



SUBJECT: Delegated authority for geospatial data license agreements
TO: Corporate Services, Strategy, Risk & Accountability Cttee.
FROM: Office of the City Clerk

Report Number: CL-26-22

Wards Affected: Not applicable

File Numbers: 130-02, 195-02

Date to Committee: July 4, 2022

Date to Council: July 12, 2022

Recommendation:

Enact the proposed by-law amendment to the Delegated Authority By-law 07-2022 to include delegation of authority to the Director of Engineering to sign geospatial data license agreements as attached in Appendix A to office of the city clerk report CL-26-22.

PURPOSE:

The purpose of this report is to amend the existing delegated authority by-law to afford for the Director of Engineering to enter into geospatial data license agreements.

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Geospatial data is information that has a geographic aspect to it, such as a location with coordinates. It is created and maintained by the City and used to support internal programs and services. These data sets may be made available to external agencies and consultants whose activities compliment the work programs to further the implementation of the City's strategic plan.

A geospatial data license agreement is a document that will describe what kind of data is being shared with recipients, the purpose, ownership, liability, duration of access

being provided to the recipient, and restrictions and protocols that the recipient of the data must follow. A corporate geospatial license agreement ensures that the transfer of geospatial data to third parties is consistently documented.

The City of Burlington is the owner of the intellectual property rights for this data. There is not a current process to have a binding agreement in place which allows staff to distribute digital data to support consultants or public agencies working for the city or in the City's best interests.

Strategy/process

Engineering Services in consultation with Legal Counsel have developed and finalized a templated geospatial data license agreement to protect City intellectual property rights and mitigate associated risks of distributing data without a binding licensing agreement.

Options Considered

There is no authority for staff to enter into geospatial data license agreements because this agreement was developed and finalized after January 2022 when Council approved the current version of Delegated Authority By-Law 07-2022.

Council has the following options to consider:

- Not delegate authority to enter geospatial data license agreements, this would mean Council approval would be required for each agreement. This would not be the best use of Council's time, and there is a templated agreement that legal has developed with the business unit.
- Amend By-Law 07-2022 Schedule G to authorize staff to enter into geospatial data license agreements

Amending By-Law 2022-07 Schedule G is recommended as it most efficiently addresses the identified issues of protecting City intellectual property rights and mitigating associated risks of distributing geospatial data without a binding agreement.

Legal Counsel has advised that the Director of Engineering as the appropriate designated staff to sign this agreement for each request.

Financial Matters:

Not applicable

Climate Implications

Not applicable.

Engagement Matters:

Engineering Services was consulted in the development of this report.

Conclusion:

It is recommended to enter into geospatial data license agreements when sharing geospatial data with external agencies or consultants which are beneficial to implementing the City's strategic plan.

Respectfully submitted,

Kevin Klingenberg

Manager of Records and Information/Deputy Clerk

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Appendices:

- A. Draft By-Law XX-2022 - Being a By-Law to Amend Schedule G of Delegated Authority By-Law 07-2022

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.