To:	Members of the Committee of the Whole
From:	Malcolm Hunt, Director, Planning and Development Services
Meeting Date:	September 26, 2016
Subject:	Report PLGMD16-001 GIS Open Data Policy

Purpose

A report to recommend the approval of the Geomatics/Mapping GIS Open Data Policy.

Recommendations

That Council approve the recommendations outlined in Report PLPD16-001 dated September 26, 2016, of the Director, Planning and Development Services Department as follows:

a)   That the existing "Policy for the Release of Mapping Products" be rescinded and that the Geomatics/Mapping Division implement a new GIS Open Data Policy as presented in Report PLGMD16-001, Appendix D; and

b)   That the existing "User Fees and Charges - 2016, Operating Supplement Form 6" as presented in the 2016 Operating Budget be rescinded and replaced with a new Schedule of Fees attached to Report PLGMD16-001 as Appendix F.

Budget and Financial Implications

Existing revenue from the sale of geographic data is minimal. For the year 2015 revenue sales amounted to about $200. The GIS Open Data Policy is only for the release of digital CAD/GIS data at no cost and revenue will be generated from the sale of paper products to cover the cost of ink and paper. Custom requests will still cost $60/hr. This rate will be reviewed during the assessment of the Open Data Policy.

Forward

Information supplemented for this report was provided from two resources:

- A report submitted to the Halifax Regional Mayor and members of Council on August 28, 2012 by Richard Butts, CAO.
- A report presented to the Working Party on the Information Economy in June 2005 and December 2005. The report was prepared by Graham Vickery and Sacha Wunsch-Vincent of the Organization for Economic Co-operation and Development (OECD) Directorate for Science, Technology and Industry in conjunction with Alexander Fas and Caroline Paunov (consultants).

Background

In 2007 the GIS Data Release Policy (GDRP) was adopted to guide the dissemination of corporate geographic data (Appendix C). It covers key data sets that reside on the organization's GIS (Geographic Information System) system. This includes, but is not limited to data sets such as civic addresses, infrastructure (i.e. roads, sewers), administrative boundaries, addresses, orthophotography, elevation data, and building outlines.

The policy includes a fee structure depending on the data sets the user seeks to purchase. The rationale supporting this policy approach was that collecting and maintaining data was expensive, and therefore compensation should be sought to offset the costs incurred. This form of data dissemination was adopted by the majority of North American municipalities at the time.

Significant changes have occurred in the nine years since adoption of the GDRP. These changes include:

a) Common use of geographic data through use of technologies such as Global Positioning Systems (GPS), Google maps, etc.;

b) Evolution of mobile technology and home-grown application development;

c) Interest in using geographic information to build computer applications

d) Trend toward more "open government" and "open data"

What is Open Data?

Open Data is a practice to provide some of the municipally-generated data to the public in a common computer format, without the restrictions of copyright, patent or other control mechanisms and, most importantly, free of charge. The objective of Open Data is to eliminate burdens to access data created or managed by government agencies, while respecting privacy and sensitivity concerns. It enables entrepreneurs, academics, community groups, other learning communities, developers, and interested citizens to use data to improve the social experience and stimulate economic growth through data applications.

The Open Data movement is growing among a number of government agencies in Europe and North America, and is also gaining momentum in Canada. Since 2008, more than 50 Canadian jurisdictions have joined the Open Data movement and are freely providing municipal data via the web. The details of the international and Canadian Open Data movements can be found in Appendix A.

Open Data Drivers

There are a number of drivers behind the open data movement. In summary, they are:

- **Restrictive data policies such as the City's GIS Data Release Policy limit the access to public goods**. Although some data needs to be protected due to privacy or security concerns, many data sets should be free for public access in order to increase the overall transparency of the municipality. This reflects a shift in thinking from the initial introduction of the GIS Data Release Policy in 2007, when the City sought to protect the taxpayer's investment in this data by charging for its use.

- **The current public data sharing process is costly and inefficient.** Staff spends a significant amount of time and resources to prepare and share data sets based on individual requests. By streamlining the process, making the data sets available through a publicly accessible website on a regular basis, the City will be able to provide the original format of the data directly to the public, and allows users to format it as they need.

