SIDEWALK TORONTO

Responsible Data Use Policy Framework

1 May 2018
Version 0.2

WATERFRONToronto

SIDEWALK LABS

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Sidewalk Toronto is a joint effort by Waterfront Toronto and Sidewalk Labs to create a new kind of complete community on Toronto's waterfront that combines cutting-edge technology and forward-thinking urban design to help address major challenges of urban growth, from sustainability to affordability to economic opportunity. We believe Sidewalk Toronto can provide a global model for future cities to build on.

Data has an important part to play in bringing this vision to life. First, data can power tools that improve the day-to-day operation of a neighbourhood and make it more responsive to local needs. Second, access to data can enable the community—including researchers, startups, civic organizations, and residents—to develop new tools and services for itself, creating a virtuous cycle of urban innovation.

Cities—and businesses operating in cities—have long collected data to help address challenges and provide better services, from mapping the spread of disease to fielding noise complaints via 311 to monitoring public safety with closed-circuit cameras. Often, these efforts happen in the absence of a meaningful public dialogue or policy framework, leaving people with valid concerns about the impact on their personal privacy.

So while privacy concerns around urban data are not new, we believe that Sidewalk Toronto has a unique opportunity—and a core responsibility—to innovate not just on how data will be used, but on how its use will be governed.

Process and Guiding Principles

The Sidewalk Toronto planning process will result in a "Master Innovation and Development Plan," released at the end of 2018, that will lay out detailed programmatic plans for the waterfront. One important component of the plan will be a Responsible Data Use Policy, which will govern the collection and use of data.

To help develop this policy, and to receive guidance on a full range of issues relating to responsible data use, Sidewalk Toronto has convened a Data Governance Advisory Working Group made up of independent experts and community representatives. This group will work alongside other project advisors, including Dr. Ann Cavoukian, three-term Information and Privacy Commissioner of Ontario; Chantal Bernier, former interim Privacy Commissioner of Canada; and Waterfront Toronto's Digital Strategy Advisory Panel.

Sidewalk Toronto's Responsible Data Use Policy will build on the strong foundation established by Canadian privacy laws and aim to realize their spirit and content more fulsomely than any other project to date, as well as building on recent recommendations by federal and provincial Canadian privacy regulators. It will be a product of ongoing, comprehensive engagement and consultation with Canadian experts, stakeholders, and the public—a living document that evolves with the project itself.

Responsible Data Use Policy Framework

Version 0.2

Our early work with these advisors, together with feedback gathered as part of the Sidewalk Toronto public engagement process, has led to the development of a set of principles that will inform decisions on how the community's data and information is responsibly collected, stored, used, processed, and secured:

- **Beneficial purpose.** Data collection and use should be purposeful, intentional, and tightly connected to the ultimate benefit that we are striving to achieve. We will not collect data for the sake of having data.

- **Transparent.** We will be transparent about what we are collecting and why, clearly explain the intended benefit of that data use, and communicate any changes.

- **Open.** Whenever possible and without compromising personal privacy, we will seek to make the data collected as part of Sidewalk Toronto open and accessible, with the goal to enable innovation and entrepreneurship.

- **Proactive engagement.** We will proactively engage the community on data use and will continue to listen and learn from the community as we grow and develop.

- **Community trust.** We want the community to trust that our projects, products, and services are developed with its needs in mind. Having good data-handling practices and minimizing breaches of trust is therefore integral to our development process.

- **People first.** Our people-first approach to responsible data use will apply Canadian values of diversity, inclusion, and privacy as a fundamental human right.

In addition, based on work with advisory groups and public feedback, we have determined that the Responsible Data Use Policy will have four main areas of focus:

1. **Privacy** is about individual control over how personal information is collected, used, and shared.

2. **Data stewardship** is about the use, control, ownership, and storage of data.

3. **Access to data** deals with questions of how broadly and on what terms data is made available.

4. **Data security** is about protecting data and minimizing the potential for breaches.

Responsible Data Use Policy Framework

Version 0.2

Commitments and Open Questions

Our collaborative work on the first of these areas, privacy, has advanced sufficiently for us to make a number of commitments. Our work in the other areas remains in development but is being guided by some critical questions we continue to explore in consultation with the public and our expert advisory groups.

