



About the Sidewalk Toronto Data Governance Advisory Working Group:

The Sidewalk Toronto Data Governance Advisory Working Group was established in March 2018 to be a source of external expertise to Sidewalk Labs and Waterfront Toronto. Meetings were chaired by Alyssa Harvey Dawson, General Counsel and Head of Legal, Privacy and Data Governance at Sidewalk Labs and Kristina Verner, Vice President of Innovation, Sustainability and Prosperity at Waterfront Toronto. Waterfront Toronto also constituted its own Digital Strategy Advisory Group in April 2018 to provide Waterfront Toronto with independent advice regarding the project.

Members were selected by Waterfront Toronto and Sidewalk Labs as local leaders and experts on issues related to the Quayside project. The list was developed to ensure a range of diverse opinions that balanced institutional affiliations and perspectives on urban issues. Members were primarily from civil society and academia, with a few from the private sector.

Members were invited to attend 7 meetings — May 8, August 23, October 12, October 25, November 5, November 19, 2018, and January 7, 2019 — though not all members were able to attend every meeting.

The role of the advisors was to:

- Provide guidance, critiques and suggestions on proposed approaches, concepts and designs;
- Consider and convey the perspectives of relevant constituencies and stakeholders;
- Provide a sense of the broader community's reactions and concerns and explore how these might be addressed; and
- Provide feedback on any other relevant matters that Sidewalk Labs and Waterfront Toronto refers to the Advisory Group for comment.

Group members operated using a consensus-based approach, and any points of disagreement were noted in the minutes.

The following minutes from each meeting may include editor notes for clarity and context, and have omitted any commercially sensitive content. Meetings followed 'Chatham House Rules'— comments were recorded but not attributed to specific individuals.

In the notes, ‘project team’ refers to staff of Sidewalk Labs and Waterfront Toronto who were involved in convening and presenting to the advisory group.

We list the members of the Data Governance Advisory Working Group below in order to establish a complete record. We are grateful for their time, expertise, and their work to refine and improve the ideas that will make up the Master Innovation and Development Plan (MIDP) proposed by Sidewalk Labs. It is, however, important to note that their participation in the advisory working group, and their identification here, does not imply endorsement of the MIDP, any component thereof, or this project, generally.

Members of the Data Governance Advisory Working Group:

Name	Organization
Ann Cavoukian*	Special Advisor to Waterfront Toronto, Ryerson Privacy by Design Centre of Excellence
Jennifer Stoddart	Fasken, and Former Privacy Commissioner of Canada
Khaled El Emam	University of Ottawa
Martin Canning and Michelle German**	Evergreen
Norm DiPasquale	Community Representative
Mark Wilson	Former IBM Executive and former Chair, Waterfront Toronto
Pamela Snively	Telus
Ryan Merkley	Creative Commons

* Served until resignation as Special Advisor on October 20, 2018

** Michelle German joined the group on October 25, 2018

Chantal Bernier of Dentons and George Takash of McCarthy Tétrault also attended meetings as Waterfront Toronto’s external legal advisors.



**Data Governance Working Group
Meeting 1: May 8, 2018
1410 Jorgenson Hall, Ryerson University**

On May 8, 2018, a group of stakeholders met for the first half-day discussion of the Data Governance Working Group of the Sidewalk Toronto project. This group will be providing input on the early stages of the Sidewalk Toronto project and will be considering questions relating to data governance and privacy. Meetings are expected to last until late 2018 as the Sidewalk Toronto project team formalizes and details its plans for the development of the Quayside project.

Executive Summary

- Participants noted that recent global media coverage about responsible data use have raised the public's awareness of privacy issues. This could heighten the public's concern about Sidewalk Toronto data collection and commitment to privacy.
- Participants commented that the Responsible Data Use Policy Framework lacked clarity and detail, and suggested that a future version should more strongly emphasize privacy protection. They agreed that more detail will be required to build public confidence in Sidewalk Toronto project team's commitment to privacy and responsible data use, and that a lack of specifics could lead to public distrust.
- Participants suggested that in order to build public trust, the Sidewalk Toronto project team should more proactively and directly communicate the intended method and purpose of data collection and its approach to privacy.
- Participants emphasized that the Sidewalk Toronto project team should provide and communicate examples of the potential benefits that the project could have on the community, such as through the release of pilot projects and prototypes clearly linked to the Quayside project.

