, modify, and share it – subject, at most, to measures that preserve provenance and openness.”<sup>3</sup> Increasingly, governments are harnessing this momentum and making transparency and accessibility high priorities. In 2011 the federal government launched its Open Government Initiative which includes an open data pilot project<sup>4</sup> and in 2012 Canada joined the global Open Government Partnership which includes the participation of 65 countries.<sup>5</sup> Across Canada, the provinces of Alberta<sup>6</sup>, British Columbia<sup>7</sup>, and Quebec<sup>8</sup> have all released open data portals which provide citizen access to government datasets.

The government of Ontario launched its Open Data Portal in November 2012<sup>9</sup> and in 2013 announced its Open Government commitment, appointing an Open Government Engagement Team tasked with consulting with the public to recommend key ‘open’ initiatives to government.<sup>10</sup> From November 2013 – January 2014, the Team held consultations to “determine how government can be more open, transparent and accessible.”<sup>11</sup> The consultations informed key recommendations in the Team’s March 2014 Report, ‘Open by Default: A new way forward for Ontario.’<sup>12</sup> The overall message of the report signals the need for changes to the way that governments do business in order to “maintain relevance and credibility.”<sup>13</sup> An ‘Open Government’ is described as one which engages and informs its citizens of day-to-day activities so that the public is

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<sup>2</sup> Government of Ontario. (2014). “Open by Default: A new way forward for Ontario.” 12. Retrieved from: <http://docs.ontario.ca/documents/2428-open-by-default-2.html#document/p1>

<sup>3</sup> Open Knowledge. “Open Definition Version 2.0.” Retrieved from: <http://opendefinition.org/od/>

<sup>4</sup> Government of Canada. (2015). “Canada’s Action Plan on Open Government.” Retrieved from: <http://open.canada.ca/en/canadas-action-plan-open-government>

<sup>5</sup> Open Government Partnership. (2015). “Participating Countries.” Retrieved from: <http://www.opengovpartnership.org/countries>

<sup>6</sup> Government of Alberta. “Alberta Open Data Portal.” Retrieved from: <http://data.alberta.ca/>

<sup>7</sup> Government of British Columbia. “DataBC.” Retrieved from: <http://www.data.gov.bc.ca/>

<sup>8</sup> Government of Québec. “Données ouvertes.” Retrieved from: <http://www.donnees.gouv.qc.ca/?node=/accueil>

<sup>9</sup> Government of Ontario. (2014). “Open by Default: A new way forward for Ontario.” 40. Retrieved from: <http://docs.ontario.ca/documents/2428-open-by-default-2.html#document/p1>

<sup>10</sup> Government of Ontario. (2013). “Open Government Engagement Team.” Retrieved from: <http://www.ontario.ca/government/open-government-engagement-team>

<sup>11</sup> Ibid.

<sup>12</sup> Government of Ontario. (2014). “Open by Default: A new way forward for Ontario.” 5-11. Retrieved from: <http://docs.ontario.ca/documents/2428-open-by-default-2.html#document/p1>

<sup>13</sup> Ibid. 13.

able to hold government to account by contributing to decision-making and ensuring the delivery of responsive services.<sup>14</sup> ‘Open by Default’ means that information and data are presumed to be accessible and open to the public unless there is an important reason for them not to be released, making “secrecy the exception.”<sup>15</sup>

The 2014 report sets out four broad goals for government that align with the Team’s Open by Default principles: (1) working together through increased public engagement; (2) opening up information; (3) making data a public asset; and (4) implementation and sustainability. These directives lay the groundwork for the government’s Open Data Initiative.

### Open By Default: Opening Up Government Information

Within the 2014 ‘Open By Default’ Report, the Open Government Engagement Team provides a snapshot of the current state of information and data access in the province. The report notes that at present, government data and information is difficult to access or understand and that privacy laws present additional barriers to openness.<sup>16</sup> The report argues that the public is becoming more interested in how governments work and make their decisions and that opening up government information and data will encourage increased knowledge and a more trustful, reciprocal relationship that values citizen input and engagement.

