FINAL REPORT

Privacy in the Information Age:
Government Services and You

Crossing Boundaries National Council
Service Delivery National Discussion

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The Council is a not-for-profit national forum whose mission is to help Canadian governments understand and prepare for the Information Age by fostering debate and action on the special challenges it poses for them. CBNC is co-chaired by the Hon. Tony Valeri, Leader of the Government in the House of Commons, and Dan Bader, Deputy Minister, Municipal Affairs, Government of Alberta. It is made up of 40-45 members, including senior public servants and elected representatives from each of the 10 provinces and the federal government, as well as representatives from territorial and municipal governments and the Aboriginal community. The initiative is sponsored in part through a partnership with the Social Science and Humanities Research Council under its Initiative on the New Economy program area. Visit **www.crossingboundaries.ca** for current information on the Council's Working Groups, National Discussions and Projects.

Authorship and the Role of the Council

The views expressed in this report should not be attributed to individual Council members or their governments. The Council serves as a reference group only. The consultation process and writing of the report were carried out by Don Lenihan, President and CEO of the Council, and David Hume, Senior Analyst. We would like to take this opportunity to thank Council members for their insights and commitment to the process and especially the co-chairs and members of the Service Delivery National Discussion Working Group (see Preface).

A full list of the Crossing Boundaries National Council membership can be found at www.crossingboundaries.ca.

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Le Conseil est un forum national sans but lucratif qui a pour mission d'aider les gouvernements canadiens à comprendre et à préparer le XXIe siècle en suscitant le débat et l'action en ce qui concerne la réponse du gouvernement face aux enjeux de l'heure. Le Conseil est co-présidé par L'Hon. Tony Valeri, Leader du gouvernement à la Chambre des Communes et Dan Bader, Sous-ministre, Affaires municipales, Gouvernement de l'Alberta. Le Conseil est constitué de quelque 40 à 45 membres, notamment de hauts fonctionnaires }et de représentants élus de chacune des dix provinces et du gouvernement fédéral, de même que de représentants d'administrations municipales et de la collectivité autochtone. Le projet est parrainé en partie au moyen d'un partenariat avec le Conseil de recherches en sciences humaines dans le cadre de son Initiative de la nouvelle économie. Visitez **www.traverserlesfrontieres.ca** pour plus d'information sur les groupes de travail, les discussion nationales et les projets du Conseil.

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Executive Summary

Governments must change the way they use and share information, including personal information, to improve services for Canadians. Some wonder how this will affect their privacy. Do citizens care if government share information this way? Is it up to each citizen to decide for him or herself?"

This report explores the views of nearly 200 elected officials, experts and practitioners from the public, private and voluntary sectors, as well as nearly 80 "ordinary citizens" from across Canada, about the opportunities and risks around increased sharing of information by governments and the role of citizens in sanctioning it.

We heard a range of views from the experts on how governments should seek citizens' permission to share their personal information. Some told us that it was enough for governments simply to ask citizens to 'tick a box.' Others thought that citizens could be encouraged to "opt in" to services that were made more convenient through information sharing. Still others suggested that the voluntary and not-for-profit sector could act as trusted intermediaries in handling citizens' information.

Many citizens, on the other hand, were less sure how to answer the question. On the one hand, they were wondered how secure their information would be if it was being widely shared, and how it might be used in the future. Many worried about whether this would weaken basic rights, or change their relationship to their governments. On the other hand, many of the same individuals saw how better sharing of information could greatly improve government services and, in the end, wanted governments to pursue that goal.

We traced their ambivalence to what we called "The Two Paradigms of Privacy and Permission". On the one hand, citizens often look on their personal information as their ***personal property***. They expect governments to ask their permission when they want to share it with someone else or use it for a new purpose. But at other times they see it differently, almost as a ***public resource*** that they have a stake in but not full ownership.

They thought it was important to balance the personal property view with one that recognizes that the community often has a critical interest in how personal information is used.

Our participants discussed how far this might be true for other goals, such as improving the quality of services, the effectiveness of governments or the quality of life of Canadians. Ultimately, they saw the two paradigms as two ends of a continuum that could provide guidance to governments as they think about how to manage personal information.

Two key recommendations, endorsed by the Crossing Boundaries National Council, have emerged out of these discussions:

- From stakeholders: An agenda for a new Council of Ministers responsible for overseeing the use of technology to improve services, and promote information as a public resource.

- From citizens: That governments take steps to ensure citizens become educated about and engaged in a long term discussion about how governments plan to use their personal information, perhaps exploring the prospect of a Charter of Information that lays out how information might be used as a public resource for the 21st Century.

The full set of recommendations can be found on page 15 of this report.

Preface: the Process

At its inaugural meeting in January 2004, the Crossing Boundaries National Council agreed that its first ***National Discussion*** would be launched in September, 2004. They settled on the general theme of "the future of services and their delivery in Canada." A Working Group was set up to oversee the project. It was co-chaired by Maryantonett Flumian, Associate Deputy Minister, HRSDC-SDC, and Deputy Minister of Labour, and Ann MacLean, Mayor of New Glasgow and President of the Federation of Canadian Municipalities. Working closely with the Council secretariat, its main task was to frame the questions that would guide our discussion.