- **Local City of Peterborough community movement.** A number of requests are received each year from the public, asking to gain free access to the City's geographic data sets. As the global 'open data, open government' movement continues to emerge, it will increase the expectations of local communities for the City to lead open data reform.

- **Open Data as a Driver of Economic Growth.** Public Sector Information (PSI) constitutes the raw material for a variety of products and services in applications across a wide range of industries, and analysis has concluded that it is an important economic asset. Currently geographic data has one of the greatest economic

potentials; and so far its use has had positive impacts on employment and growth. Specifically combining various types of PSI has led to the development of innovative products such as location-based services.

For example, the analyses of demographic changes over time can be critical to businesses to enable them to identify emerging markets, target customers and pick locations for potential new development.

- **Open Data in support of Increased Transparency & Citizen Engagement.** Throughout government at all levels there is an emerging trend towards more open government, making government more transparent and increasing the engagement of its citizens. It is recognized that citizens can participate more meaningfully in government if they have access to relevant information and are able to participate and help to solve problems, particularly at the local level. Free and clear access to pertinent data can facilitate this.

Open Data Initiative Approach

In order to adopt a GIS Open Data approach for the City, Geomatics staff are seeking endorsement from Council. If approved, Geomatics/Mapping will release the common data sets selected from a long list of data sets from which there is a sample in Appendix B. The initial version will focus on readily available data sets that have data management procedures already in place.

The web site will allow the quick release of preliminary data, measure data usefulness from the public perspective; and a better understanding of what kind of data is of greatest value to the public and local businesses.

Geomatics/Mapping staff will gather and analyse the open data usage information; evaluate the cost, benefit and impact of freely sharing data sets to the public, and make recommendations on future adoption of Open Data.

Submitted by,

Malcolm Hunt, Director
Planning and Development Services Department

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Geomatics/Mapping Manager
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Attachments:
Appendix A - Open Data Movement
Appendix B - Sample OF 120 data sets to release in Open Data pilot
Appendix C - Existing 'Policies for the Release of Hardcopy and Digital Mapping Products'
Appendix D - City of Peterborough Open Data Policy
Appendix E - City of Peterborough Open Data Terms of Use
Appendix F – Proposed Form 6 – User Fees and Charges

Appendix A – Open Data Movement

International

Several national governments have created web sites to distribute a portion of the data they collect. A list of over 400 open data catalogues is available on the open source datacatalogs.org project, which aims to be a comprehensive list of data catalogues from around the world. Prominent examples include:

☐ Data.gov - U.S. government open-data website. Launched in May 2009.
☐ Data.gov.uk - U.K. government open-data website. Launched in September 2009.
☐ data.govt.nz - New Zealand Government initiative to publish Government Data under Creative Commons licenses, defined further at NZ GOAL. Launched in Nov 2009.
☐ data.norge.no - Norwegian government open-data website. Launched in April 2010.
☐ opengovdata.ru - OpenGovData Russia Catalog. Launched in 2010, private initiative.
☐ Data.gov.au - Australian government open-data website. Launched in March 2011.
☐ Data.gc.ca - Canadian government open-data website. Launched in March 2011.
☐ opendata.go.ke - Kenyan government open-data website. Launched in Jul 2011.
☐ data.overheid.nl - Dutch government open-data website. Launched in Oct 2011.
☐ datos.gob.cl - Chilean government open-data website. Launched in Sept 2011.
☐ data.gov.it - Italian government open-data website. Launched in October 2011.
☐ datos.gob.es - Spanish government open-data website. Launched in October 2011.
☐ datos.gub.uy - Uruguayan government open-data website. Launched in November 2011.
☐ data.gouv.fr - French government open-data website. Launched in December 2011.
☐ dados.gov.br (beta) - Brazilian government open-data website.
☐ www.opendata.ee - Estonian government open-data website.
☐ dados.gov.pt - Portuguese government open-data website.

Additionally, other levels of government have established open data websites. http://www.data.gov/open-gov/ lists the sites of a total of 39 U.S. states, 46 U.S. Cities and Counties, 45 International Countries, and 163 International regions.
There are approxitmatly 54 local government entities pursuing Open Data in Canada. A few are listed below.