The report provides an aspirational framework for the future of open information in the province suggesting an approach in which government moves from “reactive disclosures” of information – when government retains data or information until a formal Freedom of Information (FOI) request is made – to “proactive disclosure” of information – by sharing more information without being prompted and by posting FOI request responses publicly.<sup>17</sup> The report recommends specific changes to the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* to reduce delays and costs, and increase publication of findings.<sup>18</sup> It also recommends that government publishes an inventory of personal information and datasets that it collects about individuals but cannot disclose due to privacy. It is suggested that in the inventory government clearly outline how and why this information is collected and used. The report also recommends that government release key documents within specified timeframes – these include orders in council, opinion polling, plain language information about proposed legislation including associated research, the Premier’s mandate letters to Cabinet, *Hansard*, and resources of the Legislative Library.<sup>19</sup>

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid. 12.

<sup>16</sup> Ibid. 29.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid. 31.

<sup>19</sup> Ibid. 35-36.

### Open by Default: Making Data a Public Asset

The 'Open by Default' Report presents a strong case to government for the release of its collected data suggesting that public access to government data can optimize economic development and innovation and inform evidence-based decision making. The Open Government Engagement Team proposes eight key principles to open data that go beyond the 2013 G8 Open Data Charter and recommend that only privacy, security, or legal reasons restrict the timely publication of government data. The Open Government Engagement Team is firm in this regard, declaring: "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."<sup>20</sup>

Particularly important is the Report's Recommendation 3.5 regarding how data can support social research and planning.<sup>21</sup> The Team acknowledges the loss of good-quality data with the elimination of Statistics Canada's mandatory long-form census and recommends that comprehensive datasets based on key social and economic indicators at the community, regional, and provincial levels are developed to support social planning and research endeavours. The Team also recommends that community outreach and awareness be undertaken in tandem, to ensure that communities are aware that this data is being collected and is available to access to inform local planning initiatives.

### **Feedback on 2015 Draft Open Data Directive**

The 2015 Draft Open Data Directive sets out the foundation for an 'open by default' approach to managing government data and provides direction to government ministries and agencies regarding their data management practices. The directive, once finalized, will reside under the authority of the *Management Board of Cabinet Act, 1990*, which prescribes and regulates the administrative policies and procedures of the public service.<sup>22</sup>

The draft Open Data Directive outlines four overarching principles which synthesize each of the recommended eight principles of the Open Government Engagement Team. They prescribe: (1) that data is open by default unless protection is required; (2) that data will be released online under Ontario's Open Government Licence in machine-readable formats at no cost to the user; (3) that data will be unmodified; and (4) that the data is "timely, open access, interpretable, coherent and primary."<sup>23</sup> Section 4 of the Directive outlines exactly how the data will be accounted for requiring each ministry and provincial government agency to list all of their datasets and databases in a public

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<sup>20</sup> Ibid. 41.

<sup>21</sup> Ibid. 47.

<sup>22</sup> Government of Ontario. *Management Board of Cabinet Act, 1990*. At para. 3 (1) d-g.

<sup>23</sup> Government of Ontario. (2015). "Open Data Directive." *Google Doc*. 6. Retrieved from:

<https://docs.google.com/document/d/1GXBq8d8XOIDlgucEGBA7wGeZNNwqaDBG81-u-KbaDwY/edit?pli=1#>

inventory that is maintained by the Treasury Board Secretariat.<sup>24</sup> It is further stipulated that ministries and agencies are required to identify datasets and databases which cannot be made accessible with clear explanations as to why they are not being shared. In a seemingly conflicting clause, there is also allowance for the exclusion of particular datasets or databases from the inventory in exceptional cases.

Upon review of the Draft Open Data Directive, our review has prompted the following feedback and recommendations:

#### Reliable Aboriginal-Specific Data

For the purpose of the draft Open Data Directive, 'data' is defined as "facts, figures and statistics objectively measured according to a standard or scale, such as frequency, volumes or occurrences."<sup>25</sup> One of the most important datasets for Aboriginal organizations like the OFIFC is Aboriginal-specific data that many ministries and agencies collect through client intake processes. This data is important as it provides an indication of the number of Aboriginal people accessing certain services and the proportion of Aboriginal people represented within certain sectors. This data can help to map the needs for parallel programs and services that non-governmental organizations can provide in tandem.

Unfortunately, when the OFIFC has asked for Aboriginal-specific statistics that ministries and agencies collect, we have been met with delay and hesitation on more than one occasion. One of the most frequent responses from ministries and agencies has been that their Aboriginal-specific data collected within the fields of child and youth programming, education, health, labour force, and justice is unreliable and sparse as it is not collected in a standardized manner. When our data requests have been honoured, data has been provided in charts and graphs specially designed to tell a positive story when we know from compounding reports<sup>26</sup> that there is still much work to be done. These practices of secrecy and modifying selected data are precisely against the Open by Default principles.

