

INTRODUCED: February 8, 2016

AN ORDINANCE No. 2016-031

As Amended

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

Patron – Mr. Samuels

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 14 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. 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, consisting of new sections numbered 2-1361 through 2-1366, as follows:

DIVISION 3

OPEN DATA POLICY

Sec. 2-1361. Purpose.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 25 2016 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:

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

(b) *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.

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

(d) *Lead open data coordinator*. “Lead open data coordinator” means ~~[a City employee designated by the Chief Administrative Officer]~~ 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.

(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) *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.

(g) *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.

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

(i) *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.

(j) *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.

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

(l) *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.

(m) *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 [~~or the designee thereof,~~] shall work with [~~the lead open data coordinator and~~] 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) [~~For each agency, identify and publish~~] Publish appropriate contact information for ~~an~~ each 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.

~~[(b)]~~ (c) In complying with subsection ~~[(a)]~~ (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. 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

Ordinance/Resolution Request

TO Allen Jackson, City Attorney

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

FROM Meghan Brown, Council Budget Analyst *MB*

COPY Charles Samuels, 2nd District Council Member
 Vincent Jones, Deputy Council Chief of Staff *V. Jones*
 Craig Bieber, 2nd District Liaison
 Haskell Brown, Deputy City Attorney

DATE January 14, 2016

PAGE/s 1 of 7

TITLE **Open Data Policy**

RECEIVED
 JAN 15 2016
 OFFICE OF CITY ATTORNEY

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

REQUESTING COUNCILMEMBER/PATRON

Councilman Charles Samuels

SUGGESTED STANDING COMMITTEE

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

The patron requests to establish an "Open Data Policy" for the City of Richmond as a declaration of City Council's pledge for open data of public information. The adoption of an "Open Data Policy" will demonstrate the City's commitment for Open Government by increasing transparency and providing enhanced access to public information.

BACKGROUND

On July 6, 2015, the Mayor announced the launch of the City's new Open Data Portal, accessible at data.richmondgov.com. It was announced on September 14, 2015 that the City's new Open Data Portal received a 2015 Governor's Technology Award in the category of Innovative Use of Open Data. The announcement of the Open Data Portal shows the City's commitment for improving transparency by providing open data for public consumption.

In an effort to drive the momentum forward from the achievement of launching the Open Data Portal, the patron wishes to establish an "Open Data Policy" to illustrate the intentions to share data freely and to foster Open Government. This policy is to enhance the type and amount of data that gets published on the City's Open Data Portal.

Many other State and Local Governments have also implemented open data portals and adopted open data policies. Some of the notable local governments who have implemented similar initiatives are:

- City of Austin, TX
- City of Chicago, IL
- City of New York, NY
- City of Philadelphia, PA
- City of Raleigh, NC
- Montgomery County, MD

WHEREAS, the adoption of an open data policy will provide improvements to services, increases transparency and access to public information, and enhances coordination and efficiencies within and among departments/agencies, and partner organizations and citizens; and

WHEREAS, much of the data collected by the City is stored within each collecting department/agency, impeding the ability to aggregate, analyze and synthesize it to better allocate public resources; and

WHEREAS, access to public information promotes a higher level of civic engagement and allows citizens to provide valuable feedback to government officials regarding local issues; and

WHEREAS, one goal of an Open Data Policy is to proactively provide information currently sought through Public Records Act requests, thereby saving the City time and money; and

WHEREAS, by publishing structured standardized data in machine readable formats the City seeks to encourage the local software community to develop software applications and tools to collect, organize, and share public record data in new and innovative ways; and

WHEREAS, in commitment to the spirit of Open Government, the City will consider public information to be open by default and will proactively publish data and data containing information, consistent with relevant public records law; and

WHEREAS, information technologies, including web-based and other Internet applications and services, are an essential means for Open Government, and good government generally; and

WHEREAS, the protection of privacy, confidentiality and security will be maintained as a paramount priority while also advancing the government's transparency and accountability through open data.