Presentation and Discussion - Privacy By Design

Former Ontario Privacy Commissioner Dr. Ann Cavoukian presented on the importance of Privacy By Design in the Quayside project, as well as current public perceptions of privacy as it relates to the project. This was followed by a lengthy full-group discussion.

Responsible Data Use Policy Framework

- Participants felt that the Sidewalk Toronto project team should clarify the intended purpose of data collection, to help alleviate feelings of distrust and suspicion about surveillance.
- Participants suggested the inclusion of a policy of immediate de-identification of data before its use or storage. They felt that this could go some way in restoring public confidence. Though participants acknowledged that while the Sidewalk Toronto project team may already have intentions to do so, this should be more clearly communicated.
- Participants broadly agreed that the next draft of the policy framework could better address the public's fear and cynicism. It should be written with an emphasis on privacy and data storage, and released as soon as possible.
- Participants felt that Torontonians may not want to compromise on data residency, and that the Sidewalk Toronto project team should include a statement in its Responsible Data Use Framework that commits to the ultimate goal of local data storage.
- Participants felt that the Sidewalk Toronto project team needs to also create a simple, short privacy statement.

Public Engagement and Communications

- In general, participants suggested that Sidewalk Labs and Waterfront Toronto should more proactively and directly engage with the media, and educate and inform the public in order to alleviate fears, build trust, and counter potential negative perceptions about the Sidewalk Toronto project.
 - Participants felt that the public is cynical about Sidewalk Labs' privacy commitment and that Sidewalk Labs needs to more explicitly recognize the public anxiety about privacy.
- Participants were concerned that, if not properly addressed, the discussion around privacy could obscure other important discussions around data stewardship and storage.
 - One participant noted that the Sidewalk Toronto project team has two separate issues; privacy and data, and that the public and media are conflating them. These two issues should be addressed individually when communicating to the public.

- Participants affirmed their support for the development of smart cities and that there is much potential for benefits to be realized in Toronto, but felt that the project team has a responsibility as a pioneering project to address these questions thoroughly.
- Participants felt the Sidewalk Toronto project team has to demonstrate the value of the services that are going to be provided and how residents could benefit from the collection and use of de-identified data.
 - Participants acknowledged that it could be difficult to allay these fears without yet being able to discuss specifics about Quayside.

Trust and Social License

- Participants discussed public concerns about profiling and discrimination. They felt that this framework must have policies that promote freedom from overt surveillance.
- One participant described the legal framework for individual privacy in Canada and noted the importance of consent.
- A participant noted that social license can be achieved if citizens feel in control of the use of their information, and also that they have given meaningful consent.
- Participants felt that the Sidewalk Toronto project team face risks if it does not achieve social license around privacy and data collection.
 - One participant noted that without public trust, the project could be held up at different levels of government.
 - Participants also noted that a neighbourhood that is characterized as being surveilled would not be a popular place to live.
- Participants suggested that public questions about who benefits from data collection and how it will be used are fairly taken, and should be more completely addressed by the Sidewalk Toronto project team.
- One participant noted that, with reference to social license, “collaboration moves at the speed of trust.”
- Other participants expressed concern about the release of Sidewalk Labs’ pilot projects. Participants felt that it would be premature to do this without having a meaningful discussion about trust first.
- Participants recognized that the public understands that data collection is profitable and lucrative, which is at the root of the distrust.

- Because it is less clear to the public what good the Sidewalk Toronto project would provide, it is difficult for the public to see the benefits to the project.
- One participant suggested the publication of regular privacy and data use progress reports.