We can summarize the results of that exercise this way:

- If governments must change the way they use and share information—including personal information—in order to improve services for Canadians, how will this affect their privacy? And, further, will citizens agree to let governments share information this way?

Over the last year the Council has undertaken a two part National Discussion to answer these and related questions. It was carried out by Don Lenihan, President and CEO of the Council, and David Hume, Senior Analyst. The first part consisted of a cross-country consultation with ***stakeholders*** to develop and test recommendations. Nearly 200 elected officials, experts, and practitioners from the public, private and voluntary sectors as well as the Aboriginal and academic communities participated. Sessions were held in St. John's, Fredericton, Halifax, Charlottetown, Quebec City, Toronto, Winnipeg, Regina, Edmonton, Victoria, and Whitehorse.

The second part of the process resulted from the Council's subsequent decision that the process should engage not only experts but also ***citizens***. In response, the Council Secretariat set up a "parallel process" that included the following meetings:

- a group of 15 citizens was engaged in Ottawa in a deliberative process that has lead to their recommendation in section 4 of this paper;
- senior citizens in Ottawa and Fredericton met via video conference in partnership with the CRC-NRC Virtual Classroom project;
- high school students in Toronto conducted research and also provided a recommendation to the Council; and
- high-school students in Edmonton, Ottawa, and St. John's met via videoconference to provide their views, also through Virtual Classroom's project.

Altogether, about 80 citizens participated in the citizens' part of our National Discussion.

This document contains the findings of those two consultations, along with the recommendations that emerged from them. It was presented to the Council at its May 2005 meeting, where the Council discussed and finalized them, and considered what practical steps its members will take to move them forward.

Acknowledgements

It takes many people to make a project like this work. A few should be mentioned here. We would like to express our special thanks to Dr. Martin Brooks of the National Research Council, John Spence of the Communications Research Centre of Canada, Dr. Susan O'Donnell of NRC and Hassan Masum for working with the Council on the video-conferencing sessions. Thanks also to Glen Padassery and Leighton Sickler of the Government of Ontario for their expertise and assistance in piloting discussion forum and webcasting technology in our citizens' forums.

Many thanks also to the teachers involved in this project, including Sonia Halloran, Monty Bridgman and Principal Shelia Devers of City Academy, Margo Connors of Holy Heart High School in St. John's, Newfoundland, Denis Cousineau of John MacCrae High School in Ottawa, Ontario, and Randy Montgomery of J. Percy Page High School in Edmonton, Alberta. We are also grateful to Véronique St-Onge and Jason Ryle for their contribution in organizing and providing support for the many sessions.

We are indebted to our partners at the Social Sciences and Humanities Research Council for their involvement in and support for Crossing Boundaries. Finally, we would like to thank all of the participants in our sessions, who contributed their time, expertise and thoughtful comments.

Introduction

Many experts in the field of service delivery today are preoccupied with what they call *authentication*—that is, how governments verify that a citizen seeking access to their services or data is, first, who they say they are; and, second, authorized to receive them. In conventional services, authentication is more straight-forward. For example, if you want a drivers' license, the person behind the counter might ask you to produce a birth certificate and sign a form to establish that you are who you say you are. If the official is satisfied, you are entitled to the service.

In future, it will be possible to access many government services from a personal computer through a single website; and from anywhere in the world, any time of the day or night. So governments will have to be able to do for you electronically what they now do for you in person.

> We found that work on the delivery of government services appears to be at a watershed.

When this consultation began we felt that the work on authentication raised the key policy issues around privacy and information sharing that should be the subject of our study. But in two of our earliest sessions—St. John's and Toronto—participants told us that we should look beyond that discussion.

They said that authentication is focused mainly on technical questions around how information should be exchanged. Many of them have to do with issues of security and cost. While these issues are very important, there is already a small army of highly qualified experts at work trying to solve them. The policy issues that they do not address, we were told, lay around getting citizens *permission* to share and reuse information, as the new delivery systems mature.

Governments know that if they want to transform how they share and use information, citizens will need to be consulted. But citizens—and, indeed, most of the public policy community—know little about how seamless service works. Normally, it would not be a problem. But we are fast reaching a point where new technologies may change how we exercise—and understand—a very fundamental right: our control over government's use of our personal information.

We heard that that the Crossing Boundaries National Council could make a useful contribution to the work underway by consulting citizens and practitioners on how to make the case for why information should be exchanged, and how citizens will benefit. More specifically, governments need to be able to explain to citizens in a relatively clear and accessible way what these changes are about, why they are happening and what they will mean for Canadians.

We found that work on the delivery of government services appears to be at a watershed. If the last decade was about building basic infrastructure—"laying the pipes"—as one participant put it, the next decade will be about sharing and leveraging the information that flows through the pipes. The challenges are as much cultural ones as policy or administrative ones. They are about how citizens and governments view the use of information—especially personal information—in a democratic society.