Canadian Municipalities
Source: http://open.canada.ca/en/maps/open-data-canada

Calgary
Calgary is providing open data through the City of Calgary Open Data Catalogue.
https://data.calgary.ca/OpenData/Pages/About.aspx

Edmonton
Edmonton is providing open data through the City of Edmonton Open Data Catalogue.
http://data.edmonton.ca/

Fredericton
Fredericton is providing open data through the City's Open Data Catalogue.
http://www.fredericton.ca/en/citygovernment/DataMain.asp

Township of Langley
Open data from the Township of Langley, British Columbia.
http://www.tol.ca/ServicesContact/OpenData.aspx

 London
London launched an open data catalogue (Open Data London) in September 2010.
http://www.london.ca/open

Mississauga
Mississauga has released data and will move towards providing the data sets in open formats.
http://www.mississauga.ca/data

Montréal
Montréal launched its open data portal in October 2011. Background on their approach is available http://donnees.ville.montreal.qc.ca

Niagara Falls
http://www.niagarafalls.ca/services/open/

District of North Vancouver
Open data from the District of North Vancouver
http://www.geoweb.dnv.org/

Ottawa
http://ottawa.ca/en/mobile-apps-and-open-data/open-data-ottawa

Prince George
http://princegeorge.ca/cityservices/online/odc/Pages/default.aspx

Quebec City
Launched at Web à Québec event February 22, 2012.
http://donnees.ville.quebec.qc.ca/

Regina
Launched February 27, 2012.
http://www.regina.ca/residents/open-government/data/

Surrey
http://surrey.ca/city-services/658.aspx

Toronto
In early April 2009, Toronto's mayor, David Miller announced plans to share city data at toronto.ca/open.
http://www.toronto.ca/open

Appendix B – Sample of 120 data sets to be reviewed for release in Open Data pilot

Data Set   Description   Currency

TABLE NAME	Description	Maintenance Frequency	Steward
ADDRESS	**Address Points** - can separate corner addresses, property vs. unit addresses	Weekly	Geomatics
BS_BENCH	**Bus Stop Bench Points**	Monthly	Transit
BS_SHELTER	**Bus Stop Shelter Points**	Monthly	Transit
BS_SIGN	**Bus Stop Sign Points**	Monthly	Transit
BS_SUPPORT	**Bus Stop Support Points**	Monthly	Transit
BUILDING	**Building Feature Polygons**	Yearly	Geomatics
CONTOUR	**Original contour lines from OSI in 2005** - converted from Microstation 3D file	One Time Creation	Geomatics
CURB	**Curb Lines**	Monthly	Geomatics
DRIVE ACCESS	**Drive Access Polygon - i.e. parking lots, laneways, airport pavement**	Monthly	Geomatics
DCA	**Development Control Area Polygons**- shapefile imported from Otonabee Region Conservation Authority	Not Maintained Or Up To Date	ORCA
DRAINAREA	**Drainage Area Polygons**	Not Maintained Or Up To Date	Infrastructure Planning
GRBG_COLL_DAY	**Garbage Collection Day Polygons**	Yearly	Waste Management
GRNWASTE_COLL_DAY	**Green Waste Collection Day Polygons**	Yearly	Public Works

Appendix C – Policies for the Release of Hardcopy and Digital Mapping Products
SCHEDULE 'A'

POLICIES FOR THE RELEASE OF
HARDCOPY AND DIGITAL MAPPING PRODUCTS

1) A Sales Agreement, (Schedule B) including intent of use section, will accompany and require a signature from the requester/user for all digital map products.

2) Hard copy and digital mapping products will be issued at the discretion of the Land Information Services Division. Fees for mapping products will be collected based on a Map Products and Fee Schedule, (Schedule C).

3) Digital mapping data will be supplied in the following formats:
   a) MicroStation .dgn, AutoCad .dwg or ESRI Shape File format
   b) Other formats (TIFF, BMP, JPEG, PDF, PostScript etc.) are available upon request.
   c) Map data can be provided on CD or emailed.

4) Digital mapping data being provided to the City, must be in one of the following formats:
   a) MicroStation .dgn, AutoCad .dwg or ESRI Shape File format
   b) Map data should be provided on CD, email or ftp site if available..

5) Unverified map data may be released, provided that the data has been noted or stamped as   **Unverified.**

6) In situations where there are discrepancies between versions of digital map files due to alteration or revision, the City of Peterborough digital files will be considered the most current and most accurate of available data.