Privacy

Privacy is about individual control over how personal information is collected, used, and shared. Different rules and protections may apply to different kinds of data, depending on the extent to which individuals can be identified from the data. Sidewalk Toronto will, however, implement appropriate guidelines and policies governing the use of all data, including data that is not personal information, such as environmental data.

With respect to privacy, Sidewalk Toronto makes the following commitments:

- **We will always inform individuals of how and why their personal information is being collected and used, and we will do so in a way that is proactive, clear, and easy to understand.**
- **We will embed data privacy into everything we do from the very start, an approach known as Privacy by Design.**
- **If a service to which you opt in requires individual identification, you will have meaningful control over how your information is used. Otherwise, data that includes personal information will be "de-identified" by default—anonymized and designed not to trace back to any individual.**
- **We will seek meaningful consent from individuals and honour their choices.**
- **We will conduct privacy impact and threat risk assessments to help ensure that privacy and security risks are identified and adequately addressed in the design of new technologies and programs.**
- **We will publish summaries of the privacy implications of key initiatives in advance, as guided by the Data Governance Advisory Working Group.**
- **We will not sell personal information to third parties, or use it ourselves for advertising purposes.**

In addition to these commitments, we continue to explore several questions related to privacy, including:

- *What does "meaningful consent" look like with data collected in the public realm—for instance, with cameras located at intersections to help improve street safety?*
- *Are there some types of collection and uses of personal information that should never be considered?*
- *How can we plan to improve digital literacy so all stakeholders—including individuals, government, and companies—better understand the benefits and their choices?*

Responsible Data Use Policy Framework

Version 0.2

Data Stewardship

Data stewardship is about the use, control, ownership, and storage of information. It includes considerations such as governance (who oversees decisions related to data use), data residency (where data is stored), and usage terms (how data is licensed or shared). A strong policy on data stewardship must thoughtfully balance public and individual interests.

The questions on data stewardship that we are exploring include:

- *What are some conventional approaches to data ownership in cities, and what are their strengths and weaknesses?*
- *What responsibilities come with "owning" data (such as security or infrastructure maintenance)?*
- *What are the technological, economic, and security-related advantages and disadvantages of requiring data to be stored in Canada?*
- *Are there viable innovative models of governing urban data, such as establishing a non-profit data trust that oversees decisions?*
- *If an independent entity such as a data trust were to exist, what impact might that review process have on the speed of innovation?*

Access to Data

Access to data deals with questions of how broadly and on what terms data is made available. Open access encourages participation, innovation, learning, and improvements in all aspects of public life while also discouraging lock-in around specific products or companies (including our own). To achieve that goal, Sidewalk Toronto envisions a digital platform governed by open standards, providing well-designed, well-documented, and well-supported APIs to third-party developers.

The questions on access to data that we are exploring include:

- *What processes should be used to decide what data is made public, and how can these processes address privacy and public safety concerns?*
- *How could an open data protocol for Sidewalk Toronto complement the city's existing Open Data Catalogue?*
- *How do we encourage a vibrant startup community while making sure it uses data in ways that benefit neighbourhoods?*
- *What is the right balance to strike between making data broadly available and ensuring that entrepreneurs have the necessary incentives to set up shop and develop intellectual property as part of Sidewalk Toronto?*

Responsible Data Use Policy Framework

Version 0.2

Data Security

Data security is about protecting data and minimizing the potential for breaches. We will work with best-in-class security solutions and partners to protect data that has been collected, and require anyone who uses this platform to meet the same high standard of security. We will welcome third-party audits of our security and de-identification protocols.

The questions on data security that we are exploring include:

- *What are strategies for achieving both open digital infrastructure and best-in-class security?*
- *How do we make our systems easily auditable and transparent?*
- *How do we enforce a rigorous security policy without creating a barrier to entry for startups?*
- *What type of transparency should exist around security threats or breaches?*

Share Your Thoughts

We welcome your comments, questions, and feedback on this policy framework at one of our upcoming Sidewalk Toronto public consultation programs or via email at privacy@sidewalktoronto.ca.