We saw our job, then, as one of helping find the issues, ideas and language that would frame such a public discussion—to explore seamless service more from the citizen's point of view than the expert's. That is the goal of this report. If it helps bridge the gap between them, it will have served its purpose.

A Foundation for Discussion

The Council Secretariat worked with teachers in a Toronto high school to develop an unusual research project for their political science students: "What's it like to go out and get government services?" we asked them.

Most of them had accessed services before. The majority had drivers' licenses, transit passes and health cards. Some even told stories of losing their wallets and going to replace the contents at offices around the city.

Why can't governments give me an answer to a question based on what I need to know?

We asked the students to look into what permits and licenses would be needed to start a business of their choosing. When they reported back, some in the class described the experience this way: "daunting", "VERY time consuming" and a "big full circle that got me nowhere." Others felt that it was an "overall positive experience" or even "a great experience."

But virtually everyone agreed that trying to work across multiple departments or three levels of government to get what they needed to start riding stables, jewelry businesses, clothing manufacturers and nightclubs could—and should—be a lot easier. Why?

Bouncing between departments and levels of government for a business number, a restaurant license, record of employment forms or agricultural permits made little sense to them. Students asked: Governments have all this information available to them so why can't there be one office that could answer all my questions, no matter which level of government is involved? Why can't governments give me an answer to a question based on what I need to know rather than on what their department or jurisdiction is responsible for?

Their views are hardly unique. In effect, the students were arguing for what public servants call ***citizen-centred service***, where the delivery of government services is organized around citizens or businesses so that their experience of moving between departments or levels of government feels ***seamless***.

But if governments are to deliver services this way, they must learn to work together closely—they must learn to ***collaborate***. Further, they must share information on citizens and businesses that currently they do not. Why? Because to organize services around citizens, governments must know who the person is and what she wants, needs and is entitled to.

For example—say a parent has recently passed away. When the death certificate is filed with the province, the appropriate senior's benefits could be automatically terminated and their Social Insurance Number and passport cancelled. Also, family members could be notified about any Canada Pension Plan Survivors Benefits.

For this to happen, however, governments need to let each other know that a death has occurred, that the deceased had, say, a Social Insurance Number, Veteran's Benefits and a passport. They also need to share information, say, on who is the next-of-kin and where they can be found. This kind of ***information sharing*** is necessary to make services seamless.

But the idea of information sharing also raised serious questions for many of the students, as well as for those in our citizens' forum and many practitioners: If getting better services means that governments must share information in new ways, what assurance do we have that information will not be shared where it should not? What other information are governments sharing about us without our knowledge? How is it being used? If mistakes happen, who will be held accountable? Does the specter of Big Brother lurk here?

Why this Discussion Now?

The Government of Canada's 2005 budget announced the creation of Service Canada, a "one-stop service to Canadians by phone, on the Internet, and in person for social benefits and other programs.[1]" Through this commitment, the Federal Government has joined a number of provinces and territories in adopting a new approach to achieve citizen-centred service. These so-called "service utilities" have been springing up across the country and, indeed, around the world.

Many experts say that "one-stop shopping" is only the beginning.

Some participants thought that this development marks a turning point in the evolution of seamless service. As we went across the country, we heard many experts say that "one-stop shopping" is only the beginning—the thin edge of the wedge. They said that citizens already want far more than co-located services. They also want governments to help patients navigate a complex health system; they want immigration officers to speed up the approval process; and they want revenue officials to track down tax fraud.

How will this be done?

The real revolution, we were told, is just getting under way and it lies not just in co-location but ***in transforming how the systems inside government work*** to make seamless service possible. In particular, many spoke about moving to an enterprise-wide approach. It aims at nothing less than a full-scale rethinking and redesigning of how information flows within and between governments, in order to make services at all levels more coordinated and integrated.

For instance, when we met in Quebec City with the Canadian Joint Public Sector Service Delivery and Chief Information Officer's Councils, they were putting the final touches on a report that concludes the following:

> *A majority of Canadian citizens now expect seamless services and service delivery…If we are to meet this expectation, there is a need for integrated data collection and business processes so that … citizens can apply for related services [such as business permits and licenses or employment insurance and job training] in a single process, and information is collected once and reused, consistent with legislative and privacy safeguards.*[2]

We heard a similar story in other places. We were told that if governments really want to make services seamless, they must work together to align their systems so that information can be shared more effectively across departmental—and even juris-dictional—boundaries. Not only would this transform the delivery of so-called "transactional services," such as getting business permits, drivers' licenses or passports, but also more information-intensive ones, such as healthcare, social work, immigration or law enforcement. As a result, governments are quickly turning their attention to how information flows within and between them.

But how might Canadians react to greater information sharing—particularly personal information—we wondered? Are citizens ready to let governments share information in exchange for better services? How much of it will be personal? How should governments go about getting their permission to do so?