Section 1: Definitions

- a. "Data" means narrative, textual, geospatial, tabular, legislative, source code (where appropriate), statistical, factual, quantitative, or qualitative information that is regularly maintained or created by or on behalf of the City.

- b. "Open Data" means data that is available online, in an open format, with no legal encumbrances on use or reuse, and is available for all to access and download in full without fees or a requirement of registration.
- c. "Open Format" means any widely accepted, nonproprietary, platform-independent, machine-readable method for transmitting and formatting data, which permits automated processing of such data and facilitates analysis and search capabilities.
- d. "Dataset" means a named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.
- e. "Protected Information" means any dataset or portion thereof to which an agency may deny access pursuant to the state or city public records statute or any other law or rule or regulation.
- f. "Sensitive Information" means any data which, if published by the city on the Open Data Portal, violates policies implemented by the City or could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that data.
- g. "Publishable Data" means data which is not protected or sensitive and which has been prepared for release to external data users on the open data web portal.
- h. "Legal Encumbrance" includes federal copyright protections and other, non-statutory legal limitations on how or under what conditions a dataset may be used, such as a terms of use agreement.
- i. "Open Data Portal" means the website established and maintained by or on behalf of the City, located at data.richmondgov.com or its successor website.
- j. "Open Data Coordinator" means an employee designated by the head of each City department/agency, as deemed applicable by the Lead Open Data Coordinator, to serve as the representative for that respective department/agency and shall serve on the Open Data Management Team.
- k. "Open Data Management Team" means an implementation team which shall (i) be chaired by the Lead Open Data Coordinator; and (ii) includes all designated Open Data Coordinators.
- l. "Lead Open Data Coordinator" means an employee designated by the Chief Administrative Officer to coordinate, develop, and implement the City's Open Data Program Initiatives and Policy.

Section 2: Open Data Program Initiative

a. The city commits to develop and implement practices that will allow it to:

1. Proactively release all publishable city data, making it freely available in open formats, with no restrictions on use or reuse, and fully accessible to the broadest range of users to use for varying purposes;
2. Publish high quality, updated data with supporting documentation (if applicable) and permanence to encourage maximum use;
3. Provide or support access to free, historical archives of all released city data; Keep historical archives of all released data and make those freely available;
4. Establish and maintain an open data web portal that provides a central location for published city data;
5. Consult with members of the public, agency staff, journalists, researchers, and other stakeholders regarding which datasets will have the greatest benefit to residents of the City if published in a high quality manner;
6. Measure the effectiveness of datasets made available through the Open Data Initiative by connecting open data efforts to the city's programmatic priorities;
7. Minimize limitations on the disclosure of public information while appropriately safeguarding protected and sensitive information; and
8. Support and encourage innovative uses of the city's publishable data by agencies, the public, and other partners.

b. The development and implementation of these practices shall be overseen by the Department of Information Technology Director or their designee in conjunction with the Lead Open Data Coordinator and Open Data Management Team.

c. The requirements of this program and policy shall apply to any city department, office, administrative unit, commission, board, advisory committee or other division of city government ("agency"), including the records of third party agency contractors that create or acquire information, records, or data on behalf of a city agency.

d. Subject to City Council appropriations, appropriate funding shall be made available to achieve the goals of this program.

Section 3: Governance

a. Implementation of the Open Data Initiative will be overseen by the Open Data Management Team, with input from the City Clerk's Office, City Attorney's Office and City Council, who will work with the city's departments and agencies to:

1. For each city agency, identify and publish appropriate contact information for an open data coordinator who will be responsible for managing that agency's participation in the Open Data Initiative;
2. Oversee the creation of a comprehensive inventory of datasets held by

each city agency which can be made publicly available and published to the Open Data Portal and is regularly updated;

