

INTRODUCED: July 24, 2017

AN ORDINANCE No. 2017-146

As Amended

To repeal ch. 2, art. VII, div. 3 of the City Code, consisting of §§ 2-1361—2-1366, concerning the open data policy, and to amend ch. 2, art. VII, by adding therein a new div. 3.1, consisting of new §§ 2-1366.1—2-1366.9, concerning an open data and transparency program, for the purpose of establishing a new open data and transparency program to govern the future use of the City’s open data portal.

Patron – Mr. Addison

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 11 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 2, Article VII, Division 3 of the Code of the City of Richmond (2015), consisting of sections numbered 2-1361 through 2-1366, be and is hereby **repealed** as follows:

~~[DIVISION 3~~

~~OPEN DATA POLICY~~

~~Sec. 2-1361. Purpose.~~

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 13 2017 REJECTED: _____ STRICKEN: _____

~~The purpose of this division is to establish an “open data” policy for the City, and it is the City’s intent that, to the maximum extent possible, this division be construed to promote access by the public to data.~~

~~Sec. 2-1362. Definitions.~~

~~For the purposes of this division, the words or terms used in this division shall be interpreted as set forth in this section, except where the context clearly indicates that a different meaning is intended:~~

~~*Agency.* “Agency” means a board, commission, department, office, or like organizational unit of the City.~~

~~*Data.* “Data” means factual, geospatial, narrative, qualitative, quantitative, statistical, tabular, or textual information that is maintained or created by or on behalf of the City.~~

~~*Dataset.* “Dataset” means a named collection containing related data formatted or organized in a prescribed or specific manner, such as in tabular form.~~

~~*Lead open data coordinator.* “Lead open data coordinator” means the Director of Information Technology or an employee of the Department of Information Technology designated by the Director of Information Technology to coordinate, develop, and implement the requirements of this division.~~

~~*Legal encumbrance.* “Legal encumbrance” means a restriction on the use of data deriving from intellectual property rights under federal or state law or from a contract to which the City is a party.~~

~~*Open data.* “Open data” means data that is made available to the public on the internet in an open format with no fee, legal encumbrance, or registration requirement.~~

~~*Open data coordinator.* “Open data coordinator” means a City employee designated by the head of each agency required to so designate by the lead open data coordinator.~~

~~*Open data management team.* “Open data management team” means the lead open data coordinator and all open data coordinators.~~

~~*Open data portal.* “Open data portal” means <https://data.richmondgov.com/> or a successor website established and maintained by or on behalf of the City.~~

~~*Open format.* “Open format” means a widely accepted, machine readable, nonproprietary, platform independent method of formatting and transmitting data that provides automated processing, analysis, and search functions.~~

~~*Protected data.* “Protected data” means data to which an agency is required by law to deny access.~~

~~*Publishable data.* “Publishable data” means data that is not protected data or sensitive data and that has been prepared for publication through the open data portal.~~

~~*Sensitive data.* “Sensitive data” means data to which an agency is allowed by law to deny access.~~

~~Sec. 2-1363. Mandatory practices.~~

~~(a) — The Chief Administrative Officer shall develop and implement practices that will enable the City to do all of the following:~~

~~(1) — Release all publishable data in an open format with no legal encumbrance affecting its use.~~

~~(2) — Publish high quality, up to date data with supporting documentation, if applicable, that is permanently available.~~

~~(3) — Provide or support access by the public to free, historical archives of open data.~~

~~(4) — Establish and maintain an open data portal in accordance with section 2-1365.~~

~~(5) — Solicit public input concerning and determine which datasets will have the greatest benefit to the public if published in accordance with this division.~~

~~(6) — Measure the effectiveness of publishing particular datasets pursuant to this division.~~

~~(7) — Minimize limitations on the disclosure of public information while appropriately safeguarding protected data and sensitive data.~~