7) The City of Peterborough will attempt to adhere to regular digital map file maintenance schedules. The maintenance schedules will vary, depending on the type of data available.
   Some digital map files may be maintained on an annual basis, while others may be on as much as a 5 year basis, depending on the amount of work or cost involved.

8) A pricing fee has been established for external user/purchasers, however, reciprocal data sharing arrangements, including map file maintenance agreements in the form of an annual or lump sum fee may be considered. This fee will be set and applied according to the type of map file obtained, in accordance with Schedule C - Map Products and Fee Schedule.

9)   A maintenance fee will be charged to user/purchasers who have previously obtained a digital data file and require an up-dated version of the same digital data file.   This fee will be set and applied at the time of update, according to the individual map file obtained and the amount of revisions required.

SCHEDULE 'B'

GRAPHIC AND NON-GRAPHIC DIGITAL DATA
DIGITAL OR HARDCOPY FORMAT
USER AGREEMENT

In consideration of the payment by the undersigned of the sum of $ N/A plus tax for a total of $0.00
The City of Peterborough hereby grants the right to use the following data upon the terms hereinafter contained.

DESCRIPTION OF DATA:

INTENDED USE OF THE DATA:

The user acknowledges that the City of Peterborough is the owner of the above-described data, and as such the City retains copyright of this data.

The user agrees that the data is for the users own personal or internal office use, and further agrees that the said data shall not be sold or distributed to any third party without the express written consent of the City.

The user accepts the digital or hardcopy data at its own risk, and acknowledges that this data has not been verified by the City. This data is current only to the date to which it was compiled. Users should not rely on this data to their detriment. The City does not warrant the accuracy of this information and shall not be held responsible for damages arising from the use of this data, or from the digital storage media provided. The user hereby releases and discharges the City, its employees or agents from any claims, losses or damages, and agrees to indemnify and save harmless, the City, from any claims, losses or damages arising from the use of the data.

USER: ....
ADDRESS: ....
PHONE NO.: ....
DATE: ....
SIGNATURE: ....

CITYDEPARTMENT: GEOMATICS/MAPPING, PLANNING & DEVELOPMENT
STAFF CONTACT: Mike MacLean, Geomatics/Mapping Manager

SCHEDULE 'C'

MAP PRODUCTS AND FEE SCHEDULE

PLOTTING

DESCRIPTION	SIZE/SCALE	TYPE	TOTAL*(tax included)*

THEMATIC MAPS
EXAMPLES: City Map, Bikeway Routes, Flood Lines, Parcel Fabric, Horizontal Control Monuments
 Corner Addresses, Election Wards, Annexed Areas, Traffic Signals, Natural Areas, Topographic,
Planimetric, etc.

	1:16000	B/W, COLOR PLOT	**$10.00**
	Max. 36" wide	B/W, COLOR PLOT	**$3.00/ft**

OFFICIAL PLAN MAPPING
All Schedules are available.

	11 x 17	LAZER PRINT	**$5.00**
	1:16000	COLOR PLOT	**$10.00**

ZONING MAPS

	8 x 11	LAZER PRINT	**$5.00**
	1:16000	COLOR PLOT	**$10.00**
Complete Set (31 maps) Included with Zoning By-law		PHOTOCOPY	**$80.00**

ORTHOPHOTO'S
SPRING 2011

	81/2 x 11	LAZER PRINT	**$5.00**
	11 x 17	LAZER PRINT	**$10.00**
	Max.	COLOR PLOT	

CAD DIGITAL DATA (no attributes)

Product	Format	Price/Sq. Km. (includes tax)	City Wide (includes tax)
PARCEL FABRIC	DGN, DWG, SHP	**$20.00**	**$1000.00**
ADDRESS FILE	DGN, DWG, SHP	**$20.00**	**$1000.00**
CORNER ADDRESSES	DGN, DWG, SHP	**$10.00**	**$500.00**
SINGLE-LINE NETWORK	DGN, DWG, SHP	**$2.00**	**$100.00**
STREET NAMES	DGN, DWG, SHP	**$2.00**	**$100.00**
UTILITY DATA (sanitary or storm sewers)	DGN, DWG, SHP	**$20.00**	**$1000.00**
TOPOGRAPHIC DATA Includes fences, trees, building outline, curbs, poles, etc	DGN, DWG, SHP	**$50.00**	**$3,000.00**
ELEVATION DATA breaklines & mass points, .5m contours. 2005	DGN, DWG, SHP	**$60.00**	**$3,500.00**