[1] 2005 Budget, accessed April 5, 2005 at http://www.fin.gc.ca/budget05/booklets/bkmgte.htm

[2] From "One Client, One Taxpayer," unpublished draft report by the PSSDC-PSCIOC. February, 2005.

Getting Permission—A Question of Trust

At virtually every session, stakeholders told us that getting permission to share information hinges on a simple idea—trust.

We asked how difficult it would be to gain citizens' trust.

A Manitoba participant surprised us when he replied flatly that, if Canadians understood what we were proposing, he thought that they would not be likely to accept it. It would undermine personal privacy, he said.

Nevertheless, in Manitoba and elsewhere, this view was the exception. Most were cautiously optimistic that citizens would let governments share more of their personal information in exchange for better service. So we focused our attention on different ways to get permission.

"Just ask…"

The most common suggestion was also the simplest: governments should just ask for it. In other words, many of our participants—including practitioners and citizens—at first felt that if governments want to use personal information in new ways to improve services, they should just explain to citizens why they want to do it and ask them if it is okay. One example is the option on the federal income tax form that asks citizens if basic information from it can be shared with Elections Canada so that the person can be placed on the permanent voters list.

There were other suggestions as well. For instance, in British Columbia some participants argued for what they called a market-based approach to getting consent and winning trust. They thought that if government offices gave citizens a choice, say, between a short, fast-moving queue that provided seamless services and a long, slow-moving one for each individual service, most would opt for the former. Perhaps they could be asked to fill out a simple form or "tick a box" to show their consent in letting government take the steps necessary to provide the service. Moreover, a successful use of this approach would build public confidence in the convenience and security of the system. A number of participants pointed to a very successful use of a similar strategy by banks to introduce Automated Teller Machines.

Nevertheless, there were some experts who felt that the emphasis on asking citizens permission may be exaggerated or even misplaced. In this view, governments—unlike the private sector—are not committed to a consent-based model for gathering and sharing information. Their authority to collect and use information lies in the legislatures, not individual citizens. What they should be seeking is the permission of legislatures, say, through legislative changes. In this view, the amount of direct control that citizens have over their personal information is often quite limited, though increasing concern over transparency has led governments to recognize that citizens are entitled to know how it is being used.

Returning to the idea of trust, some participants in Ontario and Newfoundland pointed to the high level of trust that many voluntary and not-for-profit organizations enjoy among Canadians. They encouraged us to see it as an important piece of social capital that could help move seamless service forward. These organizations already provide many services that involve the sharing of sensitive information with governments, such as family counselling or community health services. Perhaps they could act as a kind of honest broker for seamless service by delivering more of it on behalf of governments. Citizens might feel better about trusting them with the management of their personal information.

Some participants went on to add that, if governments expect to win citizens' trust and get their permission, they should be clearer about the benefits that citizens can expect to receive in exchange. For example, governments might adopt well publicized service standards. It would provide some assurance that the information was being used for the right purposes.

"But what if…"

At first, the citizens we spoke to in our forum were quite open to such proposals. In almost all cases, they felt willing to allow governments to share their information. But as we progressed, the discussion took an unexpected turn.

One participant talked about his concern that this kind of information sharing would open a door that would not be easily closed. He said that once his information started to move around governments it would be difficult, if not impossible, to stop it. Others in the group quickly picked up on the theme, saying that they feared a future where there might be a less benevolent government that could use the information to control them, rather than serve them.

Concerns over security were also quickly transformed into trust-issues. Two participants reported that they had already been the victims of identity theft. One claimed that his credit-rating was ruined after someone used his credit-cards to run up high bills that he could not pay. The second one, a full-time high school student, told us that he had been informed by the police that someone had used his Social Insurance Number to find a job. "What if all my credit cards had been linked together?" the first asked. "How might someone take advantage of me if information about me in government was linked together?"

The idea that personal information from different sources could be linked in ways that could pose a threat gave our citizens group pause. They were ambivalent. On the one hand, they wanted good service; on the other hand, they worried about their inability to control how governments' might use this information in the future, and about government's inability to keep their information secure.

On the last point, most recognized that they were not qualified to know whether the steps governments would propose would be adequate. Again, it became a question of trust—their trust that governments would be both forthright and competent enough to tell them the truth about the issues. On this, there was some scepticism.

But as we explored these issues with stakeholders and citizens, we found ourselves disentangling two different strands of argument behind their concerns. It helped us understand how the debate about privacy and seamless service might unfold. We labelled these lines of thinking the two paradigms for privacy and permission.

Two Paradigms for Privacy and Permission

The first of the two paradigms—what we called the ***private property paradigm***—was most forcefully stated by a participant in one of our stakeholder sessions. He claimed that a citzen's personal information is in effect their private property. They should therefore have maximum control over how, why, where and when it is used. Just as we would not feel free to use their property without their explicit consent, we should not feel free to use their personal information without their explicit consent. If governments want to share a piece of personal information it follows that, insofar as it is possible, they should tell citizens exactly what they intend to do with it, and ask their permission to do so.

The discussion led them to wonder about how much control they would really want or could expect to have over their information.