~~(8) — Encourages innovative use of open data by the City and the public.~~

~~(b) — The Director of Information Technology shall work with the open data management team to develop and implement the practices needed to achieve the objectives set forth in subsection (a).~~

~~(c) — Each agency shall adhere to the practices developed and implemented pursuant to this section and shall apply those practices, as applicable, to the records of contractors that create or provide data to the agency.~~

~~Sec. 2-1364. Open data management team.~~

~~(a) — Each Deputy Chief Administrative Officer shall designate one open data coordinator from an agency within that Deputy Chief Administrative Officer's portfolio. The Chief Administrative Officer shall designate one open data coordinator to represent those agencies the heads of which are appointed by the Chief Administrative Officer but that do not fall within a Deputy Chief Administrative Officer's portfolio.~~

~~(b) — The open data management team, led by the lead open data coordinator, shall be responsible for ensuring that each of the following is done:~~

~~(1) — Publish appropriate contact information for an open data coordinator.~~

~~(2) — Develop and maintain a comprehensive inventory of datasets maintained by each agency that can be published and updated regularly through the open data portal.~~

~~(3) — Develop and implement a process for determining the relative level of risk and public benefit associated with the publication of sensitive data sufficiently to enable a determination whether and how that sensitive data should be published.~~

~~(4) — Develop and implement a process for prioritizing the publication of datasets through the open data portal based on the level of interest expressed by the public, the City's strategic priorities, existing opportunities for data use in the public interest, and the cost.~~

~~(5) — Solicit input from agencies and the public to identify datasets that will have the greatest benefit to city residents if published through the open data portal.~~

~~(6) — Develop and implement processes for publishing datasets through the open data portal, including the standards for review to determine use appropriate formats, quality of data, timeliness of publication, and exclusion of protected data and sensitive data.~~

~~(7) — Develop materials, accessed through the internet, to teach users how to interact with, navigate, and use the open data portal.~~

~~(8) — Develop and monitor a regularly updated, publicly available timeline for the publication of new datasets through the open data portal.~~

~~(9) — Develop standards that ensure that open data is available for bulk download.~~

~~(e) — In complying with subsection (b), the open data management team shall work with the City Council, the Office of the City Attorney, and the Office of the City Clerk and shall solicit input from both agencies and the public on a regular basis. On a continuing basis, the open data management team shall make recommendations for improvements to the practices, processes, and standards required to be established pursuant to this division to better enable the City to achieve the goals set forth in this division.~~

~~Sec. 2-1365. Open data portal.~~

~~(a) — The Department of Information Technology shall be responsible for maintaining the open data portal and ensuring that the open data portal may be accessed through the City's website.~~

~~(b) — Data published through the open data portal will be open data. The Director of Information Technology shall develop appropriate disclaimers and terms of use applicable to the open data portal and the data published through the open data portal and cause such disclaimers and terms of use to be posted conspicuously on the open data portal. All disclaimers and terms of use must be approved by the City Attorney or the designee thereof prior to posting.~~

~~(c) — The open data management team shall ensure that each dataset published through the open data portal is associated with contact information for the City employee responsible for that dataset and with a file layout or data dictionary that provides information about field labels and field values.~~

~~Sec. 2-1366. Reporting.~~

~~No later than March 31, 2017, and March 31 of every year thereafter, the open data management team shall publish and submit to the City Council an annual open data report. This report must include (i) an assessment of progress towards the achievement of the goals set forth in this division, (ii) a list of datasets currently available on the open data portal, (iii) statistics concerning “hits” and downloads recorded for each dataset, (iv) an assessment of how the program set forth in this division has furthered the City’s strategic priorities, and (v) projections including a description and time frame for each dataset the open data management team expects to be published through the open data portal in the next year.]~~

§ 2. That Chapter 2, Article VII of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** Division 3.1, consisting of new sections numbered 2-1366.1 through 2-1366.9, as follows:

DIVISION 3.1

OPEN DATA AND TRANSPARENCY PROGRAM

Sec. 2-1366.1 Purpose.

