An Introduction to Open Data

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Helping Your Ideas Take Flight.
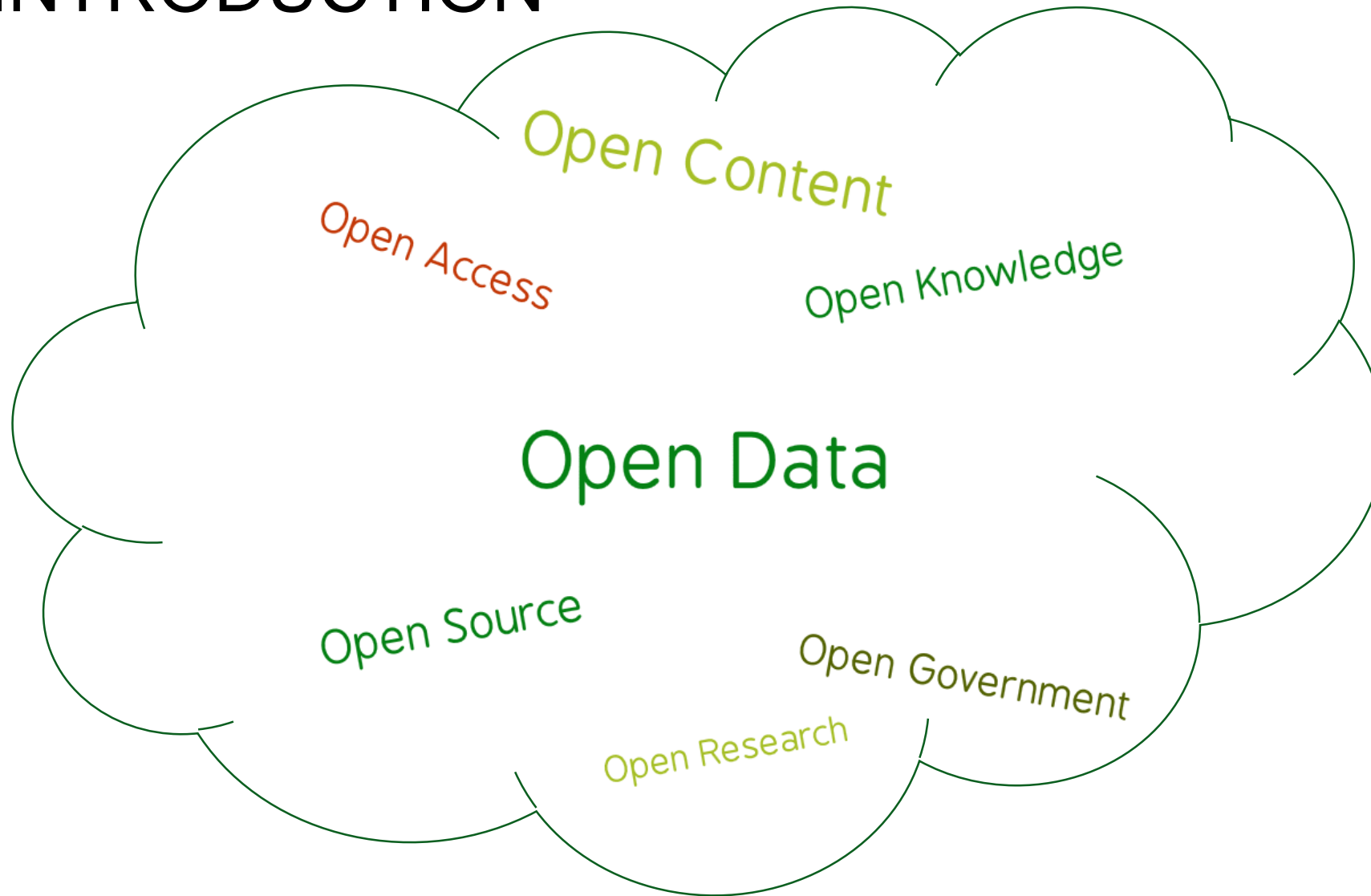
Agenda

I. Introduction

II. Open Data Principles and Issues

III. Open Data Legal and License Issues

I. INTRODUCTION

Open Data Defined

Open Data Handbook:

Open data is data that can be freely used, re-used and redistributed by anyone - subject only, at most, to the requirement to attribute and sharealike.

http://opendatahandbook.org/guide/en/what-is-open-data

Further detail provided including re Availability and Access, Re-use and Redistribution and Universal Participation