When we tested this idea with citizens and practitioners, most of them liked the level of individual control it might give them over the use of their personal information. And even with the recognition that it would be difficult for governments to offer such a choice, a good number said they would still want it even if it meant longer wait times to access services.

But, for the majority, the more they talked, the more they were convinced that the new technologies create a remarkable opportunity to improve how governments work in everything from processing applications to policy development. The discussion led them to wonder about how much control they would really want or could expect to have over their information.

They considered two major points. The first had to do with how new technologies are breaking down traditional boundaries within government, such as program, departmental and even jurisdictional boundaries, and replacing them with what experts call the ***enterprise approach***.

The second had to do with the range and volume of information that would be traveling around within these new "enterprises," as governments concentrated on improving whole policy fields at a time, such as health or immigration.

The Enterprise Approach

Discussion of the first point began with an example. A participant told us that in the health sector today there is much talk of creating a "system navigator," that is, a case manager who guides the client through various stages of treatment and recovery. The case manager would, "hand off" the client to different professionals at various stages in the process, ensuring an elderly patient moves from critical care, to recovery, to home care or palliative care based on their needs and in a seamless way.

Citizens not only saw the importance of the example—that better information sharing could do far more than allow for the automated cancellation of a deceased person's benefits—they quickly used it to generalize to other policy fields. If information sharing could be used to help patients navigate a complex health system, it could also help immigration officers to speed up the approval process or assist revenue officials to track down tax fraud.

They wanted all these things, and were both hopeful and expectant that governments could achieve them. They agreed that these opportunities were too important to be lost.

But they also saw that achieving a closer integration, say, of a wide range of health services, builds on and expands the ***enterprise*** approach. In short, it must be possible to access information from across the health system and share it with other service providers (like doctors, pharmacists, physiotherapists or homecare professionals) at other points and stages of a patient's voyage through the system.

Both our citizens' groups and many practitioners recognized that meeting these expectations would require a lot more information sharing than we had been contemplating up to that point. Expecting governments to use information in ways that would change how they plan, develop policy and innovate puts us in a different league. It would likely require that information—including personal information—be used in many ways, some of which we cannot even foresee.

The point provoked much discussion. While some people said that they might be comfortable having, say, their health information shared in new and more comprehensive ways, others were less certain. Most agreed that citizens would be worried about making sensitive information, such as that they were HIV positive or that they had been the victim of spousal abuse, available to any more government agencies than absolutely necessary. For them the risk of prejudice might be too great.

Our citizens' forum was excited by the prospect of using, say, an electronic health record to strengthen case management and improve an ailing system. But they also told us that convincing citizens that they would not suffer damage to their reputations was a critical condition of winning their trust for what they now saw as a bigger step in information sharing.

That raised the question whether the property paradigm really told us all that we need to know about getting permission. Many of our participants felt that it did not.

The Implications for Permission

If the Government of Canada wants to use basic information from the tax form to build a permanent voters' list, it is easy enough for it to ask citizens if they agree. But if we expect our governments to wring the full benefits out of the technology, they must be able to experiment, innovate and make choices—often on a daily basis.

Many participants felt that in such cases it would be unreasonable to expect governments to keep coming back to citizens to request permission to use the information in yet another new way. Moreover, some of the uses to which the information may be put would be difficult to explain to citizens and even more difficult for them to understand. So the property paradigm leads us to conclusions that would often be impractical, reflecting some of the reasons why experts had cautioned us about how much control citizens could realistically exert over their information once it is in government's hands.

This forced us to ask whether there was a different way of getting permission—and, if there were, whether citizens would be willing to accept it. The answer came through further discussion of how the new technologies are changing things.

When is Information Personal? When is it Generic?

One woman talked about how new techniques in ***data-mining*** are blurring the traditional distinction between personal and generic information. She pointed out that whether a particular fact is personal or not often depends on the context.

If someone is a doctor, earns $300,000 per year, has three children and lives in Langley BC, the importance of these facts from a privacy viewpoint varies with the situation. But as new techniques in data-mining improve, it will become possible to link data from a wide variety of sources and put them to use for new purposes. These could be as diverse as marketing products or strengthening national security.

She argued that more and more "generic" facts will become important as data-miners get more skilled at pulling information together from different sources, placing them in new contexts and linking them back to specific people. As a result, what appears in one context as generic or as a fact that is of only marginal personal significance may become personally compromising in another. In such a world, there may be almost no limit to what citizens would see as their personal information.

The participant felt that the real lesson here is that an information-rich society cannot rely too exclusively on the property paradigm. It leads to the conclusion that citizens should have a very high level of control over an almost endless amount of information about them. "Surely that can't be right," she said. It could paralyze governments.

She concluded that recognizing that citizens should have a strong say in how their information is used does not mean that they own it in the same sense that they own their car or their furniture. Nor should it mean that governments own it. There is, she said, middle ground.