GIS DIGITAL DATA (with attributes)

Product	Format	Price/Sq. Km. (includes tax)	City Wide (includes tax)
PARCEL FABRIC includes street name, address	ESRI .shp file,GeoMedia (current city version) in ACCESS or ORACLE Object model	$75.00	$4,500
ADDRESS FILE includes X & Y coordinates, street name, address	ESRI .shp file,GeoMedia (current city version) in ACCESS or ORACLE Object model	$.20/address	$5,000
STREET CENTERLINE ROAD NETWORK includes street name & address ranges,	ESRI .shp file,GeoMedia (current city version) in ACCESS or ORACLE Object model	$75.00	$4,500
UTILITY DATA e.g. sanitary or storm sewers.	ESRI .shp file,GeoMedia (current city version) in ACCESS or ORACLE Object model	$75.00	$4,500
Ortho Rectified Imagery - Aerial Photography (10cm colour 2005)	GeoTIFF, SID	$20.00/tile (1/4 sq km)	$4,500

Maps converted to a .pdf format is:
- $100.00 for commercial use
- $10.00 non-commercial 8.5 X 11
- $20.00 non-commercial 11 X 17
- $50.00 non-commercial wall size

NOTE: The above products are available to Students, Seniors, Public Institutions and Non-Profit Organizations for a 50% reduction or a fee based on the individual request, and determined by the Geomatics/Mapping Manager.

All custom GIS, mapping or plotting request are on a low priority basis at $60.00/hour with a minimum charge of $20.00

Appendix D – City of Peterborough Open Data Policy

Draft Policy
City of Peterborough Open Data Policy

Department: Planning & Development   **Effective Date:**
Division: Geomatics/Mapping   **Approval Level:**
Section/Facility: **Policy#:**
    Revision#

1. Purpose

1.1. The purpose of the Open Data Policy is to remove barriers and set the rules by which the City makes the City's Data available to the public as machine readable Datasets.

1.2. The key objectives of the Open Data Policy are to:

    1.2.1. make the City's Data more accessible to the public in a way that is responsive to citizens' needs and expectations;

    1.2.2. create a participatory environment in which citizens are engaged with their City, communities and public policy issues;

    1.2.3. create new opportunities to inform citizens about the City and enable their participation in municipal government decision making;

    1.2.4. enhance trust between the City and its citizens;

    1.2.5. provide an equitable approach for citizen access to the City's Data that is timely, simple and straightforward;

1.2.6. empower citizens to create value from the City's Open Data;

1.2.7. enhance the social and economic benefit of the City's Data;

1.2.8. increase efficiencies and cost savings for the City; and

1.2.9. where reasonable, adopt publicly developed services and products, benefiting citizens and extending the value of the City's Open Data.

2. Scope

Except as expressly set out in this Open Data Policy, this Open Data Policy applies to Data in the custody or under the control of the City: (i) in respect of which the City is not subject to a legal or contractual obligation to keep the Data confidential; or (ii) for which there is no overriding public policy reason to keep the Data confidential.

In addition, this Open Data Policy sets out specific criteria that must be met before the City may: (i) designate any of its Datasets as Open Data; and (ii) designate any such Dataset as being one that warrants Routine Release or Proactive Disclosure.

Data in the custody or control of the City's public health or emergency services divisions that may include Personal Information is expressly excluded from the Data that this Open Data Policy requires be considered for release by the City as Open Data.

3. Policy Statement (s)

3.1. The City will:

3.1.1. make the City's Open Data available subject to Terms of Use;

3.1.2. promote the use of the City`s Open Data online; and

3.1.3. post online reference materials relating to the use of the City`s Open Data online.

4. Open Data Policy Requirements

This section 4 sets out the Open Data Policy Requirements. They provide direction to the

City for the assessment, approval and posting of Open Data for public use, adaptation, and distribution.

4.1. General Requirements

The following policy requirements apply generally to City Data and Open Data.

4.1.1. The City' must establish plans for expanding public access to City Data and report their progress as requested by the City's Chief Administrative Officer or council.

