Ontario Data Strategy Consultation

Written Submission on Behalf of the Data Policy Coalition

POWERED
BY
DATA

November 28, 2019

The [Data Policy Coalition](#) is pleased to submit this contribution to the Ontario Data Strategy Consultation in response to *Discussion Paper 3: Better, Smarter Government*.

Our coalition is made up of more than 30 organizations, representing nonprofit charities, service providers, advocacy groups, and funders. We are working together to enhance the nonprofit sector's access and responsible, ethical use of government-held administrative data to improve social service delivery, impact evaluation, and evidence-based planning for public benefit.

This submission builds on our [recommendations submitted in response to Discussion Paper 1](#).

We see an important role for our sector in working with government to:
- engage and amplify the voices of community members
- ensure effective management, protection, and sharing of data towards designing and delivering programs that best meet the needs of Ontarians.

Thus far the Data Strategy Consultation process and discussion papers have not acknowledged the role played by nonprofits as users of data, holders of data, and essential partners in policy development, program evaluation, and data management.

In this submission we offer opportunities for the Government of Ontario to leverage maximum value through effective data management and data-sharing with nonprofit partners.

Opportunity to engage core stakeholders to inform data policy decisions that protect individuals while maximizing public benefit

Recommendations

1. Establish a standing advisory group for the nonprofit sector and government to discuss and collaborate on shared data needs and challenges, as well as to steward cross-sector data & IT infrastructure.
2. In partnership with nonprofit partners, conduct dedicated consultations with people from historically disadvantaged communities (e.g., Indigenous peoples, racialized peoples, LGBTQ2S+ persons) to design how best to balance the benefits of data-sharing with protections needed to prevent discrimination and undue surveillance, especially prior to development of an ethical AI strategy.
3. Build a framework to explicitly address questions of data ownership in the development of the Ontario Data Strategy. We recommend adherence to the First Nations OCAP Principles, which provide a coherent and ethical framework for how the owners of data are entitled to control how their data may be used.

We are pleased to see Discussion Paper 3 highlight that better data use and data sharing "must go hand in hand with safeguarding the privacy and security of sensitive information." (p.5). However, the discussion paper does not include any details on data governance or explicitly address data ownership. Nor does the paper include details on potential privacy risks, cybersecurity, and system oversight limitations (e.g. to prevent internal data breaches or misuse of data) that may cause irrecoverable harm to individuals and communities.

Furthermore, the strategy consultation process was brief and poorly publicized during a period when many go away on summer vacations and return to a busy fall schedule. Consultation roundtables for discussion papers 1 and 3 were organized with less than two weeks notice to potential participants. Roundtables for discussion paper 2 were similarly announced with less than two weeks notice, then abruptly cancelled three days before they were set to begin.

All three consultation discussion papers contain broad themes but little in the way of specific legislative, policy, or program changes the government is considering. This, combined with limited accessibility of in-person consultation (and absence of facilitated online roundtables), has prevented meaningful public consultation on specific policies with broad impact on all Ontarians. Meanwhile, amendments to the Freedom of Information and Protection of Privacy Act (FIPPA) and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) occurred prior to and independently of the public consultation process.

Regardless of the rationale for updating privacy legislation, recent amendments hold significant implications to those whose data may be collected, used, and shared by government - as well as nonprofit partners who are also responsible for collecting and protecting data under FIPPA

and MFIPPA. The same is true for other programs or policies being considered under the provincial Data and Digital strategies. To ensure appropriate balance of privacy rights and public benefit, government must consult with vulnerable persons who are most likely to be targeted by undue surveillance and discrimination. This consultation is most effectively done in partnership with community-based nonprofits who advocate and work with and for these groups.

Opportunity to improve data management with and among nonprofit partners

Recommendations

1. As Government of Ontario works towards developing common cross-government data standards, incorporate consideration of the data collected by and through nonprofit partners to enable later data linkage and analysis.
2. Collaborate with federal programs and municipalities to ensure harmonized data is collected across programs where there is shared jurisdiction (e.g., training programs, environmental standards, newcomer services, Indigenous programs, community health programs, economic development).
3. Engage nonprofit partners in prioritizing what data gets collected through their respective service areas to best inform program improvement, program sustainability, evaluation, and above all, high-quality services to meet the needs of Ontarians while protecting their privacy.
4. Engage nonprofit partners to gather feedback on mandated data collection software towards building interoperable systems that can talk to one another.