The Public Resource Paradigm

An alternative view quickly emerged. It was that the information held by government is not anyone's property. It is a kind of ***public resource*** that belongs to the community as a whole. The more knowledge-based our society becomes, the more important a role this resource will play in helping our community prosper. Governments should be seen as ***trustees or stewards*** of this resource. They have a responsibility to use it in ways that will help Canadians adjust to change and prosper. At the same time, governments have a responsibility to consult citizens on how they plan to do that.

> Citizens ought to have some direct and meaningful control over how their information is being used. It does not follow that they need or should have full control over it.

But citizens do not own the resource either. They are more like stakeholders in it, much as they are the stakeholders in Canada's natural resources or its accumulate ones, such as its cities and highways. Nevertheless, our participants insisted that citizens often have a much greater interest in some kinds of information, such as our personal information, than in other kinds. That is because we are often vulnerable to how it is used. Misuse of it can harm us and we have a right to be protected against that. One of the participants in our citizens' forum summed it up this way: "To err is human, but to really screw things up takes a computer".

These discussions carried over into our discussions of security. Everyone had heard horror stories, such as the one about personal banking information being faxed to a junkyard in the US, or databases being stolen from government computers. They wondered how secure government systems would be. They also wondered about the political fall-out from such events. Would politicians feel the need to reassure the public, even if the systems were not secure? Perhaps surprisingly, it was senior citizens who seemed least concerned by these thoughts. They told us that no system would be perfect, but that the opportunities and benefits created by the technology would ultimately outweigh the risks.

In the end, most of our participants agreed that some kind of balance must be struck. On the one hand, citizens ought to have some direct and meaningful control over how their information is being used. On the other hand, it does not follow that they need or should have full control over it, as the property paradigm suggests. It is a question of degree. Others in the community also have an interest in how our personal information is used. They expect their governments to be able to use it to experiment, innovate and improve their policies and programs for the good of the community as a whole.

In fact, we heard that support for the public resource view of information is already strong in some cultural communities. Aboriginal peoples, for instance, are strong advocates of it. They view some kind of community control over their information resources as critical to preserving their identities and culture, especially regarding traditional knowledge, such as medicine or their cultural history.

We called this view the ***public resource paradigm*** to distinguish it from the private property paradigm. How did participants think that it would change the way personal information is used or permission obtained?

How does it work?

Rather than expecting governments to ask permission for each new use of personal information, the public resource paradigm suggests that they could ask citizens to let them use it in a variety of ways within a restricted area.

For instance, information sharing might be limited to a certain cluster of services, such as youth or seniors' services, or, perhaps various sectors, such as health or business. Inside these domains governments would be freer to share information. However, this permission would not be open-ended. Governments would be restricted by a framework of principles, values and goals that would guide them in how they used it within that domain. Oversight mechanisms—such as an auditor of information or a privacy commissioner—would be used to keep government accountable to the public.

Different situations call for different levels of control over how information is shared and used.

We should be clear that the participants who liked this approach were not simply rejecting the property paradigm in favour of the public resource one. As a participant in our Edmonton session concluded, they should be seen more as two ends of a continuum. He agreed that, in an increasingly information-rich world, citizens will want governments to use the new resource to improve what they do. But, he underlined, we must recognize that different situations call for different levels of control over how information is shared and used.

What would it mean for governments to adopt this approach? Just about everyone we spoke to agreed that, where frameworks are going to be used, citizens should have some meaningful say in the what they will permit governments to do with personal information. But there were significant differences over what this meant in practice.

Some felt that citizens should be directly consulted on the use of frameworks, along the lines of the 'just ask' model; others thought that consent need not be so explicit. A possible model here is the BC "market-based approach," which sees citizens' willingness to use a suite of services—and, perhaps, "ticking a box"—as an implicit agreement to allow the kind of information sharing needed to make it happen. Finally, there is what might be called the "delegated authority" approach. It is the least direct and holds that elected officials—in effect, legislatures—have the legitimate authority to make such decisions on behalf of citizens. In this view, a framework approach to information sharing, say, in health, could be legitimately enacted by a legislature.

Regardless of the model, however, most, if not all, of our participants agreed that the degree of control will vary with the area, the information and the context. Imposing too demanding a test for permission where it is neither needed nor expected is impractical and may serve only to frustrate a government's best efforts to improve programs or fix serious problems. In such cases, a framework approach may be the only real way to strike the right balance between effectiveness and efficiency, on one hand, and security and privacy, on the other.

Past, Present and Future

In the final session of our citizens' forum, we decided to build on these ideas by turning our attention to the future and asking what it might hold. The past became our guide. We talked about how in the late 18th century as democracy was rediscovered its champions discussed the need to establish basic principles and values that should guide all governments in their treatment of citizens. These included the rights to choose one's own religion and to speak freely.

We talked about how these basic rights eventually became entrenched in liberal societies and guided the evolution of their institutions and laws. We wondered if we were entering a similar period of change—whether the transition from the Industrial to the Information Age was bringing about such fundamental change that we would need to revisit basic democratic values and rights. Not to change or abandon them, but to deepen and enrich them.

We also recognized that evolving toward a new view of information and its place in our society would require strong and visionary political leadership.