The purpose of this division is to establish an “open data and transparency” program for the City, and it is the City’s intent that, to the maximum extent possible, this division be construed to promote access by the public to useable and readable data and define the principles governing the City’s administration of the program for which this division provides.

Sec. 2-1366.2 Definitions.

For the purposes of this division, the words or terms used in this division shall be interpreted as set forth in this section, except where the context clearly indicates that a different meaning is intended:

(a) *Agency*. “Agency” means a board, commission, department, office, or like organizational unit of the City.

(b) *Agency head*. “Agency head” means the highest ranking appointed, elected, or designated authority for an agency.

(c) *Data*. “Data” means factual, geospatial, narrative, qualitative, quantitative, statistical, tabular, or textual information, and datasets that are maintained or created by or on behalf of the City.

(d) *Dataset*. “Dataset” means a named collection containing related data, including metadata, formatted or organized in a prescribed or specific manner, such as in tabular form.

(e) *Legal encumbrance*. “Legal encumbrance” means a restriction on the use of data deriving from intellectual property rights under federal or state law or from a contract to which the City is a party.

(f) *Machine-readable*. “Machine-readable” means any widely accepted, nonproprietary, platform-independent method for formatting data that permits automated processing of such data and facilitates search capabilities.

(g) *Open data*. “Open data” means data that is made available to the public on the internet in an open format with no fee, legal encumbrance, or registration requirement.

(h) *Open data coordinator*. “Open data coordinator” means a City employee designated by a deputy chief administrative officer for all of the agencies that deputy chief administrative officer is assigned to coordinate, or by the [head of each agency] Chief Administrative Officer to represent those agencies the heads of which no deputy chief administrative officer is assigned to coordinate, to perform the duties set forth in section 2-1366.6(b) and elsewhere in this division.

(i) *Open data management team.* “Open data management team” means the open data program manager and all open data coordinators.

(j) *Open data portal.* “Open data portal” means <https://data.richmondgov.com/> or a successor website established and maintained by or on behalf of the City.

(k) *Open data program manager.* “Open data program manager” means the ~~[Director of Information Technology]~~ Chief Administrative Officer or the designee thereof.

(m) *Open data review officer.* “Open data review officer” means a City employee designated by the Chief Administrative Officer to identify and resolve questions related to the appropriateness of the publication of data.

(n) *Open dataset.* “Open dataset” means a dataset, published on the open data portal, access to which is free and open to the public without a requirement for registration.

(o) *Open format.* “Open format” means a widely accepted, machine-readable, nonproprietary, platform-independent method of formatting and transmitting data that provides automated processing, analysis, and search functions.

(p) *Protected data.* “Protected data” means data access to which an agency is required by law to deny.

(q) *Sensitive data.* “Sensitive data” means data access to which an agency is allowed by law to deny.

Sec. 2-1366.3. General requirements.

(a) *Agency compliance.* Each agency shall comply with the requirements of this division and with the regulations and guidelines prepared in accordance with this division.

(b) *Treatment of data.* Protected data shall not be construed or published as open data and the agency that is the custodian of sensitive data retains the sole discretion to make that sensitive data open data.

(c) *Future contracts.* The requirements of this division shall be considered by the City when entering into contracts after the effective date of this division.

(d) *Third parties.* Where practicable, third parties who maintain open datasets for or on behalf of the City shall be required to identify the source and version of any such open dataset and provide a description of any modifications to the open dataset to the City agency that is the custodian of the open dataset.

Sec. 2-1366.4. Regulations.

(a) *Generally.* The Chief Administrative Officer or the designee thereof shall prepare regulations and guidelines, which regulations and guidelines shall be amended annually, to implement the open data and transparency program for which this division provides.

(b) *Content of regulations.* In addition, the regulations prepared in accordance with this division shall require practices that will enable the City to do all of the following:

(1) Release all open data in an open format through the open data portal with no legal encumbrance affecting its use, subject to the requirements of this division.

