

**Closing Plenary**  
**Time to be Proactive - Access by Design; Privacy by Design**

**Moderator: Dr. Lilian Ma, SJTO-Landlord and Tenant Board**

**Speakers: Dr. Ann Cavoukian, Information and Privacy Commission of Ontario  
Brian Beamish, Information and Privacy Commission of Ontario**

**Dr. Cavoukian**

Dr. Cavoukian recorded her part of the presentation prior to the conference and this was presented via video-conference. She began with discussing how her two decades as a privacy professional and the parallel growth of technology have made for stricter privacy efforts. She noted that when it comes to privacy versus functionality, it is not a choice we should be forced to make. We should enable a win-win situation where we can socialize online and still be confident knowing that our privacy is being protected. We must proactively build this type of framework which will ensure we all benefit from freedom of association, movement and choice.

She then summarized the idea of Privacy by Design. This is an approach which promotes greater control. It advances the view that the future of privacy cannot be assured solely by compliance with regulatory frameworks; rather, privacy assurance must ideally become an organization's default mode of operation. She developed this approach to make positive changes in the world and this approach is now being used internationally. She states that we must ensure consumer privacy is not being decreased. For example, she says that energy consumption patterns and profiles can be accessed very easily. As a result, one's career, status, neighborhood and so forth can be determined from this information as well. She believes that we must prevent people from having access to this type of personal information. Criminals and potential future insurers are among many who we would not want to have access to our personal information.

She believes we should embed privacy as a default setting or condition in our everyday lives. Dr. Cavoukian thinks we should ensure privacy standards exist automatically. We should adopt Privacy by Design and in Ontario we are showing the world how to do so and how to put this approach into operation. She notes that Privacy by Design is being used and taking charge all over the world. For example, the European Commission has expressed its intention to have Privacy by Design included in the European Union Protection Framework. Also, the Information and Privacy Commission of Ontario has received an award for their innovative Privacy by Design framework. Dr. Cavoukian suggested that Privacy by Design has now gone mainstream. She was interviewed by Forbes magazine in an article called "Why Privacy by Design is the New Corporate Hotness." Dr. Cavoukian noted that the corporate world must accept and foster the idea of Privacy by Design and thus, being recognized in Forbes magazine was a positive step toward this goal.

Further, she discussed Privacy by Re-Design which is a new initiative that many people are using already. Many people have existing privacy systems but because of the economic environment, they are unwilling to update or change their Privacy by Design system, so Dr. Cavoukian notes the next step is to re-design existing systems. Dr. Cavoukian states that the Information and Privacy Commission of Ontario is going to continue to adopt these re-design systems and find new and alternate ways to re-design old systems. She urges everyone to ask themselves how privacy can be embedded in his/her organization or agency. She concludes by stating that we all have to protect freedom of our own information and the government's information as well.

## **Brian Beamish**

Mr. Beamish followed by discussing Access by Design, which is an international movement which promotes the notion of an open government and open data. The concept of acting proactively is vital. Proactive disclosure of government information is at the pinnacle. For example, salaries of government officials being provided to the public, is one type of disclosure. Disclosure is so important because people want to know how the government is spending public funds.

Mr. Beamish urged that disclosure needs to be provided online or else it is insufficient in providing the benefits of disclosure. He discussed the Australian Task Force which made vital observations. They found that information held by governments is considered a public resource which in turn is considered a public good. The importance of information is similar in the private sector as well. For example, a large corporation's main asset is having access to information. Also, they found that there needs to be a shift of approaches that governments utilize in how they hold and provide information. Government's views must shift and they must accept the fact that access to information is the public's right.

Mr. Beamish noted that there is a need for proactive disclosure and for governments to use technology to engage citizens in this manner. He believes that this is one of the most critical issues in this field. Also, he believes that public sector information is another vital asset.

Mr. Beamish discussed four characteristics to having an open data regime. He suggests that information has to be free of charge, it must be easily discoverable, it must be made available in a manner that has open standards and is compatible with all machines so it can be accessed, and that governments must allow individuals to use this information. He argued that governments may achieve the aforementioned characteristics by engaging citizens and through being transparent.

In fact, an open government regime has been a tool in combating corruption within countries. For example, if a government must release information on who was awarded a contract and for which reasons, the ability for corrupt deals to succeed is less likely. The second benefit of an open government regime is for the government itself. In order to have an open government regime, there must be organized systems in play, which the government may use for its' own benefit.

The United States has taken charge with this notion. President Obama has recognized an open government policy of high level commitment to transparency. He has required government officials to release directives to improve the amount of data being offered online and also he has required every governmental agency to provide three data sets of high value online. The results in the United States are commendable. There is a data government website which anyone may access where there are hundreds of data sets available online. There is a wealth of information online which is to the credit of the United States government.

The United Kingdom has also followed suit with regard to an open government regime. The United Kingdom has a website available to all persons where people are able to access a wealth of information, including how public money is being spent. Internationally, there has also been an Open Government Partnership, which is an initiative started by the United States but is available to any country that is willing to commit to physical transparency, disclosure of elected officials, public involvement and so forth. Currently, there are eight founding members and many

more countries are likely to join. Canada has fallen slightly behind with regard to this matter. The federal government has some data sets available online, however it is quite limited. Within Ontario, it is through municipal agencies that this notion of an open government regime is slowly breaking ground.

Mr. Beamish concluded by offering the fundamental principles of Access by Design:

- 1) Proactive, not Reactive
- 2) Access Embedded into Design
- 3) Openness and Transparency = Accountability
- 4) Fosters Collaboration
- 5) Enhances Efficient Government
- 6) Makes Access Truly Accessible
- 7) Increases Quality of Information