We agreed that information and communications technologies are creating new forces that could not have been foreseen 200 years ago. We looked on the current interest in seamless service as the beginning of an historic, evolutionary transformation of government. We wondered what would happen as citizens began to explore a new view of privacy and governments began to experiment with new approaches to implement it. We wondered whether eventually an underlying set of principles or values might emerge. Something that could be codified and stand as a kind of universal statement of how governments should behave as stewards of this new resource, and of the rights and responsibilities of citizens toward it.

Our group tried to imagine a kind of universal list of "dos and don'ts" that might guide governments: "Do tell citizens how their information could be used to help them. Do tell citizens how information could be used against them. Don't use personal information for profit. Don't use citizens' information for small 'p' political purposes of consolidating or achieving power. Do use our information in the name of the public interest," they said.

While we recognized that, if such a "charter of information" ever appears, it is a long way off, we agreed that envisioning it as a point on the horizon was a good thing for governments and citizens to do. It gives us something toward which to steer as we navigate unknown waters.

We also recognized that evolving toward a new view of information and its place in our society would require strong and visionary political leadership. It would mean leading discussion and change around the culture of privacy and information, and, perhaps, controversial debates about how information should be used and for what purposes. But we were optimistic that citizens were up to the challenge—and hopeful that our political leaders were too.

In closing, the participants in our citizens' forum asked us to tell governments in our recommendations that they should not ignore the hard work that must be done in bringing citizens along as we move into the Information Age. They recognized that many of the issues we discussed were new to them. But their willingness to grapple with them and their openness to change and new ideas was the single biggest lesson that we took away from a fascinating exercise.

Our thanks to them.

Recommendations of the Crossing Boundaries National Council

Preamble

The Crossing Boundaries National Council recognizes that significant progress has been made on citizen-centred service delivery over the last decade. The "low-hanging fruit" is being picked. As a result, Canadian governments are entering another phase in the project. Real progress will require that complex and difficult issues around regulation, policy and legislation be resolved. No one expects this to happen overnight.

Nevertheless, the clear message we heard from citizens and experts was that the gains are too important to lose. They want governments to move ahead and, indeed, to push the boundaries. We were told time and again that realizing the gains will require strong and focused leadership at both the political and administrative levels.

In response, the Crossing Boundaries National Council proposes that:

A Meeting of First Ministers

- ***First Ministers meet*** to set priorities and develop an action plan that will advance citizen-centred policy, programs and service delivery.

A Council of Ministers

- ***A new intergovernmental council of ministers is created to drive citizen-centred policy and initiatives across jurisdictions.*** Critically, municipal and Aboriginal governments should be represented on this council.

Such a council of ministers would provide leadership on a number of fronts. We regard the following as critical points for action:

The Citizen-Centred View of Government

- The new council would act ***as a political champion*** for ***citizen-centred government***—the view that transformation should be guided by the principle that governments should be organized around citizens, their needs and priorities.

- It would ***foster discussion and debate on the nature of Canada as a knowledge society***, and the role of governments in promoting it.

- In the 21st century, information will be a source of wealth, power and prestige. ***The council would promote the idea that government information is a critical new public resource*** to build our economy, develop better policy, and improve the quality of life of Canadians, and that governments are the stewards of it.

- The council would take steps to ensure that those who rely most heavily on government services—the sick, elderly, unemployed and vulnerable—***are not forgotten in the discussion of improving services and participation in the information society***. Furthermore, the council should take steps to ensure that remote communities—particularly Aboriginal communities—can be full participants and beneficiaries in Canada's information society.

A National Service Network

- The council should spearhead ***the development of a national service network for Canadians***. The initiative would build on existing service delivery infrastructure at all levels of government, in Aboriginal communities and in the not-for-profit and private sectors. Such a network would be composed of electronic systems—a kind of "system of systems." It would respect the diversity of the federation while leveraging opportunities for partnerships, anticipating and enabling the connecting power of information and communication technology, and fostering a culture of responsible information sharing in accordance with the views expressed by citizens and experts in this report

- If governments are to collaborate on the development of a national service network, ***common standards must be adopted to ensure the network's security and integrity***. The prospects for creating a national, information standard-setting body should be investigated, perhaps by the PSSD and CIO councils, as a means to create consensus around standards for information exchange, accuracy, security, and authentication. This standard-setter should report to the new council of ministers responsible for citizen-centred policy and initiatives. Private sector technology developers should also be involved to ensure that common standards are as widely used as possible.

- ***Privacy concerns should be addressed by this council in the context of citizen-centred service delivery***. Practitioners involved in our consultation sometimes disagreed whether current privacy legislation is a barrier to the development of a citizen-centred service delivery network. The ministers' council should test this relationship through a series of pilot projects aimed at clarifying the level and kind of information sharing needed to support the next generation of citizen-centred service.

