

Meeting Summary

Civic Lab #2 — Quayside Digital Stewardship Body
March 4, 2019

Overview

This is a draft summary of feedback shared by participants during plenary and small table discussions at Waterfront Toronto's Civic Lab #2. The Quayside Civic Labs are a forum for subject matter experts and advocates to share advice with Waterfront Toronto about issues related to potential digital elements in the planning of Quayside. Civic Lab #1 discussed Digital Governance and Civic Lab #2 — the focus of this summary — discussed digital stewardship, including the Quayside Digital Ecosystem and the potential of a Digital Stewardship Body for Quayside (see Appendix A. Meeting Agenda and Appendix B. Participant List).

This draft summary was written by Ian Malczewski and Nicole Swerhun, third party facilitators with Swerhun Inc., supporting Waterfront Toronto in delivering the Quayside Civic Labs. This summary captures key themes from the discussion; it is not intended to serve as a verbatim transcript. A draft of this Civic Lab Summary was shared with participants for review before it was finalized.

Summary of Key Points Raised in Civic Lab #2

The points below reflect highlights of the discussion shared in plenary discussions — they are not intended to indicate consensus and the order of the points is not intended to imply priority.

- 1. Need to define the purpose, problem, and/or value.** This message was a clear, overarching theme of the discussions during Civic Lab #2. Participants said that the draft Quayside Digital Ecosystem was missing a description of the problem it would be created to solve. They said that in order to have a meaningful discussion about the governance or architecture of a Digital Stewardship Body, we need to have a clear and comprehensive understanding of the purpose of a smart city and/or the problem we're trying to solve. For example:
 - There were participants who noted that some of the discussions around Quayside reflect an assumption that data collection benefits the public, but questioned how we know this is true.
 - Several participants said it was critical that WT be clear on what benefits, if any, a smart city at Quayside will deliver for the public good. What problem will it help Toronto solve?
 - There were questions about whether we are trying to design a smart/digital city to solve a specific problem or if the purpose of the smart/digital city is to create a platform that could be used to solve problem that would be identified later.
 - It was suggested that articulating the purpose and value of a smart city would give people a framework to think through the trade-offs, choices, and consequences associated with a Digital Stewardship Body in Quayside. Since smart city proposals will likely increase (both in Toronto and beyond), there is an opportunity to use this project to begin working through the hard issues that come with them.
 - In terms of a Digital Stewardship Body itself, participants suggested defining its purpose, too: what does a Stewardship Body offer that is different from what exists today? Why is

a Stewardship Body better than what is already achieved through contractual agreements? What are the risks and benefits of having one Stewardship Body versus a series of them?

2. **Public education is essential.** Along with needing a clear purpose, there was a consistent focus on the need for broad, public education focused on the potential benefits, risks, and trade-offs associated with smart cities. This education would need to focus on issues like privacy and data collection and use (among others). As part of any education effort, it will be important to manage apathy, the attitude that “tech companies already know everything about me anyway,” and the consequences of persistent and pervasive shrugging about privacy. The Info Sheets Waterfront Toronto has prepared to date are a good start — there should be more of them, and they should be accessible to a broad audience. The Toronto Public Library could be an important part of this education campaign since it is already a trusted public agency that has day-to-day contact with residents across the city. Another option could be to encourage organizations to apply to governments for funding dedicated to supporting smart city education— such a process could also help ensure a range of voices are involved in education efforts (so that these efforts reflect more than pro-smart city, benefits-focused perspectives). Finally, children and youth could be a key audience of education efforts since they will inherit the consequences of decisions.
3. **Public trust and public accountability are essential.** Several participants identified a critical role for the public sector in whatever Data Stewardship Body is created for Quayside in order to maintain public trust. The public sector needs to lead digital stewardship and cannot outsource the protection of the public interest to the private sector. All three levels of government need to work together and be clear about their respective roles in Quayside. At the same time, it is important that the different levels of government do not create too much red tape and stifle innovation.
4. **How is a Digital Stewardship Body funded and composed?** Participants offered a wide range of thoughts on the potential composition and funding of a Digital Stewardship Body. These perspectives included:
 - *A push for public leadership:* Many participants said that public sector leadership would be important in making sure people trust the body, have transparency into smart city algorithms, have a mechanism to push back on mis-uses of data (i.e. to ensure compliance), and can engage in decision making about collective data. Some said it would be essential for a Stewardship Body to be centralized, saying this model would be better positioned to enforce policies and regulations and protect the public interest. The public sector could also be involved in a Digital Stewardship Body through an ombudsman or an organization like the Toronto Public Library.
 - *A role for the private and non-profit sectors:* There were participants who said public sector data custodians have not always been helpful or inventive when it comes to stewarding and sharing data on their own. They thought that there could be a role for the private sector in a Stewardship Body — it would be important to understand how small and medium enterprises could fit into it, for example. Some asked whether a non-profit, co-op, or multi-stakeholder model could work, suggesting there needs to be more than one player overseeing the body (i.e. it should not be 100% private sector-led or public sector-led). Another reason given for exploring a hybrid approach was that the public benefits of a smart city may require private investment.