(2) Include a citation format appropriate for each open dataset and templates for such open datasets.

(3) Optimize, document, and publication of the datasets of each agency and create processes for the inclusion of open data on the open data portal.

(4) Evaluate and prioritize, through the consideration of recommendations and feedback from agencies, members of the public, including residents of the City and members of the business community, which datasets and associated metadata may be published on the open data portal as open data and make plans to develop or modify existing data collection systems or processes to make such open data available on the open data portal.

(5) Whenever technologically possible, through an automated process, publish open data on the open data portal in machine-readable format in the most current format used by the City through.

(6) Ensure that open datasets on the open data portal are accurate, up-to-date, and available without registration requirement, license requirement, or without any other restrictions on their use.

(7) Use the mechanisms and processes outlined in the guidelines prepared in accordance with this division and any applicable provisions of this division to identify protected data and sensitive data and assess any potential risks to the City of treating sensitive data as open data and with the publication of datasets containing sensitive data as open datasets.

(c) The open data program manager shall work with the open data management team to develop and implement the practices needed to achieve the objectives set forth in subsection (a).

(d) Each agency shall adhere to the practices developed and implemented pursuant to this section.

Sec. 2-1366.5. Guidelines.

The guidelines prepared in accordance with this division shall require the following:

(a) Maintenance of an open data and transparency program by the open data program manager, including all modifications thereto and all documents governing the open data program and approved by the Chief Administrative Officer.

(b) A process developed by the open data program manager to ensure that open datasets are available in machine-readable formats that permit processing of data for downloading through a programming interface or bulk download that is automated where possible.

(c) Maintenance by the open data program manager of a data catalog listing all datasets for all agencies.

(d) Assessment by the open data review officer of the datasets to be published on the open data portal to identify potential risks to the City of treating sensitive data as open data within the context of datasets already available to the public.

(e) When risks resulting from the potential treatment of sensitive data as open data are identified, requirements that the open data review officer work with open data coordinators and the open data management [~~teams~~] team to implement mechanisms to mitigate the risks of treating sensitive data as open data.

(f) The approval by the Chief Administrative Officer of the list of assigned open data coordinators as part of the annual review and report for the open data program required by this division.

(g) A process developed by the open data program manager to ensure that data published in accordance with this division adheres to the requirements of this division and to the regulations and guidelines prepared in accordance with this division.

(h) Communication by the open data program manager of open data policies and standards to open data coordinators.

(i) Review and approval by the open data program manager of each dataset prior to its initial publication on the open data portal.

(j) Documentation by the open data program manager of the process for reviewing requests for datasets to be published on the open data portal, including who is designative to approve or deny such requests and the legal basis for such approval or denial.

(k) A schedule developed and administered by open data program manager for the training and support of open data coordinators.

(l) Performance by the open data review officer of an annual risk assessment of both the open data program and the data available on the open data portal, the dissemination by the open data review officer of the results of such assessments with the open data coordinators and the open data management team and inclusion of risk mitigation strategies implemented in the annual review and report for the open data program required by this division.

(m) An annual plan, presented to the Council by no later than December 31, 2017, and December 31 of every year thereafter, developed by the open data management team and administered by the open data program manager that contains each of the following details for the ensuing year:

(1) Proposals for improving public access to open datasets, the management of open data processes, and the maintenance of high quality, up-to-date data with supporting documentation, if applicable.

(2) A description of and proposed timeline for the publication of datasets

intended to be published on the open data portal.

(3) Recommendations from the open data program manager on the inclusion of historical documents on the open data portal and a schedule for the publication of historical documents approved by the Chief Administrative Officer.

(4) Identification of any anticipated costs associated with operating the open data program, including the cost to implement any proposed changes.

(n) Annually update and publish the guidelines prepared in accordance with this division based on changes in applicable law, recommendations solicited from elected officials, agency heads, open data coordinators, members of the business community, and members of the public.