For example, in 2014 the Ministry of Children and Youth Services (MCYS) launched its Youth Justice Outcomes Framework which is focused on interpreting collected data to better understand how the ministry is meeting its goals in the youth justice sector.<sup>27</sup> At the December 6, 2014 meeting of the provincial Youth Justice Advisory Panel, the ministry presented the framework describing it as a way to extend the information that is collected beyond simple recidivism statistics. The data that is used to measure outcomes within the Framework includes existing collected data and assessments

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid. 5.

<sup>26</sup> See such recent examples as the National Aboriginal Economic Development Board's June 2013 "The Aboriginal Economic Benchmarking Report." Available at: <http://www.naedb-cndea.com/reports/underlying-indicators-report.pdf>

<sup>27</sup> Ministry of Children and Youth Services. "Youth Justice Outcomes Framework." Retrieved from: <http://www.children.gov.on.ca/htdocs/English/topics/youthandthelaw/outcomes-framework/index.aspx>

within the youth justice sector as well as Youth Experience Surveys. MCYS noted that they worked for three years on how to best define outcomes, develop data sources, and decide on what needed to be added, but when asked about the potential for sharing disaggregated data according to race to better illustrate outcomes across different groups of youth, the ministry noted that their voluntary self-identification system is too inaccurate and that this information could breach the privacy of youth and their families. In presenting the internal ministry database to the Panel at the meeting it was further revealed that the majority of data lacked self-identification categories and therefore could not tell the stories of youth according to race or ethnicity, making it difficult to measure outcomes for youth from groups who are chronically overrepresented within the justice system. If this data was collected and shared in a standardized manner that was sensitive to privacy concerns, it could inform targeted outreach programming and specific enhancements to ensure that youth are connected to the supports that can best divert them from the justice system for life. Voices around the table at the Youth Justice Advisory Panel found the lack of self-identification categories and race-based data to be a serious lost opportunity to measure specific outcomes and work together to change current trends in overrepresentation.

In other instances related to requests for Aboriginal-specific youth justice data at the Youth Justice Advisory Panel, the OFIFC has been met with significant delays followed by the presentation of rolled-up data from the Ministry of Children and Youth Services in charts and tables which highlighted the overall decline in the number of custodial admissions of Aboriginal youth.<sup>28</sup> In providing the data in this manner, the discussion was framed in a positive light, overshadowing the fact that Aboriginal youth are consistently overrepresented within the youth justice system.

As revealed in the Toronto Star's 2013 investigation 'Unequal Justice', current data shows that Aboriginal and black inmates are disproportionately overrepresented within Ontario's adult and youth correctional institutions.<sup>29</sup> Given the difficulty that University of Toronto doctoral candidate Akwasi Owusu-Bempah had in retrieving race-based justice statistics from ministries through freedom of information requests,<sup>30</sup> it is of serious concern that MCYS did not consider ameliorating their self-identification processes in order to collect data which identifies people based on race or include this important work as a pillar of their Youth Justice Outcomes Framework.

The OFIFC has advocated for the disclosure of disaggregated, Aboriginal-specific data and standardized processes of collection for many years. We have also volunteered to help inform standardized collection processes to ensure that front-line workers are

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<sup>28</sup> Ministry of Children and Youth Services. (17 September 2013). "Update on Aboriginal Youth Justice Statistics and Current Status in Ontario - MCYS Meeting with Ontario Federation of Indian Friendship Centres." PowerPoint Slide Deck.

<sup>29</sup> Rankin, Jim and Patty Winsa Hidy Ng. (1 March 2013). "Unequal justice: Aboriginal and black inmates disproportionately fill Ontario jails - Race data obtained under freedom of information paints a disturbing picture of black and aboriginal overrepresentation in Ontario youth and adult jails." *Toronto Star*. Retrieved from: [http://www.thestar.com/news/insight/2013/03/01/unequal\\_justice\\_aboriginal\\_and\\_black\\_inmates\\_disproportionately\\_fill\\_ontario\\_jails.html](http://www.thestar.com/news/insight/2013/03/01/unequal_justice_aboriginal_and_black_inmates_disproportionately_fill_ontario_jails.html)

<sup>30</sup> Ibid.

trained and confident in their abilities to collect Aboriginal-specific data. In instances where processes have been put in place to collect better Aboriginal-specific data such as the Ministry of Education's efforts to promote Aboriginal self-identification of students and for District School Boards to use this information to inform their planning processes, there must be more rigorous implementation and training efforts to ensure standardized consistency in data collection. As the improvement of education attainment for Aboriginal children has been a high-profile priority of government and its partners, and the general public is more attuned to the disparity than ever before, there must be reliable data to measure outcomes and celebrate achievements.