- *Protect the public interest, without cramping innovation:* A Digital Stewardship Body would need to strive to balance the spontaneity and unpredictability of innovation with the protection of the public interest. It may also make sense to separate the technical solution from the decision-making role (e.g. the Province could manage the technical back-end since it will likely be replicated in different places, while decision-making may change for different communities). One thing Waterfront Toronto could do to help inform these discussions is develop a way to test if a Digital Stewardship Body model is robust enough to prevent and/or mitigate the concerns about data collect and use being raised through the process to date.
- *Need to understand funding to understand governance:* In terms of funding, some participants suggested that a Stewardship Body should be publicly-run and funded because it is too great a risk if a private, commercial entity runs it and it goes out of business. It would be important to think through how a Stewardship Body could ensure the public and governments get a fair share of the benefits enabled by a smart city — such as levying a licensing fee similar to levies government applies to natural resources. There were also suggestions to connect the funding model of a Digital Stewardship Body to the legal framework that governs it. Whatever the model for a Digital Stewardship Body is, it needs to focus on keeping value in Toronto.

5. Importance of regulatory framework, legal issues, enforcement, and compliance.

There are a range of important legal questions that need to be answered in order to inform Waterfront Toronto's work related to a potential Digital Stewardship Body for Quayside, including: Can data legally be considered property? Who is liable if there's a data breach? What is the legal framework governing data collection and sharing? What are the limits of the prevailing legal and regulatory framework and, given that laws do not change quickly, what can we do with what we already have? The regulatory framework would need to be developed by and with tech people, not only lawyers, and there would need to be enforcement built into the framework if the public is going to buy-in. Would it be possible to take an extra-legislative approach to data management, similar to how forests can be managed through Forest Stewardship Certificates?

6. Potential ways to manage data access. A Digital Stewardship Body would need to spell out and implement laws describing what is and isn't acceptable in terms of data collection, analyze the risks associated with data collection and identification, and monitor how data is "washed" of personally identifiable information. It would also need to think carefully about data access, including if/how data is shared with private companies and public authorities, for what purpose, and with what consent. Ideas and concerns raised through discussion included:

- *Consider creating a Digital Stewardship Body with three levels of data access:* Synthetic data that would be accessible to all; de-identified data that could be used to build models and make predictions; and limited access to the actual data to those who really want it, know what to do with it, and will be willing to go through a complex process to obtain it (e.g. by completing Responsible Data Impact Assessment requirements). Some said the Digital Stewardship Body cannot and should not be a monopoly held by one actor or interest, since this will stifle innovation, particularly from small companies that depend on monetization of their data to fund their work. In terms of monetization of data, some felt that people should be compensated for the use of their data (similar to how there is a SOCAN fee where musicians are compensated when their data (music) is used).

- *The need for people to be able to control their data.* For example, they should be able to provide consent and opt in or out of having their data collected — today, there is no way to opt out of being counted as part of the data monitoring for the King Street Pilot, for example. People should also be able to limit the application of data to its originally intended use to prevent abuse and mis-use of data (for example, municipalities should use data to better municipal services, MOE should use data for environmental programs, etc). Similar to medical research, if a researcher is looking for one application and accidentally finds another, she/he needs to restart the grant application process and the research.
- *The potential use of data to inform policing efforts.* Policing was identified as an example of one important use case that would need to be addressed through a policy around law enforcement requests for data, for example.

7. Look to what others have done. Participants said this work should not happen in a bubble, and that Waterfront Toronto should look to other examples of Digital Stewardship Bodies and data / technical standards (such as ISO, IOT, and AI standards). Waterfront Toronto should look at what has driven others to create these kinds bodies and standards, what regulatory environments exist to support these of bodies, what questions they posed, and how they addressed those questions. Suggested specific examples to look at included: Research Ethics Boards, Dublin’s Smart Docklands, and San Francisco’s Transportation Policy Development. More locally, participants referenced the Toronto Public Library, Presto, and Smart Meters as examples of data collection and use (including personal data) in practice; these organizations may have lessons or models to share.