4.1.2. The City's plans must prioritize and expand Data publication efforts on Data that enables citizens and sectors to create value from City Data.

4.1.3. City must establish an open Data contact email to respond to public inquiries related to Open Data.

4.1.4. The City must establish guidelines on categories of Open Data, and the City may update the guidelines from time to time. The categories should be listed with or in the Open Data Catalogue.

4.1.5. The City Data may be made publicly available as part of any Open Data initiative only in accordance with this Policy (including section 4.2)

4.1.6. The City's Data made publicly available as part of any Open Data initiative should be re-assessed periodically. The frequency of these re-assessments should be determined as part of the pre-release assessment.

4.1.7. The City should consider the objectives of the Open Data Policy when creating or modifying any Dataset and when implementing or modifying any information system.

4.1.8. The City: (i) will approve an assessment form to be used by the City when determining whether or not any of the City`s Datasets may be released as Open Data; and (ii) may modify the assessment form from time to time.

4.2. Open Data Criteria and Assessment Requirements

The following policy requirements apply to the assessment by the City of the City's Data for release as Open Data and inclusion in the City`s Open Data Catalogue.

4.2.1. A Dataset may be proposed for release as Open Data if:

4.2.1.1. is Machine Processable;

4.2.1.2. is in a file format that is recognized as being reasonably appropriate OpenData;

4.2.1.3. is part of a Dataset generated by the City and upon which the City relies;

4.2.1.4. comes within one of the categories of Data that the City has approved for release;

4.2.1.5. does not include Personal Information protected pursuant to the Municipal Freedom of Information and Protection of Privacy Act; and

4.2.1.6. is not subject to any legal (including contract), public safety or other restrictions that would prohibit the City from releasing it as Open Data.

4.2.2. The Department responsible for the Data being considered for release as Open Data: (i) will make the determination whether or not the Data being considered for release should be released; (ii) ensure that the assessment form described in section 4.1.8 is completed for the Data; and (iii) take the content of the completed assessment form into account when making the determination.

4.2.3. Routine Release should only be used in relation to Data that: (i) is being generated on an ongoing basis; (ii) is being generated in a highly consistent manner; and (iii) when assessed in accordance with section 4.1.8, demonstrates no indications of potential concerns relating to its release by the City as Open Data.

5. Legal Considerations

The following legal considerations guided the development of the Open Data Policy and provide context for its application.

5.1. Municipal Freedom of Information and Protection of Privacy Act
The Act requires municipalities to protect personal information contained in their records.

5.2. Personal Health Information Protection Act
The Act requires health information custodians to protect personal information contained in their records.

6. DEFINITIONS/ACRONYMS (As Required)

The following definitions are provided for key terms and acronyms used in this document:

"**Chief Administrative Officer**" or "**CAO**"
means the individual who holds that position for the City.

"**Data**"
are facts, figures and statistics objectively measured according to a standard or scale such as frequency or volumes or occurrences.

"**Dataset**"
means a collection of raw, non-manipulated Data usually presented in tabular form with associated metadata, and which is machine readable.

"**Machine Processable**"
means able to be manipulated by and allowing automated intake and processing through computer application. Portable document format (PDF) is not Machine Processable.

"**Municipal Freedom of Information and Protection of Privacy Act**" or "**MFIPPA**" means the Municipal Freedom of Information and Protection of Privacy Act (R.S.O. 1990, c.M.56) and all regulations adopted thereunder (in each case, as amended and updated from time to time).

"**Open Data Catalogue**"
means a listing of the City's Datasets that have been made available as Open Data by the City (as amended from time to time).

"**Open Data**"
is the City's Data that has been designated by the City as "Open Data".

"**Open Government**"
describes an approach to operating a government that works to: (i) promote transparency, accountability and accessibility; (ii) foster a culture of collaboration; and (iii) improve service to the public.

"**Personal Health Information Protection Act**" or "**PHIPA**"
means the Personal Health Information Protection Act, 2004, S.O. 2004, Chapter 3, Schedule A, and all regulations adopted thereunder (in each case, as amended and updated from time to time).

"**Personal Information**"
means any personal information which is required to be protected pursuant to MFIPPA, PHIPA or any other laws and regulations pertaining to the protection of personal

information.

"**Proactive Disclosure**"
 means disclosure of data to strengthen public sector management by enhancing transparency and oversight of public resources in the government.