The Crossing Boundaries National Council

Along with the creation of this council of ministers, however, the Crossing Boundaries National Council recognizes that no high-profile, non-partisan body currently exists that includes political, public-service and other stakeholders to act as a national champion and expert commentator on service transformation issues. Such a group is needed to inform and educate the public on the opportunities that now exist, and to advocate on behalf of citizen-centred service. ***The Crossing Boundaries National Council will meet this need through the formation of a dedicated group of members and associates known as the Crossing Boundaries Service Champions Network.***

Citizens' Recommendation

The following recommendations were formulated by the participants in our Citizens' Forum:

Our group recognizes that greater sharing of personal information between government departments and between different levels of government may be necessary to make government services more relevant and effective for citizens. We believe that it will play an important role in government's efforts to improve our health system, make us more secure and improve our quality of life.

But greater information sharing also raises concerns. We worry about the possible erosion of privacy that could occur, should governments be given too free rein to share information as they will.

We want to know:

- While we recognize government can do good things for us, what will stop it from using our information in ways that might end up causing harm or nuisance?
- Who will be accountable or liable when our information is in the possession of human beings and machines that can make mistakes?
- With so much information available or potentially available, is there a hard line that can be drawn between generic and personal information?
- What ensures us that our information can be made secure from attacks or theft of the machines that contain our information, either during the life of their use or after their disposal?

In our deliberations it became clear that governments must take steps to win the trust of citizens. In particular, citizens must feel confident that our call for adequate control over our personal information is being respected. But we also recognized that there is a question about how much control citizens need to protect their interests.

Two approaches to controlling personal information were put forward in the course of our discussions. They suggest alternative visions of how citizens might see their relationship to it.

1. *Strict Consent*: Governments must go to citizens each time they want to use personal information in new ways, giving citizens full control over how their information is being used and shared.

2. *Frameworks for Sharing Information*: Citizens allow governments to use their information within a circumscribed area, such as a cluster of services for seniors or youth. The framework contains a set of citizen-endorsed values, principles and goals that governments are obliged to respect. Government's use of the information is overseen by a third party, such as the courts, an auditor of information or an ombudsman, such as a privacy commissioner. While in this approach citizens have less control over their information, there is adequate protection, while giving governments the flexibility they need to improve services.

Weighing these models, we concluded that, while we were attracted to the 'Strict Consent' model because of the level of control over our information it affords, in the end we did not see it as practical in many situations. We thought that it would be too expensive and arduous if governments were required to consult citizens for each new information-sharing initiative. Furthermore, our group felt that it would not allow governments to take the steps needed to break down their silos so that they can deliver more accessible, relevant and effective services to citizens. We concluded that the framework approach was a necessary step for progress—although we were unclear on the details of how such frameworks would be developed, or how they would work.

We therefore say to governments:

Make it your project to educate citizens about the ways you can and cannot share their personal information. Help them understand the opportunities and risks in the present and for the future. Use the opportunity to educate citizens and build trust through frank and open conversation.

Go a step further by embarking on a process that will allow citizens to explore the prospects for something like an information charter—a document that would set out how governments understand their role as stewards of public information, and what the rights and responsibilities of citizens might be.

Such a process might be led by a group of distinguished Canadians; or perhaps it would be made up of average Canadians, like the British Columbia Citizens' Assembly on Electoral Reform. Our real point is that citizens must play a central role in determining how governments will use information in the 21st century.

We believe there is great potential to improve government and to improve the lot of Canadians through the use of new technologies. But we also believe that there are risks. To win our trust, and to preserve our open society, we believe that, as our governments and society change, citizens must be at the centre of the discussion.

We thank you for your consideration of these, our views, as the participants from the Citizens' Forum and look forward to your final report.

Youth Recommendation

We are a group of grade 12 students at City Academy, a Toronto private high school. We worked with the Council Secretariat and our teacher, Sonia Halloran to learn and talk about the issues in front of you in this report.

The issue is, to us, very important. Information sharing affects young people and old people, whole governments and individual citizens. And technology must become a part of what government does to ensure it remains relevant to the world in which its citizens are living. But this world of the future is our world, and we believe our voice should count as it develops.

Like the Citizens' Forum, our concerns with information sharing have to do with its affects on our privacy, our ability to control our information and how we might hold government accountable should its systems fail us. In addition we are concerned about government's ability to actually work together to make these plans come to fruition. We also are concerned about the job loss that might occur as governments work to be more efficient.

But on consideration we do believe governments should move to share information in limited ways. We are convinced this will make services more accessible, more convenient, and allow people to meet their needs on their own terms. We are also convinced that this could help improve people's views of government.

Like the citizens in Ottawa, we believe governments ought to engage Canadians in the issues. Such a discussion is worth having. It should include online and in person consultation, involve and/or be lead by experts, stakeholders and elected officials (but it should not just be "white guys" in the discussion). Critically, the media should be involved—this would be the best way to reach youth. Above all, however, governments must go to where the people are (in schools, watching TV, online, at their jobs).

We thank you for involving us in the process of your consultation. We look forward to your report.

VOLUME 1

Parliament Today: Three Speeches on Governance

By the Hon. Tony Valeri, Leader of the Government in the House of Commons

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