

Open Data - Legal Framework & Municipal Economic Development Opportunities



RITA

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VIVAnext

mississauga transit

Brampton Transit

Durham Region
Transit
Connecting Communities

Milton Transit



BURLINGTON TRANSIT WELCOME ABOARD

VIA Rail Canada

GO Transit



Toronto is both a City and a Region that encompasses 27 area municipalities with a total population in excess of 6 1/2 million. There are 12 + municipal transit authorities that service the Region, plus Ontario's **GO Transit** system and the federal government's **VIA Rail Canada** - the Region has an international airport (Pearson) and harbour that services International & Great Lake shipping.

Presentation Overview

Transportation Related Data in Canada

- Legal Categories – Intellectual Property Rights (IPR)
- Personal Information
- Defining Open Data
- Open Data & Canadian Municipalities
- Open Data & Economic Development

Transportation Related Data

Legal Categories – Intellectual Property Rights (IPR)

- **Copyright Act of Canada** – recently amended
 - Protection is based upon creation of a “Work” (literary, dramatic, musical or artistic)
 - GIS, GPS, Navigation, & Mapping - Commercial database compilations
 - Protects expression of an idea (source code), not the idea itself (algorithm)
 - Limited exceptions
 - Canada is a signatory to Berne Convention and the UCC - Universal Copyright Convention.
 - Moral rights – Right of author to maintain integrity of the work and be associated with it as its author



Transportation Related Data

Legal Categories – Intellectual Property Rights (IPR) continued

- **Crown Copyright** - Applies to Federal and Provincial Governments – Municipalities are not affected
 - Originated through the King James version of the Bible & covers statutes, regulations, judicial decisions and hydrographic charts
 - Crown Copyright and Licensing - Request Permission
 - [Transport Canada](#)
 - [Ontario](#)



Privacy & Intellectual Property

Personal Information & Confidentiality

- **Privacy Legislation in Canada** – No disclosure or release of Personal Information (i.e. – Information about an *identifiable individual*)

- **Federal**

- **The Privacy Act**

- **PIPEDA** - The Personal Information Protection and Electronic Documents Act

- **Ontario (Provincial)**

- **MFIPPA** - Municipal Freedom of Information and Protection of Privacy Act

- **PHIPPA** - Personal Health Information Protection Act, 2004

- **In a nutshell** - under Canadian law, privacy-related information (about any identifiable individual) **MUST** be removed *prior to* public disclosure