Governance and Legislation

- Participants suggested that the Sidewalk Toronto project team should establish an arm's length data use oversight committee, which would have executive oversight over acceptable data use.
- One participant noted that the Sidewalk Toronto project team should recognize and connect this conversation to broader conversations taking place in society and at governmental levels around how to adapt policy to address data collection and use and privacy.

Moving Forward

- Participants gave the following suggestions about what next steps the Sidewalk Toronto project team should take on addressing data and privacy concerns.
 - One participant suggested that the type of data to be collected and the meaning of ownership need to be better defined. Several participants agreed that the public will feel distrustful without greater clarity on these questions.
 - Participants suggested that the Sidewalk Toronto project team differentiate between personal information and (aggregate) data in order to make the case for collecting data that is useful for the public interest.
 - Participants suggested that having more independent, external voices weigh in could improve transparency and understanding.
 - One participant also suggested that the Sidewalk Toronto project team could work with the tech community in Toronto as an ally in the discussion about responsible data use.
- One participant laid out a potential framework for a strong privacy statement. They characterized these as minimal commitments needed to obtain social license:
 - An independent and external review board;
 - A commitment to keeping data in Canada;

- The de-identification of personal information; and
- A commitment to getting informed consent.
- Participants also believed that these issues need to be urgently addressed by the Sidewalk Toronto project team in the next few months.
- Participants asked how the Sidewalk Toronto project team can guarantee Canadian data residency. Since the Sidewalk Toronto project team has noted that there are significant challenges associated with addressing this. The group felt that because there are serious challenges, discussion and research into a solution should be prioritized.
 - One participant suggested that the Sidewalk Toronto project team could also think about alternate ways to alleviate the fundamental concerns people have about foreign data storage, such as search and seizure of their data by another government. There may be ways to protect against this other than data residency requirements.

Technology Demonstration: Replica

Sidewalk Labs demonstrated an early prototype of the Replica project, which is a new tool for the planning community, and discussed some of what it can enable around data-informed planning.

Discussion

- Participants asked for more information on how and whether individual users could be identified in Replica, whether the data could be sold to other third parties, and how data would be stored. While participants agreed the tool has utility, they also suggested Sidewalk Labs be more clear about how the public's private information would be safeguarded, even when used in aggregate forms.
- There was general feedback to be as open and up-front as possible with the public when it comes to their plans for Quayside.
- Sidewalk Labs acknowledged the feedback provided by participants and reflected back some of the major questions they are exploring related to data and privacy, including how to build trust, focusing on Quayside and its possibilities.

Next Steps

- Participants felt that the Sidewalk Toronto project team needs to engage with the public on the data residency question.

- Participants reiterated the importance of acting quickly to address the public's concerns on data collection and privacy.
- Participants suggested that Sidewalk Labs needs to be more proactive in talking about its plans and intentions. A lack of communication is being perceived as information being hidden. Sharing more information could build good will and trust.
- Participants suggested that the Sidewalk Toronto project team commission short policy papers for the general public on privacy and data collection.
- Participants identified the following priorities for the Sidewalk Toronto project team to address in the coming weeks and months:
 - Connect the Sidewalk Toronto project to broader policy discussions about data stewardship and access to data;
 - Address concerns around the creation of a surveillance state;
 - Clarify data use policies;
 - Commit to honesty and openness;
 - Improve Sidewalk Labs' communications strategy in general, but especially in regards to data;
 - Respond to criticisms more proactively;
 - Lead with the benefits of data collection;
 - Set the policy agenda;
 - Build trust by making commitments and talking honestly about challenges; and,
 - Issue a strong, unequivocal privacy statement.



Data Governance Working Group

Meeting 2: August 23, 2018

The Sidewalk Toronto Data Governance Advisory Working Group met on August 23rd to discuss data governance and privacy considerations related to the forthcoming Master Innovation and Development Plan for Quayside. This was the second meeting of the group.

Sidewalk Labs staff began the meeting with an update on the release of the Plan Development Agreement in July. Staff then presented the proposed Table of Contents for the Master Innovation and Development Plan, as well as the process for Responsible Data Impact Assessments (RDIAs).