The Ontario Human Rights Commission (OHRC) has instructed organizations and institutions that data collection and analysis of data identifying people based on race and other *Code* grounds "is necessary for effectively monitoring discrimination, identifying and removing systemic barriers, ameliorating historical disadvantage and promoting substantive equality."<sup>31</sup> The OHRC clearly identified circumstances which may warrant data collection and analysis about race and related grounds in their 2005 *Policy and Guidelines on Racism and Racial Discrimination*. The Policy identifies the following situations – all of which are relevant when considering Aboriginal people's overrepresentation within the child welfare system; legal and justice systems for families, youth, and adults; employment assistance programs; shelter systems; and emergency medical systems:

- Persistent allegations or complaints of discrimination or systemic barriers;
- A widespread public perception of discrimination or systemic barriers;
- Data or research studies demonstrating discrimination or systemic barriers;
- Observed inequality in the distribution or treatment of racialized persons within an organization; or
- Evidence from other organizations or jurisdictions that a similar policy, program or practice has had a disproportionate effect on racialized persons.
- Data collection should be conducted in good faith with the goal of producing good-quality, accurate and meaningful data, rather than achieving a particular outcome. Accepted data collection techniques and proper research and design methodologies should be used.<sup>32</sup>

As the collection of data which identifies people based on race and other *Code* grounds has been an OHRC-mandated directive for ministries, agencies, and organizations since 2005, it is imperative that this data is shared in a manner that is consistent with the Open by Default principles. There must be a commitment from government to make Aboriginal-specific data across all government agencies and ministries open and accessible in acknowledgement that this information is key to the measured amelioration of Aboriginal people's social circumstances and the upholding of human

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<sup>31</sup> Ontario Human Rights Commission. (2005). "Policy and guidelines on racism and racial discrimination – Part 3. Guidelines for implementation: monitoring and combating racism and racial discrimination – 6. Collection and analysis of numerical data." 42. Retrieved from: [http://www.ohrc.on.ca/sites/default/files/attachments/Policy\\_and\\_guidelines\\_on\\_racism\\_and\\_racial\\_discrimination.pdf](http://www.ohrc.on.ca/sites/default/files/attachments/Policy_and_guidelines_on_racism_and_racial_discrimination.pdf)

<sup>32</sup> Ibid. 43.

rights within all institutions and agencies.<sup>33</sup> Furthermore, it will be important for government to consider necessary enforcement mechanisms and compliance evaluations for agencies and entities of government that can provide much-needed community-based data such as hospitals, schools, and Children’s Aid Societies.

**OFIFC Recommendations:**

It is therefore recommended that disaggregated data based on the race, ethnicity, or cultural background of service users and clients is collected in a standardized way across government, compliant with the OHRC’s 2005 *Policy and guidelines on racism and racial discrimination*.

It is further recommend that this data, once collected in a uniform manner, is published according to Open by Default principles, and is not subject to censorship on the basis of any of the stipulated grounds within the draft Open Data Directive (i.e.: legislation; security; FIPPA), except in exceptional case-specific circumstances that are clearly explained by the Treasury Board Secretariat.

In addition, it is recommended that necessary enforcement mechanisms and compliance evaluations are developed by the Treasury Board Secretariat to ensure that all agencies and entities of government are trained to accurately collect and transparently publish data.

**Data Censorship Must Also be Open**

Section 4 of the draft Open Data Directive, ‘Mandatory Requirements,’ outlines exactly how open data will be accounted for, requiring each ministry and provincial government agency to list all of their datasets and databases in a public inventory that is maintained by the Treasury Board Secretariat.<sup>34</sup> In directive 4.1-5 it is further stipulated that ministries and agencies are also required to publicly identify datasets and databases which cannot be made accessible with clear explanations as to why they are not being shared. The cited reasons that the dataset or database cannot be made accessible to the public include “legislation, contains personal information, security, contains data owned by third parties, etc.”<sup>35</sup> In the seemingly conflicting clause 4.1-7, there is an allowance for ministries and agencies to elect to exclude particular datasets or databases from the inventory in exceptional cases such as: when prevented from disclosing information by law; when authorized to confirm or deny the existence of the

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<sup>33</sup> As per Ibid. 42: “All individuals, organizations and institutions in Ontario are responsible for upholding human rights within their respective environments. Individuals, organizations and institutions can be held liable for actions that are discriminatory or harassing but also for failing in their duties to take appropriate action to address human rights issues of which they are aware, or ought to be aware.”