A Brief History of Open Data

1995	The term "open data" is first used in a document from an American scientific agency promoting an open exchange of geophysical and environmental data between countries
February 1998	Term "open source" is created at strategy session in Palo Alto, CA
October 2007	At a meeting at Sebastopol, CA, and inspired by Open Source and work of Open Knowledge Foundation, 30 persons develop 8 Open Government data principles
January, 2009	President Obama signs Memorandum on Transparency and Open Government
November, 2009	Toronto Open Data is launched
August 2010	U.S. Sunlight Foundation develops a set of guiding principles for open data. The principles are accepted by the City of Toronto in December 2010.
March 2011	Government of Canada launches its pilot project for an online Open Data Portal
May 2011	Ontario announces "open data project is being built over the next few months" Open Data Portal launches in November 2012

II.   OPEN DATA PRINCIPLES AND ISSUES

10 Open Data principles established by Sunlight Foundation in August, 2010:

1. Completeness	6. Non-Discrimination
2. Primacy	7. Use of Commonly Owned Standards
3. Timeliness	8. Licensing
4. Ease of Physical and Electronic Access	9. Permanence
5. Machine Readability	10. Usage Costs

https://sunlightfoundation.com/policy/documents/ten-open-data-principles/

Principles:

➤ form the basis of the Open Data principles established by the Government of Canada

➤ accepted by the City of Toronto in 2010 and form part of the City's Open Data Policy

OPEN DATA: FOR AND AGAINST

FOR	AGAINST
Data belong to the human race, not individuals	Governments should not duplicate the activities of the private sector
Work that is publicly funded should be universally available	Those who benefit from use of data should pay the costs (of aggregating, cleaning, etc.)
The data was created by government institutions	Fees pay the costs to generate / disseminate data (encouraging more development)
Facts cannot be copyrighted	Revenue will allow non-profits to fund other activities

Open Data, at https://en.wikipedia.org/wiki/Open_data

OPEN DATA: FOR AND AGAINST cont'd

FOR	AGAINST
The information needs to be widely available if sponsors are to get maximum value	Some entities are empowered by statute to recover their costs
If we restrict use, we create an anticommons	Privacy requires that access to data be limited
Data is required for community purposes and socio-economic development	Data availability is costly and labour intensive – people should be compensated for their work
In science, better access to data increases the rate of discovery	Sponsors only get full value if the data is managed - they should recover these costs
Openness of data ensures scientific data is preserved	If anyone can access the data, no one has an incentive to invest money to make it useful

Open Data, at https://en.wikipedia.org/wiki/Open_data

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III. OPEN DATA – LEGAL AND LICENSE ISSUES

Intellectual Property Rights

➢ Copyrights versus patents, trade-marks and trade secrets

➢ Copyright preservation versus public domain dedication

Privacy

➢ Legislative obligations, e.g. Privacy Act, FOIPPA, MFIPPA and PHIPA

➢ The Mosaic effect

➢ Accidental or inadvertent disclosures

Confidentiality and Third Party Interests

➢ Confidentiality and non-disclosure obligations

➢ Under FOI legislation and contract

OPEN DATA LICENSE ISSUES

LICENSE / TERMS OF USE	
Allow user to copy, modify, publish, translate, adapt, distribute and otherwise use	For any lawful commercial or non-commercial purposes in any medium or format
Scope (accommodating exceptions including inadvertent / accidental disclosures)	Any attribution requirements and share / share-alike
No endorsement	As is, no representation, warranty or liability
Terminable	Interoperable
Brief	Plain English

TYPES OF OPEN DATA LICENSES

Creative Commons Licenses

➢ CC0 Public Dedication (CC0 1.0)

➢ Creative Commons Attribution License (CC BY 4.0)

➢ Creative Commons Attribution-ShareAlike (CC BY-SA 4.0)

Open Data Common Public Domain Dedication License (ODC-PDDL)

U.K. Open Government License

GOVERNMENT OPEN DATA CONTRACTING

Province's Open Data Directive

Vendor acknowledges that Customer is subject to the Province's Open Data Directive as amended (the "**ODD**") and Vendor agrees to co-operate with Customer, and take all actions reasonably requested by Customer, so that Customer is in compliance with its obligations under the ODD. Without limiting the generality of the foregoing, Vendor agrees that the Province shall have the right to publish original data created or collected as an output of this Agreement (including information that may have been marked as confidential) in accordance with the ODD (and subject to the exclusions contained therein). For the purposes of this Section, the "Province" includes all ministries, the Customer and the Treasury Board Secretariat of the Province and, except for Customer, each of these entities are third party beneficiaries in respect of this Section.

Questions?

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