Discussion

- A participant suggested that Privacy By Design must be incorporated into the RDIA.
- A participant asked for more information on what technical approach would be used for de-identification. Sidewalk Labs staff responded that they would use state of the art de-identification techniques and set standards for de-identification at first use that would apply to SWL and encourage other actors in Quayside to do the same.
- A participant suggested that Sidewalk Labs provide ready examples for de-identification systems used elsewhere to help explain the process to external audiences.
- A participant asked for clarification on what triggers the RDIA process.
 - Sidewalk Labs staff replied that it would be initiated when there is any data collection about people or that impacts people.
- A participant commented that the RDIA process seems to be about minimizing the amount of data that is collected.

- The participant also asked if it would be possible to see examples of how projects might pass or fail the RDIA process.
- A participant said that the smart light example provided in the presentation to explain the RDIA is useful, but noted that Waterfront Toronto's Digital Strategy Advisory Panel (DSAP) will want more criteria to deal with monopolies and open data. The participant felt that the RDIA should also consider how and when data will be made publicly accessible by default.
- A participant suggested that the MIDP chapter on data should include some standards, and that the healthcare space could provide some examples of ethical standards that could be applied here.
- A participant suggested that the RDIA process, once operationalized, could be used in many different contexts.
- A participant cautioned that rules and standards can be gamed or circumvented. They used the example that while privacy laws are intended to protect the privacy of individuals, because PIPEDA only applies to personal information it doesn't address how non-personal information can still be used to impact individuals in negative ways.
- A participant noted that standards and controls must be in place for users of data and not focus solely on the collection of data.
- Participants discussed how the project might be required to undergo a separate Privacy Impact Assessment by the City. Sidewalk Labs met with the City to discuss the City's PIA process to ensure any gaps in Sidewalk Labs' privacy assessment process were addressed.

Waterfront Toronto ended the meeting by reminding participants of the upcoming Civic Labs they are hosting to allow the public to weigh in on digital principles and literacy, privacy and algorithm transparency, and data ownership and IP.



Data Governance Working Group

Meeting 3: October 12, 2018

The Sidewalk Toronto Data Governance Advisory Working Group met on October 12th to discuss data governance and privacy considerations related to the Sidewalk Toronto project and forthcoming Master Innovation and Development Plan. This was the third meeting of the group.

Sidewalk Labs staff opened with a presentation of the proposed Civic Data Trust and other data governance measures that will appear in the Master Innovation and Development Plan. Advisors provided feedback on the proposals.

Discussion

- A participant suggested that Sidewalk Labs should acknowledge that the public's concerns are not just about data collection, but also about ownership of physical data infrastructure. They also suggested that proposals focus on both collection and use of data, as well as how to ensure compliance with data regulations for all actors operating in Quayside.
- A participant noted that while Sidewalk Labs has indicated they want to work with provincial and federal government to update existing privacy laws, they should be mindful that the process for doing so is likely to be quite complex and would take a long time.
- Sidewalk Labs staff said they meet with the Office of the Privacy Commissioner of Canada and the Information and Privacy Commissioner of Ontario monthly and has discussed the Civic Data Trust and how it may fit within the current regulations and processes for privacy enforcement.
- Participants felt that the Civic Data Trust concept would be well received but that the details of how it would operate will be more challenging to work through.
- A participant suggested that on the question of data residency, it might be something that the RDIA should include and that Civic Data Trust can make a recommendation on.

- Another participant also suggested that Sidewalk Labs say more about the issue of data residency and go into more detail about the trade-offs.
- Participants discussed the proposed urban data governance framework.
 - A participant noted that existing privacy laws be considered to ensure that a proposal for a Civic Data Trust would align with existing Canadian privacy regulation.
 - Another participant said they felt that the proposal was achievable within the existing privacy frameworks.
 - A participant requested more clear definition for what constitutes 'urban data'.
 - Participants suggested Sidewalk Labs not advocate changes in the existing privacy regulations but rather articulate how their proposed governance structures go beyond existing requirements and communicate interest in governments eventually enacting these higher standards in legislation.