<sup>34</sup> Government of Ontario. (2015). “Open Data Directive.” *Google Doc*. 6. Retrieved from: <https://docs.google.com/document/d/1GXBg8d8XOIDlgucEGBA7wGeZNNwqaDBG81-u-KbaDwY/edit?pli=1#>

<sup>35</sup> Ibid. 7.

information such as in cases of law enforcement investigations; and when information is subject to law enforcement or security exemption in *Freedom of Information and Protection of Privacy Act*.<sup>36</sup>

These potentially conflicting directives may invite confusion from ministries and agencies and without any specific examples, it remains unclear to the public what types of data would qualify as exclusionary within each of these clauses. Without clear examples or definitions attached to the directives in Section 4 which allow for the omission or full censorship of particular data, useful data is at risk of not being shared. It may be the case that these clauses are better differentiated within the Open Data Publishing Guidebook, but without disclosure of those guidelines, it remains unclear how ministries and agencies are to decide on releasing data.

For example, when the OFIFC has discussed the regional numbers of Aboriginal children and youth within the child welfare system in the province, the Ministry of Children and Youth has been unable to share specific statistics citing a number of barriers to disclosing this information. Barriers include the absence of directive within the *Child and Family Services Act* to collect Aboriginal-specific data, the inaccuracy of, and discrepancy between, the data collection practises of different Children's Aid Societies, and the lack of training of front-line staff to accurately collect this information. As agencies of the government, Children's Aid Societies (CAS) would be subject to the Open Data Directive, but it remains unclear whether their strict adherence to the legislation which governs CASs would trump their compliance with the Open Data Directive and wider provincial initiative.

OFIFC Recommendation:

It is therefore recommended that further clarity is provided in differentiating between directive 4.1-5 and 4.1-7 in the draft Open Data Directive to ensure that data is only fully censored in strictly exceptional cases.

#### High-Value Data and Prioritization

Within Section 4.2 of the Directive, "Open Data Publication," the act of prioritizing the publication of datasets frequently requested by the public is mandated, with further guidance provided in *Appendix B* and *D* of the Directive. In *Appendix B*, high-value data is defined as "data with high social and economic value" according to particular criteria such as being frequently requested by the public in Freedom of Information requests, public surveys, phone, mail inquiries, and media; collected for government priorities; mandated by legislation; and identified as high-priority by reputable government organizations.<sup>37</sup> A chart suggesting examples of high-value data is provided within *Appendix B* which has been adapted from the GB Open Data Charter. Below, the chart is reproduced with examples of high-value data that we recommend is prioritized by government. It should be noted that we would recommend that localized, community-specific data be provided in all situations that are noted, whenever it is available:

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<sup>36</sup> Ibid. 7.

<sup>37</sup> Ibid. 15.

## Examples of High-Value Data<sup>38</sup>

Sector	Type of Data	Type of High-Value Data Recommended by OFIFC
Crime and Justice	Crime statistics, safety, court statistics	Aboriginal-specific intake and outcomes statistics from Legal Aid Ontario; Ministry of the Attorney General (court statistics); and Ministry of Community Safety and Correctional Services (corrections statistics including Aboriginal programming, recidivism)
Land and natural resources	Agriculture, forestry, fishing, and hunting, mineral reserves	
Education	List of schools; performance of schools, curriculum, test scores	Standardized FNMI student self-identification data collection processes implemented across all District School Boards and consistently evaluated for compliance.  Aboriginal-specific student success statistics across all areas.
Energy and Environment	Pollution levels, energy consumption, air, water quality.	
Finance	Budget, Public accounts, procurement awards	Funding levels provided for off-reserve Aboriginal programs and services across all provincial ministries and agencies.
Government Accountability	Public appointments, public expenditures, salaries, workforce demographics, contact info.	The number of Aboriginal employees and appointees broken down across provincial ministry and agency workforces.
Health	Prescription data, wait times, performance data, disease control	Urban and rural-based (i.e.: off-reserve) Aboriginal-specific health data using St. Michael's Hospital's 2011 'Our Health Counts' report as a best practice in collecting service experience, access, performance, and outcomes data. Additionally, Aboriginal-specific intake and outcomes statistics within mental health and addictions treatment sectors.
Social mobility and welfare	Housing, social assistance, health insurance and unemployment benefits	Urban Aboriginal-specific intake and outcomes statistics within social assistance, employment, and shelter sectors.