Sec. 2-1366.6. Duties of open data program manager; open data coordinators; open data review officer; open data management team.

(a) *Open data program manager.* The open data program manager shall perform the following duties, in addition to the duties otherwise required by this division:

(1) Administer the day to day operations of the open data program

(2) Maintain the open datasets of all agencies subject to the requirements of this division.

(3) Maintain accurate copies of the regulations and guidelines for prepared in accordance with this division, including any interpretations of and modifications to such regulations and guidelines.

(4) Comply with all requirements of this division and with the regulations and guidelines prepared in accordance with this division.

(b) *Open data coordinators.* Open data coordinators shall perform the following duties, in addition to the duties otherwise required by this division:

(1) Serve as the point of contact for each agency subject to the requirements of this division as identified by the Chief Administrative Officer.

(2) Coordinate, on behalf of the open data coordinator's agency with the open data program manager, open data review officer, the open data management team, and other City agencies, as the Chief Administrative Officer or such open data coordinator's agency head may direct, the activities necessary to implement the requirements of this division.

(3) Gather and maintain a comprehensive inventory of datasets collected, created, or maintained by the agency of which such coordinator is an employee, officer, or member, including data of the agency created, collected, or maintained on such agency's behalf by a third party.

(4) Prioritize open data to be published according to the regulations and guidelines prepared in accordance with this division.

(5) Maintain an inventory of open datasets published by the agency of which such coordinator is an employee, officer, or member.

(6) Ensure that agency open datasets and accompanying metadata are produced in machine-readable form, if technologically possible.

(7) Ensure that open datasets are published in accordance with any and all applicable timelines developed in accordance with this division.

(8) Ensure that the open datasets published by the open data coordinator's agency are accurate, current, and comply with the requirements of this division and the regulations and guidelines prepared in accordance with this division.

(9) Coordinate the publication of the datasets for the agency of which such

coordinator is an employee, officer, or member with the open data management team.

(10) Report to the open data management team concerning the performance and attainment of the requirements of this division and the regulations and guidelines prepared in accordance with this division by the agency of which such coordinator is an employee, officer, or member.

(11) Comply with all requirements of this division and with the regulations and guidelines prepared in accordance with this division.

(c) *Open data review officer.* The open data review officer shall perform the following duties, in addition to the duties otherwise required by this division:

(1) Resolve any questions or issues concerning any potential risks to the City of violating privacy, violating applicable law, and compromising the security of the City's computer network infrastructure arising from the implementation of the requirements of this division, refer such questions or issues to the Chief Administrative Officer for resolution as may be required by the regulations or guidelines prepared in accordance with this division, and seek legal advice from the City Attorney where appropriate.

(2) Conduct an annual risk assessment of both the open data program and the content available on the open data portal, disseminate the results of such assessments with the open data coordinators and the open data management team and include the risk mitigation strategies implemented in the annual review and report for the open data and transparency program required by this division.

(3) Comply with all requirements of this division and with the regulations and guidelines prepared in accordance with this division.

(d) *Open data management team.* The open data management team, which shall be led by the open data program manager, shall perform the following duties, in addition to the duties otherwise required by this division:

(1) Ensure that all open datasets comply with the requirements of this division and with the regulations and guidelines prepared in accordance with this division.

(2) Hold regular meetings, at least monthly, as the open data program manager may call, with the open data coordinators.

(3) Solicit from agency heads recommendations for the improvement of the open data program.

(4) Maintain a list of, and regularly engage with, members of the public, including residents of the City and members of the business community, to identify impediments to compliance with this division.

(5) Solicit from agencies and members of the public, including residents of the City and members of the business community, input on a prioritized list of existing datasets that should be deemed open to the public.

(6) Respond to questions from members of the public, including residents of the City and members of the business community, about the availability of datasets.

(7) Organize and participate in community forums, webinars, and speaking engagements to promote the open data program.