Data Governance Working Group

Meeting 4: October 25, 2018

The Sidewalk Toronto Data Governance Advisory Working Group met on October 25th to discuss data governance and privacy considerations related to the Sidewalk Toronto project and forthcoming Master Innovation and Development Plan. This was the fourth meeting of the group.

This meeting of the DGWG recapped feedback heard after Sidewalk Labs presented its digital governance proposal to Waterfront Toronto's Digital Strategy Advisory Panel (DSAP). This proposal included a recommendation for the creation of an independent Civic Data Trust.

Discussion

- Participants advised Sidewalk Labs to do more education on the concept of a Civic Data Trust and why it was selected as a way to manage data at Quayside. Participants also felt that more information about the Trust is needed before Sidewalk Labs will be able to effectively explain the concept to the public.
- Participants requested more information about the 'data environment', including the taxonomies of data being collected, the types of infrastructure that might exist, and who would govern that infrastructure. They agreed that a data mapping exercise might help advisors to provide better input on possible gaps in the data policy.
- Participants discussed how to promote public literacy on data issues (governance, privacy, the data trust, ownership, etc). Sidewalk Labs suggested that blogs could provide further information on these topics. Sidewalk Labs staff also noted there is a need to ensure through these literacy initiatives that there is an understanding of some of new terms like 'urban data'.
- Participants reviewed some of the feedback that Sidewalk Labs has received about the Civic Data Trust proposal.

- A participant felt that the trust proposal was not well understood by the public and thus not well received, and that the proposal could have been more clearly explained.
- A participant flagged that an issue that has been raised and may arise more in the future is how open architectures and protocols benefit bigger firms with more established databases. This may mean a need for someone to ‘level the playing field’. The participant proposed that the data trust could serve this function, at least in an interim capacity.
- A participant noted that the relationship between Sidewalk Labs and Alphabet makes it difficult for the public to trust that data won’t be shared with Alphabet, and suggested that Sidewalk Labs establish mechanisms to prevent this without consent.
- A participant suggested that Sidewalk Labs needs to better explain how the data trust would be situated within existing legal and regulatory frameworks.
 - A participant further suggested that the data trust could function similarly to a Chief Privacy Officer in a company.
 - Another participant suggested that Waterfront Toronto could mandate that the entire Quayside project be subject to the Civic Data Trust in order to ensure privacy commitments from third parties.
- Participants discussed data localization. A participant proposed letting DSAP continue to discuss the issue. Another participant noted that the complexity of the issue may lead government to set data residency requirements.



Data Governance Working Group

Meeting 5: November 5, 2018

The Sidewalk Toronto Data Governance Advisory Working Group met on November 5th, 2018 to discuss data governance and privacy considerations related to the Sidewalk Toronto project and forthcoming Master Innovation and Development Plan. This was the fifth meeting of the group.

Sidewalk Labs staff presented the [Public Life Technology Pilot](#) and the accompanying [Responsible Data Impact Assessment](#) for the project.

Discussion

- A participant asked whether the project would result in open data as well as be made open source.
 - Sidewalk Labs staff responded that the data would be open [Ed note: this decision will ultimately be up to the study organizer, not Sidewalk Labs], and the storing and hosting of this data would be addressed through the RDIA process.
- Participants asked for more information about what kinds of information the Public Life project would collect.
 - Sidewalk Labs clarified that there is no personal information being collected in the project, and thus no need to de-identify. The surveyor collects data about what people in the public space are doing. This information is general and does not identify the individual.
- A participant asked if Sidewalk would put signs up to provide notice of data collection to the public. Sidewalk Labs staff responded that signage is not typical practice for public life studies, and the Thorncliffe Park Women's Committee volunteers were trained to answer questions about the survey. Another participant suggested that Sidewalk consider permanent signage alerting the public to the fact that data collection may be happening from time to time in the neighbourhood. While Sidewalk Labs was not the

entity collecting the data, the group suggested survey volunteers could wear t-shirts while on duty.