<sup>38</sup> Original Chart found at: Ibid. 16.

Sector	Type of Data	Type of High-Value Data Recommended by OFIFC
Transport and Infrastructure	Public transport timetables, highways and roads data, collisions, key infrastructure.	Condition/state of social housing units, public transportation and cross-city maps and access points.

**OFIFC Recommendation:**

It is therefore recommended that localized, community-based, Aboriginal-specific data be provided in all high-value data example recommendations (see Chart on page 14), whenever it is available.

Unclear Implications for the Broader Public Sector

Section 4.3 of the draft Open Data Directive directs ministries and provincial agencies to include data pertaining to procurement contracts and data collected as an output of contracts from all new government contracts with suppliers.<sup>39</sup> While it is easy to assume that the Directive is referring to short-term vendor contracts that are subject to the provincial tendering process, the language used within this section is unclear and there are no exact definitions supplied.

Under recommendations for ‘Making Data a Public Asset’ in the 2014 ‘Open By Default’ report, Section 3.1 f) recommends the extension of Open by Default principles to “agencies and broader public sector organizations when renewing existing governance agreements.”<sup>40</sup> The report notes that over the past three decades, the government landscape has changed drastically and calls for the extension of Open by Default principles to this wider landscape stating: “we believe that the principles of Open Government should be expanded out to agencies and the broader public sector wherever possible.”<sup>41</sup> The ‘Open by Default’ report also does not define exactly which entities are encompassed within the broader public sector.

**OFIFC Recommendation:**

It is therefore recommended that government consider clarifying Section 4.3 of the draft Open Data Directive to precisely define those entities subject to the ‘4.3 Procurement and Contracts’ section and consider consulting these groups on implications of supplying and publishing open data regarding their contracts and memorandum of understanding.

<sup>39</sup> Ibid. 8.

<sup>40</sup> Government of Ontario. (2014). “Open by Default: A new way forward for Ontario.” 14. Retrieved from: <http://docs.ontario.ca/documents/2428-open-by-default-2.html#document/p1>

<sup>41</sup> Ibid. 19.

## Summary of Recommendations:

The OFIFC appreciates the opportunity to provide feedback on the government's draft Open Data Directive and encourages the government to extend the Open by Default principles to their engagement process to ensure that feedback is meaningfully considered and accommodated in the ongoing development of the government's Open Data Initiative. The OFIFC recognizes the importance of open access to data in measuring progress and ensuring that social and economic indicators of wellbeing are improved upon in Ontario.

Access to open and reliable data that is relevant to urban Aboriginal communities' needs will be an important factor in the development of local community planning processes, effective service delivery strategies, and will form the basis of information from which we can all measure our progress.

In summary, it is recommended that:

1. Disaggregated data based on the race, ethnicity, or cultural background of service users and clients is collected in a standardized way across government, compliant with the OHRC's 2005 *Policy and Guidelines on Racism and Racial Discrimination*.
2. Disaggregated data based on race, ethnicity, or cultural background of service users and clients that is collected in a uniform manner is published according to Open by Default principles, and is not subject to censorship on the basis of any of the stipulated grounds within the draft Open Data Directive (i.e.: legislation; security; FIPPA), except in exceptional case-specific circumstances that are clearly explained by the Treasury Board Secretariat.
3. Necessary enforcement mechanisms and compliance evaluations are developed by the Treasury Board Secretariat to ensure that all agencies and entities of government are trained to accurately collect and transparently publish data.
4. Localized, community-based, Aboriginal-specific data be prioritized as high-value (see Chart on page 14 for specific OFIFC recommended high-value data examples).
5. Further clarity is provided in differentiating between Directive 4.1-5 and 4.1-7 in the draft Open Data Directive to ensure that data is only fully censored in strictly exceptional cases.
6. Clarification is provided to precisely define those entities subject to 'Section 4.3 Procurement and Contracts' of the draft Open Data Directive and consideration is given to consulting these groups on implications of supplying and publishing open data regarding their contracts and memorandum of understanding.