"**Routine Release**"
 is a regularly scheduled release of Open Data by the City that is based upon a prior assessment and approval for release.

"**Terms of Use**"
 means the Terms of Use pursuant to which the City releases Open Data (as amended from time to time). A copy of the current Terms of Use is available on the public website operated by the City in relation to its Open Data initiatives

7. APPENDIX, RELATED POLICES, PROCEDURES & LINKS

8. AMENDMENTS/REVIEWS Next Review Date:

Date (yyyy-mm-dd)	Sections(s) Amended	Comments

Appendix E – City of Peterborough Open Data Terms of Use

City of Peterborough
Open Data Terms of Use

Introduction

In furtherance of its commitment to its open data policies, the City of Peterborough (the "City") makes a number of data sets available for use, subject to these Terms of Use (each an "Open Dataset").

For the purposes of these Terms of Use, the word "you" means the individual accessing one or more of the Open Datasets, and, if applicable, includes any other legal entity on behalf of which the individual is accessing the Open Datasets (for example, an employer). Unless you have the authority to bind that legal entity to these Terms of Use, do not access or use any Open Dataset on its behalf.

Making datasets available

You acknowledge that the City may add and remove datasets from the Open Datasets from time to time and without notice to you. When the City removes a dataset from the Open Datasets, no further licenses will be granted for it pursuant to these Terms of Use, but any licenses that already exist will still exist.

Your use of the Open Datasets

Subject to these Terms of Use, the City grants to you a non-exclusive, non-transferable, license to copy and use the unmodified Open Datasets for any lawful purpose and without any restrictions as to the media in which they are embodied. You will not and will not attempt to derive any personal information from any Open Dataset or by combining any data from it with data from any other source.

Your distribution of the Open Datasets

You may distribute any Open Dataset if the following conditions are met:

- You do not use the City of Peterborough's name to endorse or promote any products or services derived from, that rely upon or use the Open Dataset without the express prior written permission to do so from the City of Peterborough (which permission may be revoked by the City of Peterborough at any time by sending you

an email stating that it is revoked to the email address that you provided to the City when you requested the permission);

- you retain in the Open Dataset any copyright or other proprietary rights notices (for example, "Copyright © 2012, The City of Peterborough (All rights reserved.)"); and

- you draw the recipient of the Open Dataset's attention to the following terms, provide a copy of the following terms with the Open Dataset and obtain the recipient's agreement to abide by them:

"All intellectual property and other rights in and to the Dataset belong to the City of Peterborough."

The Dataset is provided by the City of Peterborough "as is" and any express or implied warranties, representations or conditions relating to the Dataset, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose are disclaimed in no event shall the City of Peterborough be liable for any direct, indirect, incidental, special, exemplary, or consequential damages (including, but not limited to, procurement of substitute goods or services; loss of use, data, or profits; or business interruption) however caused and on any theory of liability, whether in contract, strict liability, or tort (including negligence or otherwise) arising in any way out of or relating to the use of the Dataset, even if advised of the possibility of such damage.

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A suspension of the licenses will not result in the suspension or termination of any license granted by you to a third party in accordance with the section of these Terms of Use entitled "Your distribution of the Open Datasets".

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The Open Datasets (however embodied or represented) are provided to you by the City "as is" and any express or implied warranties, representations or conditions relating to the Open Datasets, including, but not limited to, any warranty of accuracy and the implied warranties of merchantability and fitness for a particular purpose are disclaimed.

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Indemnity

You agree to indemnify the City (its representatives and suppliers) and hold them harmless from any and all claims and expenses, including legal fees, arising from or relating to your use or misuse of any Open Dataset or from any breach by you of these Terms of Use. For greater clarification and without limiting the previous sentence, if the City gets sued or is

required to pay someone money because of something you did or didn't do with an Open Dataset, you agree to reimburse the City for everything which you cause the City to suffer.

Exclusion of liability

In no event shall the City be reliable for any direct, indirect , incidental, special, or consequential damages (including, but not limited to, procurement of substitute goods or services; loss of use, data, or profits; or business interruption) however caused and on any theory of liability, whether in contract, strict liability, or tort (including negligence or otherwise) arising in any way out of or relating to the use of any dataset provided by the City or these Terms of Use, even if advised of the possibility of such damage.