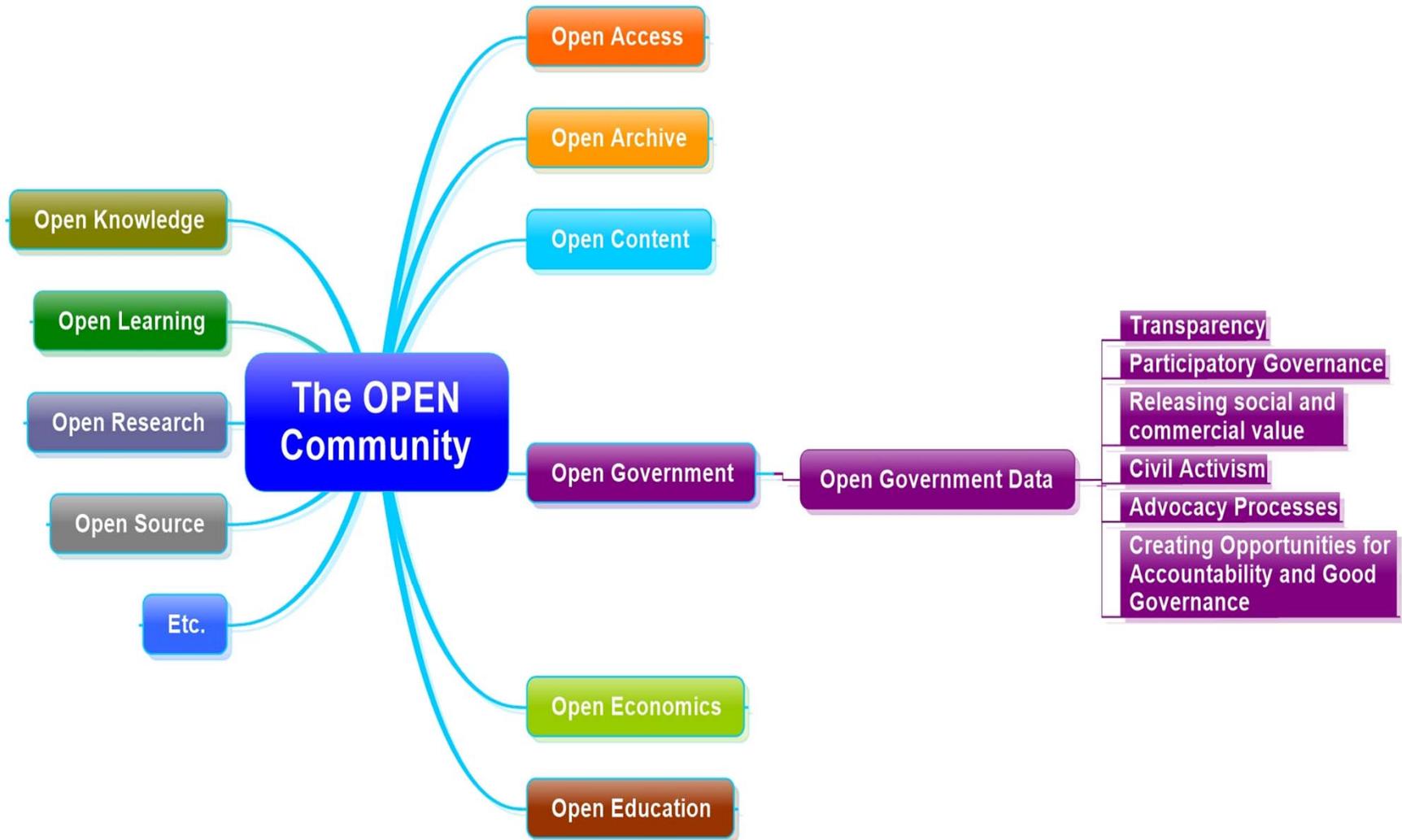
Privacy & Intellectual Property

Personal Information & Confidentiality

- Confidential Information – IPR
- Breach of Confidence
- Commercially sensitive information containing non-disclosure contractual such as
 - financial terms of submitted tenders and proposals
 - Source codes and system design specifications
 - Contractual terms particularly where there are express non-disclosure provisions

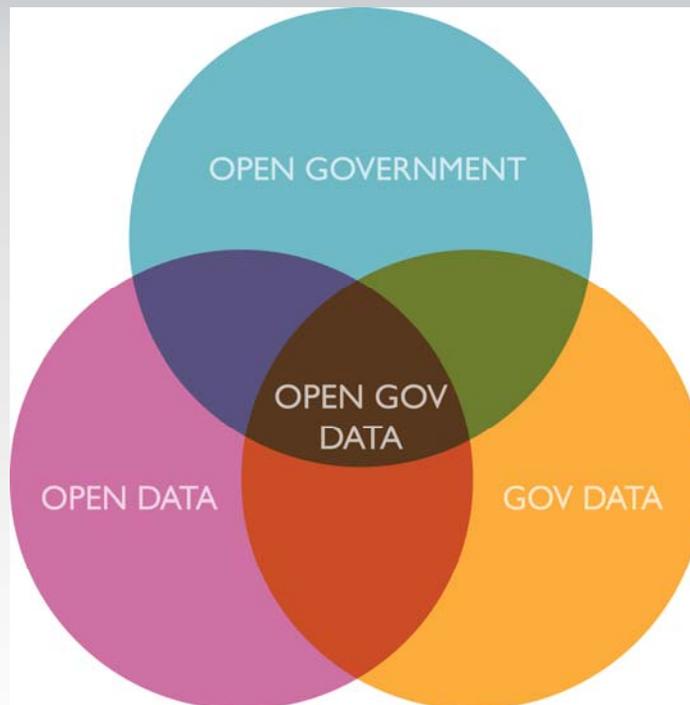


Global trend towards more OPENess



Legal Categories – Transportation Related Data Intellectual Property Rights (IPR) (Continued)

- OPEN Government Data
 - Offer by all 3 levels of Government under a common set of Terms and Conditions



“...open government data is a public good that should be available to the public, not locked up in a proprietary format or a for-pay database.”



Defining Open Data

Continues to be defined “consistently” in a variety of ways

Definition is generally developed around agency’s/organization’s intended use and is driven by targeted, intended user base

“Open data is data that can be freely used, reused and redistributed by anyone - subject only, at most, to the requirement to attribute and share alike.”

Open Data Handbook

The screenshot shows a blog post from 'web2maps' titled 'CARTOGRAPHY AND MAPS IN THE ERA OF WEB 2.0'. The post includes a navigation bar with 'Home' and 'About' links, a header image of a map grid, and a main content area. The main content features a section titled 'Proposed Definition for "Open Data"' with a list of three principles: 1. Liberal licensing, 2. Data discoverability, and 3. Data accessibility. The post also includes a list of links to related articles and a footer with social media icons.