(8) Create opportunities and implement a mechanism (i) for members of the public, including residents of the City and members of the business community, agencies, and third party contractors of the City to provide feedback about the open data program and (ii) to generate recommendations on how the City may provide and use data, as well

as on how the City may monitor and measure the success of the open data program.

(9) Comply with all requirements of this division and with the regulations and guidelines prepared in accordance with this division.

(10) Provide quarterly written reports to such Standing Committee of Council as may be assigned about (i) the performance of the open data portal and status of publishing requested new open datasets and (ii) each agency's performance and operation of the open data program.

Sec. 2-1366.7. Agency responsibilities.

Each agency head shall ensure that such head's agency complies with all applicable requirements of this division and with all applicable regulations and guidelines prepared in accordance with this division. In addition, the head or chair of each agency shall be responsible for ~~[ensuring that each of the following is done:~~

~~(a) Designate, on behalf of the agency, an open data coordinator who shall serve as the point of contact and coordinator for the publication of the agency's open dataset.~~

~~(b) Annually establish]~~ annually establishing goals for agency data to be made open.

~~[(c) Provide monthly written reports about the performance of the open data portal and status of publishing requested new open datasets to the Standing Committee of Council as may be assigned by resolution.~~

~~(d) Provide quarterly written reports about the agency's performance and operations of the open data program to the Standing Committee of City Council as may be assigned by resolution.]~~

Sec. 2-1366.8. Open data portal.

(a) The ~~[Department of Information Technology]~~ Chief Administrative Officer or the designee thereof shall be responsible for maintaining the open data portal and ensuring that the open data portal may be accessed through the City's website.

(b) Data published through the open data portal will be open data. The open data program manager shall develop appropriate disclaimers and terms of use applicable to the open data portal and the data published through the open data portal and cause such disclaimers and terms of use to be posted conspicuously on the open data portal. All disclaimers and terms of use must be approved by the City Attorney or the designee thereof prior to posting.

(c) The open data management team shall ensure that each dataset published through the open data portal is associated with contact information for the City employee responsible for that dataset and with a file layout or data dictionary that provides information about field labels and field values.

Sec. 2-1366.9. Reporting.

No later than December 31, 2017, and December 31 of every year thereafter, the open data program manager shall publish and submit to the City Council an annual open data report, which shall incorporate the ~~[monthly and]~~ quarterly written reports required of agencies by ~~[the]~~ this division. This report must include (i) an assessment of ~~[each agency's]~~ the open data management team's progress towards the achievement of the goals set forth in this division, (ii) a list of datasets currently available on the open data portal, (iii) statistics concerning "hits" and downloads recorded for each dataset, (iv) an assessment of how the program set forth in this division has furthered the City's strategic priorities, and (v) projections including a description and time frame for each dataset the open data management team expects to be published through the open data portal in the next year.

§ 3. This ordinance shall be in force and effect upon adoption.



Richmond City Council

The Voice of the People

Richmond, Virginia

Lou Brown Ali
Council Chief of Staff

Office of the Council Chief of Staff

RECEIVED

JUN 16 2017

Ordinance/Resolution Request

TO Allen Jackson, City Attorney

THROUGH Lou Brown Ali, Council Chief of Staff *LBA*

FROM Meghan Brown, Deputy Council Chief of Staff *MB*

COPY Andreas D. Addison, 1st District Council Member
Haskell Brown, Deputy City Attorney
Chelsi H. Bennett, 1st District Liaison

DATE June 16, 2017

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TITLE To Repeal and Replace the Open Data and Transparency Policy

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

Councilman Addison

SUGGESTED STANDING COMMITTEE

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

An ordinance is requested to repeal the current Open Data Policy and replace it in its entirety with a new revised Open Data and Transparency Policy.

BACKGROUND

The purpose of this revised policy is to expand the data that is made available to the public and to provide the tools for understanding such data.

The patron believes that the attached drafted policy will further enhance the Open Data Program and increase transparency to strengthen the trust between the City and the Public.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact N/A

Attachment/s Yes No