3. Develop and implement a process for determining the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;
4. Develop and implement a process for prioritizing the release of datasets to the Open Data Portal which takes into account new and existing signals of interest from the public (such as the frequency of FOIA requests), the city's programmatic priorities, existing opportunities for data use in the public interest, and cost;
5. Proactively consult with members of the public, agency staff, journalists, researchers, and other stakeholders to identify the datasets which will have the greatest benefit to city residents if published in a high quality manner;
6. Establish processes for publishing datasets to the Open Data Portal, including processes for ensuring that datasets are reviewed for use-appropriate formats, high quality, timeliness, and exclusion of protected and sensitive information;
7. Develop new and review existing video guides/tutorials to assist users in learning how to navigate, use, and interact with the Open Data Portal;
8. Develop and oversee a routinely updated, public timeline for new dataset publication; and
9. Ensure that published datasets are available for bulk download without legal encumbrance, using a copyright waiver where necessary.

b. In order to increase and improve use of the city's Open Data Portal, the Open Data Management Team will actively encourage agency and public participation through providing regular opportunities for feedback and collaboration.

Section 4: Central Location for Published Data Web Portal (Open Data Portal)

a. The city will create and maintain a publicly available location on the city's website or in another suitable location where the city's published data will be publicly available for download.

b. Datasets shall be made available to the public on an open license basis. An open license on a dataset signifies there are no restrictions on copying, publishing, further distributing, or using the data for a non-commercial or commercial purpose.

c. Each published dataset should be associated with contact information for the appropriate manager of that dataset as well as with a file layout or data dictionary that provides information about field labels and values.

Section 5: Open Data Report and Review

a) Within one year of the effective date of this Ordinance, and thereafter no later than March 31st of each year, the Open Data Management Team shall publish and submit to the City Council an annual Open Data Report. The report shall include an assessment of progress towards achievement of the goals of the City's Open Data Program Initiative, an assessment list of datasets currently available on the Open Data Portal, provide stats on the access and download activity of the datasets and how they have furthered or will further the city's programmatic priorities, and a description and publication timeline for datasets envisioned to be published by the city on the portal in the following year.

b) During the review and reporting period, the Open Data Management Team should also make suggestions for improving the city's open data management processes in order to ensure that the city continues to move towards the achievement and the continuous enhancement of the policy's goals.

Section 6: Open Data Disclaimer

- a. Public data made available on the City of Richmond's Open Data Portal shall be for informational purposes only. The City will strive to ensure that such public data is accurate, timely, and complete. The City shall make no warranty, representation or guaranty of any type as to the content, accuracy, timeliness, or completeness for any particular purpose or use of any public data provided on such portal; nor shall any such warranty be implied for any particular purpose. The City shall assume no liability for (i) any faults, omissions or inaccuracies in the public data provided on the City's Open Data Portal regardless of how caused; (ii) any decision made or action taken or not taken by anyone using or relying upon such public data; (iii) any virus or other damage to any computer that might occur during or as a result of accessing such portal or the public data provided therein; or (iv) any other act identified in any disclaimer of liability or indemnification provision or any other provision set forth in the Terms of Use required under subsection (b) of this section.
- b. The City of Richmond's Open Data Portal and all public data contained on such portal shall be subject to Terms of Use developed by the City's Department of Information Technology. Such Terms of Use shall be posted by the Department of Information Technology in a conspicuous place on the Open Data Portal.
- c. The City shall reserve the right to discontinue availability of content on the Open Data Portal at any time and for any reason. If a data set is made accessible by a city agency on the Open Data Portal and such city agency is notified or otherwise learns that any dataset or portion thereof posted on the Open Data Portal is factually inaccurate or misleading or is protected data, the City shall, as appropriate, promptly correct or remove, or cause to be corrected or removed, such data from the Open Data Portal.

This ordinance shall be effective upon adoption.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact:

The City's current Open Data Portal was purchased as a subscribed service. The cost for the service, which includes software, cloud hosting, data storage, etc., is approximately \$2,500 per month or roughly \$30,000 annually. The City first purchased the service in FY15. The Department of Information Technology's FY16 budget included additional funding of \$30,000 to continue the service. The current package that was purchased allows for a maximum of 75 datasets. At the present time the City has published approximately 40-50 datasets. As more datasets become available to publish the City may need to expand beyond the 75 dataset limit. Other localities who have adopted similar practices and developed their own Open Data Portals have datasets that have reached into the hundreds and even thousands.

Attachment/s Yes No