If the City is precluded by Law from excluding all damages relating to the datasets or these Terms of Use, the City's total liability to you in connection with any direct, indirect, incidental, special or consequential damages will be limited to $50.

The City will not be liable for any failure or delay in its performance under these Terms of Use due to any cause beyond the City's reasonable control.

No association

You may not use any trade-mark, official mark, official emblem or logo, of the City, or any of its other references or means of promotion or publicity without the City's prior written consent nor in any event to represent or imply an association or affiliation with the City.

Agreement

These Terms of Use constitute the complete and exclusive agreement between you and the City with respect to the Open Datasets. No other current or earlier discussions, negotiations, understandings and agreements, written and oral, apply.

Should any provision of these Terms of Use be held to be invalid by a court of competent jurisdiction, then that provision will be enforced to the extent permissible, and all other provisions will remain in effect

The headings used in these Terms of Use are for convenience of reference only.

No waiver

No provision of these Terms of Use will be deemed to be waived by reason of any previous failure of the City to enforce it. No provision of these Terms of Use may be waived except in a writing signed by the party waiving enforcement.

Applicable law

The Open Datasets are published from within the Province of Ontario, Canada. These Terms of Use shall be interpreted, performed and enforced in accordance with the laws of Ontario and the laws of Canada applicable therein. You agree to submit to the jurisdiction of the courts of the Province of Ontario for the conduct of any legal proceedings under, or related to, the Terms.

Notices

The City will provide all notices through its public portal including this Terms of Use or the Open Datasets, the notice will not be sent by email or physical courier. Any notice that you wish to give to the City should be sent by email to gis@peterborough.ca; or by mail to the City and be clearly addressed to the attention of: **"City Chief Administrative Officer"** and labelled as "Regarding Open Data".

Future changes to the Terms of Use

The City may change these Terms of Use from time to time. When the City changes the Terms, the City will: (i) post the updated version of these Terms of Use on the primary web site from which the Open Datasets may be downloaded together with the date on which they were revised; and (ii) on the page listing the available Open Datasets for at least four weeks following any change to these Terms of Use post a notice that these Terms of Use have been updated.

As well, the City may, but is not obliged to, ask you to actively confirm your consent to the revised Terms of Use. If City does not do so, but you continue to use any Open Dataset after the changes come into effect, you will be deemed to have agreed to abide by the revised Terms of Use. If you do not agree with the revised Terms of Use without qualification, stop using all of the Open Datasets.

Acknowledgement

By downloading any dataset, you are affirmatively stating that you have read and understood these Terms of Use and that you agree to be bound by them without qualification.

If you have any questions or concerns regarding this Terms of Use, please contact the City by email at gis@peterborough.ca or by telephone at 705-742-7777, Ext. 1761.

Appendix F – Proposed Form 6 – User Fees and Charges

Form 6

User Fees and Charges
2016

Department	Planning and Development Services
Division	Geomatics/Mapping
Activity	

G/L Account Number	User Fee Name and Description	Rationale for Fee (ie. Government mandated, recover all or part of cost to deliver service, recovery of admin charges, etc)	Unit Basis (Time/ participant etc)	Current Rate Presently In Effect	HST Y or N	2015 Total Budgeted Rev from Fee	Date of Rate Change for 2016 - if applicable	Proposed Rate as per 2016 Budget	2016 Total Budgeted Rev from Fee
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
101-753-5303	**Paper Map Sales**								
	Standard maps	Open Data Policy	Free	Free	N/A			Free	
	Custom Plots - $60/hr, Minimum $20.00 (depending on scope of job)	Recovery of cost of delivering services	$60/Hr	$60/Hr	Y			$60/Hr	
101-753-5303	**Digital data (CAD & GIS)**								
	Data available on-line	Open Data Policy	Free	Free	N/A			Free	
	Custom Orders - $60/hr, Minimum $20.00(depending on scope of job)	Recovery of cost of delivering services	$60/Hr	$60/Hr	Y			$60/Hr	
101-753-5303	**.pdf format**								
	Standard Maps	Open Data Policy	Free	Free	N/A			Free	
	Custom .pdf - $60/hr, Minimum $20.00 (depending on scope of job)	Recovery of cost of delivering services	$60/Hr	$60/Hr	Y			$60/Hr	