Home About

CARTOGRAPHY AND MAPS IN THE ERA OF WEB 2.0

Entries RSS | Comments RSS

Cartography 2.0
[StepMap - Create your personal map for free](#)
[Conceptual Trends and Current Topics](#)
[Welcome to Cartography 2.0](#)

Open Geospatial Consortium (auto-live search)
[Australia setting the standard for water information exchange - Phys.Org](#)
[OGC forms \(and Information domain working group, seeks comments - Spatial Source](#)
[Central Informatics Organization presents a workshop for World Union Open ... - Bahrain News Agency](#)

Proposed Definition for "Open Data"

Posted on March 13, 2010 by web2maps

Open Data is a philosophy and practice that makes data easily available in order to enable re-use of the data in new and unforeseen ways. Open Data relies on (1) a liberal licensing model that encourages re-use, (2) data discoverability and (3) data accessibility.

1. Liberal licensing – enables third parties to re-use data with minimal or no legal or policy constraints. This may range from an open license but copyright is maintained (e.g. <http://geogratis.gc.ca> license encourages use, but copyright is retained by the Government of Canada) to copyleft approach of the Creative Commons initiative.
2. Data discoverability – Given that data files can be numerous and may not be easily opened and viewed, it is important that data files are catalogued. Hence Open Data relies extensively on some form of metadata to catalogue the data.
3. Data accessibility – The value proposition of open data is the more data is used the more valuable it is. Data accessibility options range from simply putting unenhanced "raw" data on the web to offering it in a wide variety of formats for diverse audiences requirements. Data needs to be in some format that enables reuse by programmers who develop new applications. Typically this is a structured XML format or equivalent. While web pages that summarize data in a tabular format allow for accessibility of data for the human eye, they are less useful for machine to machine application development and are not considered to not meet the criteria of "Open Data".

In terms of Web 2.0, Open "Data is the Intel inside" that drives mashups and applications. Source: [Tim O'Reilly, 2007](#).

The Four [Panton Principles](#) for Open Data in Science are worth consideration.

Geoblogging

In summary

Open Data is all about a set of generally consistent legal principles that are captured in Licenses or Terms of Use that reflects what you may or may not do with the data

“open” =



use
reuse
redistribution
commercial reuse
derivative works

“do what you like”

may require:

- attribution
- sharing back

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[Open Government Licence Consultation Report](#)



Open Data vs. Commercial Licensing Approaches - Some Examples

Interpretation	Plain English	Legalese
Licensing terms	Based on Community Commons, UK or other widely recognized model	Limitless - Uniquely designed & reflective of Provider's Licensing strategy
Granting terms	Copy, publish, adapt, use, reuse, exploit commercially, create derivative works, etc. (Somewhat dependent on licensing model adopted)	Varied limitations as specified in licensing terms, and that might include restricted access, geographical locations, & alignment only with specified hardware configurations or service offerings.
Sub licensing rights	Wide open	None, except by specified exception
Intellectual Property Rights	Acknowledge pre-existing copyrights	Copyrights, Trademarks, Patents, Trade secrets, etc.
Usage Rights	Fairly wide open	Restrictive and limited (typically by pricing model)
Risk distribution	Limited	Limitless (Occasional capping on Infringement, wrongful usage, etc.)
Privacy (<i>Use of Personal information</i>)	Prohibited	Prohibited
Exclusion of Liability & Indemnities	Limited - concise language	Quite broad - detailed and complex language

Open Data & Economic Development

A brief introduction into the potential of Open Data as an investment attraction tool

- Municipalities are bastions of a wealth of land related (cadastral) data in both digital and hardcopy format
- Examples include
 - Legal Descriptions
 - Assessment & property/business tax information
 - Official plans, zoning & planning and building information,
 - Subdivision and other land related plans (including building plans), plans of survey, etc.



Open Data & Economic Development

A brief introduction (continued)



- All capable of being digitized, cleansed and available as open data as a set of economic development tools (subject to certain restrictions)
- Capable of being pooled and shared with colleague municipalities, senior levels of government, land registry offices as well as the private sector
- Goal is to provide a pooled resource to enable site selectors, and potential businesses to create and compare digital models of potential local investment and FTI opportunities
- Would require a public-private approach to design, build, maintain and enhance



Open Data & Economic Development

- Economic Development and community engagement
- Promotes local engagement and innovation
 - e.g. Apps creation around municipal services
 - Transportation scheduling and routes
- Tourism attractions
- Job creation
- Site selectors & potential foreign direct investors



Thank You

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