- Participants next discussed the use case of an autonomous vehicle .
 - Sidewalk Labs asked for feedback on what consent for data collected outside the car should look like.
 - A participant responded that the current models are inadequate given the new technology. Other participants responded that it is difficult to advise without knowing more about the scenarios or functionality of the vehicles.
 - A participant suggested Sidewalk Labs review the OPC guidelines on surveillance cameras in the private sector.
 - A participant stated that they were concerned about the lack of control individuals may have over collection of urban data in the public realm.
 - A participant also flagged that there may need to be the possibility of re-identification in order to enable investigations in the event of human error or liability.



Data Governance Working Group

Meeting 6: November 19, 2018

The Sidewalk Toronto Data Governance Advisory Working Group met on November 19, 2018 to discuss data governance and privacy considerations related to the Sidewalk Toronto project and forthcoming Master Innovation and Development Plan (MIDP). This was the sixth meeting of the group.

The Sidewalk Toronto project team presented the draft deck for the upcoming Public Roundtable to be held on December 8th and participants provided feedback.

Discussion

- Sidewalk Labs staff walked through their proposed presentation.
 - They are proposing the Data Trust require everyone to submit for approval Responsible Data Impact Assessments (RDIAS);
 - They are still exploring details for the proposal on how the Data Trust might be implemented, and this detail will be included in the MIDP. Until the Trust is implemented they will continue to use their own RDIA process;
 - The Trust won't supplant what already exists in terms of privacy regulations, and is intended to serve as additional protection.
- A participant suggested that the presentation be more explicit about the elements of the RDIA process, as well as what personal information is being collected. The participant also suggested being more clear about how data that isn't PI, such as aggregate data, will be treated and shared, and what consent will be sought and from whom.
- A participant suggested that Sidewalk Labs will need to provide more detailed answers regarding the architecture of the technology and the business model, including ownership and operation of the hardware. They also suggested more needs to be done

to clarify and give meaning to the open data model, given Sidewalk Labs' relationship with Alphabet and affiliates that may have business interests in Quayside.

- A participant asked for more information on the criteria by which the Trust would make decisions about appropriate use of data.
 - Sidewalk Labs clarified that it would come from PIPEDA, guidance from privacy regulators, and general best practices, such as the Responsible Data Use Guidelines. [Ed note: The implementation and structure of the Data Trust is ultimately up to the operators of the Trust and/or its governance body to make such determinations.]
- A participant suggested that the data trust be attached to the Information and Privacy Commissioner of Ontario office so that the privacy commissioner can provide oversight and adjudication in the event of contested decisions. The Trust in this case would serve a similar role to a Chief Privacy Officer in a corporation.
- Sidewalk Labs staff presented more information about how they currently do the RDIA process with pillar leads.
 - Staff also stated they would be giving more information soon, at future public meetings, about how they will work with third parties, as well as more details on the proposed business model.



Data Governance Working Group

Meeting 7: January 7, 2019

The Sidewalk Toronto Data Governance Advisory Working Group met on January 7, 2019 to provide feedback on digital governance proposals for Sidewalk Labs' forthcoming Master Innovation and Development Plan. It was the seventh meeting of the group.

Discussion

- Participants advised Sidewalk Labs on how to make the content more accessible to different audiences, such as by including a summary.
- Participants suggested that the proposals provide more clear definitions of key terms such as "urban data".
- Participants noted various sections that required editing for clarity and consistency, or which raised questions that could be addressed with further explanation.
- A participant advised Sidewalk Labs to include more detail about how feedback gleaned from consultations was incorporated into the proposal.
- Participants suggested that the section on the Civic Data Trust be left more open-ended since Sidewalk Labs will not be leading it, but be clear about what Sidewalk Labs' role is. A participant also suggested providing more clear next steps on how the Trust will be set up.

Wrap-up

The Sidewalk Toronto project team noted that with this meeting the Advisory Working Group has fulfilled the original terms of reference, and would now formally dissolve. The project team thanked and acknowledged the group for their input over the past eight months.