8. Other advice including:

- *Need to understand the business model.* Sidewalk Labs needs to reveal how they envision making money by investing into the smart city.
- *Need for a regulatory sandbox* to pilot a Digital Stewardship Body (like a Civic Digital Trust) that uses de-identified data.
- *Need for more specific uses cases and examples,* such as what kinds of technology will be used.
- *Need for more technologists in these discussions* to help think through some of the tough issues. While some participants supposed using open data principles in Quayside, others said it may not be realistic for data to be open — technologists could help think through some of the different options and consequences.

Next steps

Waterfront Toronto will host the next Civic Lab — which will focus on intellectual property and data monetization — on March 26.

Appendix A. Meeting Agenda



Quayside Civic Lab 2 – Quayside Data Stewardship

March 4, 2019

MaRS Discovery District, 101 College Street, Auditorium

1:00 pm Welcome & Opening Remarks

Michael Geist, Chair, Waterfront Toronto's Digital Strategy Advisory Panel

1:05 Introductions & Agenda Review

Nicole Swerhun, Facilitator, Swerhun Inc.,

1:15 Quayside Data Stewardship

Kristina Verner, Vice President, Innovation, Sustainability & Prosperity, Waterfront Toronto

1:35 City of Toronto Update

David Stonehouse, Waterfront Secretariat, City of Toronto

1:40 Quayside Data Stewardship Body: Models & Learnings from other Jurisdictions

1:40 Reviewing the International Context, with examples from other jurisdictions

Lisa Austin, Professor and Chair in Law and Technology, University of Toronto Faculty of Law

2:00 Open Data Process and Landscape

Kevin Tuer, Managing Director, Open Data Exchange & Vice President Strategic Initiatives, Communitech

2:15 Discussion (small table and full room)

3:00 Break

3:15 Digital Trusts

3:15 Models of Digital Trusts

Chantal Bernier, National Practice Leader Privacy & Cybersecurity, Dentons

3:25 MaRS Report on Civic Digital Trusts

Alex Ryan, Joe Greenwood, MaRS

3:45 Discussion continued (small table and full room)

4:55 Closing Remarks

Kristina Verner, Vice President, Innovation, Sustainability & Prosperity, Waterfront Toronto

5:00 Adjourn

Questions for Discussion:

Do you have any questions of clarification for the presenters?

Based on the presentations and discussions shared, and your insights and expertise, what ideas or advice would you like to see Waterfront Toronto consider related to data stewardship at Quayside?

Appendix B. Participant List

Organizations that were invited to Civic Lab #2 is below; organizations that attended are **bolded**.

2 For Life Media Inc.	Innovation, Science and Economic Development (ISED), Government of Canada	Osler
Aqualina Bayside Development	Integrate.ai	Peak Power
Automotive Technology and Mobility Innovation	Internet Corporation of Assigned Names and Numbers (ICANN)	Phire Work
Autonomous Vehicle Innovation Network (AVIN)	KPMG	Privacy Analytics
BMO	Les interstices	PwC
Cabinet Office	MaRS	Royal Bank of Canada
Canadian Civil Liberties Association	MaRS Solution Lab	Ryerson University
Canadian Internet Policy and Public Interest Clinic (CIPPIC)	McCarthy's	Scotiabank
Centre for International Governance Innovation (CIGI)	McConnell Foundation	Sidewalk Labs
CIHI	McInnes Cooper	Smart Cities Challenge, Infrastructure Canada
City of Toronto	Ministry of Economic Development, Job Creation, and Trade	Social Innovation Lab
Code for Canada	Ministry of Energy, Northern Development and Mines	Statistics Canada
Communitech	Ministry of Infrastructure	Symcor
Compute Ontario	Ministry of Economic Development	TELUS
CPO Staples Canada	Miovision Technologies Incorporated	The Citizen Lab
CRM Dynamics	MIT Senseable City Lab	The Governance Lab, New York University
Dentons	Mozilla Foundation	Toronto Public Library
Digital Justice Lab	nNovation	Toronto Region Board of Trade
Digital Public Square	OCAD University	University of Ottawa
Evergreen	Office of the Corporate Chief Information Officer	University of Toronto
Federal Economic Development Agency for Southern Ontario	Office of the Information and Privacy Commission of Ontario	Waterfront for All
George Brown College	Officer of the Minister – Monte McNaughton	Waterloo University
Inclusive Design Research Centre	Office of the Privacy Commissioner of Canada	York Region
Independent Electricity System Operator (IESO)	Ontario Centre of Excellence	
Infrastructure Canada	Open Knowledge Canada	

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