A vast amount of data is provided to ministries by the estimated 6,000 to 15,000 nonprofits as part of transfer payment agreement program reporting. Nonprofits who provide a diverse range of services are required to input data into multiple databases to report to different government ministries. Creating common data standards would enable both nonprofits and governments to combine and analyze data across programs. This would also open potential to offer integrated services for people accessing multiple programs with reduced administrative burden for nonprofits.

Opportunity to leverage data-sharing for broad cross-sector learning

Recommendations

1. As Government of Ontario develops plans for establishing Data Integration Units (to collect, compile, and analyze government data), consider how these units will incorporate and share analysis of data provided by nonprofit partners.
2. Explore potential for Data Integration Units to provide a "Data Lab" function to conduct and share analysis of de-identified and aggregated data back out to nonprofit service partners and community groups.
3. Consult with major funders of the nonprofit sector (e.g. United Ways, Ontario Trillium Foundation, Community Foundations of Canada) to maximize data-sharing opportunities

    in the service of better program evaluation and outcomes, and sustainability of programs.

4. Produce plain language resource for service providers on how they can share information and parameters around data collection under new FIPPA.
5. Maintain commitment to the principles outlined in Ontario's Open Data Directive and establish compliance measures.

While we recommend engagement with communities most impacted through implementation, we are supportive of recent amendments to FIPPA and MFIPPA to enable data sharing across government ministries. The ability to share data across government ministries offers unprecedented potential to link and learn from data across program areas. This form of data sharing supports evidence-based program development and evaluation, both within government and through government-funded programs delivered through nonprofit organizations.

New opportunities for data-sharing foreground the need to balance individual rights to privacy with rights to integrated services - and societal benefits that can be gained. Striking this balance will also depend on building the data skills of government and partners to ensure ethical and effective data management and analysis.

Our coalition is interested in accessing administrative data to better serve and prevent harm in communities. We recommend the Government of Ontario explore the [Data Justice Lab in the UK](#) as a model for conducting and sharing comparative analysis of data collected through partner organizations. A Data Lab model uses robust technical, legal, and governance structures to prevent harm, misuse, and vulnerability to data exposure while simultaneously enabling a broader range of organizations to benefit from the insights drawn from data analysis.

We welcome opportunities to collaborate with government in identifying high-value datasets to enhance access and usability for social benefit as part of a "publishing with purpose" approach (p.9). At the same time, we strongly recommend the Government of Ontario maintain commitments laid out in the Ontario Open Data Directive to ensure all non-sensitive government data is open, accessible, and retrievable. The Open Data Catalogue is a vital resource towards identifying what data exists and how it could be used for public benefit.

Closing Remarks

The Ontario Government's initiative to develop a province-wide Data Strategy is important and urgent. To maximize both short-term and long-lasting benefits to the people of Ontario we recommend establishing permanent mechanisms for engagement with the nonprofit sector. The nonprofit sector, as a partner in solutions, can offer unique value to government toward planning data collection priorities, management practices, and two-way sharing of data and analysis. We invite further dialogue and collaboration towards building and implementing the Data Strategy.

Further Background

About the Data Policy Coalition
Powered by Data serves as the Secretariat for the Data Policy Coalition and co-convened the coalition with four co-convening partners who have helped shape this initiative: Ontario Nonprofit Network, Colour of Poverty - Colour of Change, and Philanthropic Foundations Canada.

Powered by Data operates on Tides Canada's shared platform, which supports on-the-ground efforts to create uncommon solutions for the common good. Tides Canada is a national Canadian charity dedicated to a healthy environment, social equity, and economic prosperity.

About the nonprofit sector
Ontario's nonprofit sector includes 58,000 organizations that contribute $50 billion to Ontario's GDP and employ about a million workers. The Ontario Government counts on nonprofits to deliver essential programs and services. A vast amount of data is provided to ministries by the estimated 6,000 to 15,000 nonprofits as part of their transfer payment agreement program reporting.

- Powered By Data
  - Administrative Data Coalition https://poweredbydata.org/administrative-data
  - Open Data https://poweredbydata.org/open-data
  - Report: Using Data to Enable Better Outcomes for Young People Leaving Care
- ONN's data issues webpage
  - https://theonn.ca/our-work/our-people/data-strategy/
  - Report: Towards a Data Strategy for the Ontario Nonprofit Sector