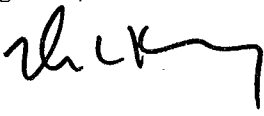




City of San Diego
MARK KERSEY
CITY COUNCILMAN, FIFTH DISTRICT

MEMORANDUM

DATE: September 18, 2013
TO: Honorable Chair Sherri Lightner, Rules & Economic Development Committee
FROM: Councilman Mark Kersey 
RE: Open Data Policy

During the past several months, the Rules & Economic Development Committee has been reviewing options for bringing open data to the City of San Diego. As someone with a technology background and a desire to empower our residents, I am eager to adopt an open data policy at the City.

Adopted by the nation's most innovative and civic-minded cities including Chicago, Philadelphia, San Francisco, Portland, and Austin, open data offers new possibilities to organize and analyze data we already have for the benefit of the City. Of our nation's top 10 largest cities, all have active open data policies or are currently engaged in the development of such policies. Even smaller cities such as Lexington, Providence, and Raleigh have adopted open data policies. It's time for San Diego to join the movement.

Thank you for expressing your intention to docket an open data policy for discussion and adoption at your Committee. My office has spent the last 9 months working with civic-minded volunteers in our tech community to apply the best elements of open data policies from around the country and tailor a policy by San Diegans for San Diego. Specific appreciation goes to Jeff Johnson, Brigade Captain of Code for America San Diego; Eric Busboom, Director of the San Diego Regional Data Library; and Ben Katz, CEO of Givalike & JSX. Please consider the attached draft policy, which represents the product of our efforts, for Committee consideration as we develop a policy for San Diego.

As proponents of transparency and accountability in city government, you and I jointly encouraged Code for America San Diego to apply open data principles to project-specific data to allow a greater voice for the neighborhoods. We witnessed a glimpse of the power open data could place in the hands of San Diegans. Though I know that implementing a policy may require a culture shift and the potential redirection of resources over the next several years, I look forward to partnering with you on this important and long-overdue effort.

cc: Honorable Todd Gloria, Interim Mayor
Honorable Council Members
Andrea Tevlin, Independent Budget Analyst

DRAFT OPEN DATA POLICY

SUBJECT: Open Data
POLICY NO.:
EFFECTIVE DATE: January 1, 2014

PURPOSE:

The City Council hereby finds and declares that it is in the best interest of the City of San Diego that its agencies and departments make their data available online using open standards and formats. Making City data available online using open standards and formats will make the operation of City government more transparent, effective, and accountable to the public. It will streamline intra-governmental and inter-governmental communication and interoperability, permit the public to assist in identifying efficient solutions for government, promote innovative strategies for social progress, and create economic opportunities.

POLICY:

Section 1. Definitions

As used in this policy:

1. "Agency" means an office, administration, department, division, bureau, board, commission, advisory committee, or other governmental entity performing a governmental function of the City of San Diego.
2. "Chief Data Officer" means an individual designated by the Mayor who is responsible for overseeing all facets of this policy.
3. "Determination" means any final decision made by an agency with respect to a person, including, but not limited to: (1) eligibility for services or benefits; (2) issuing a permit; (3) registration, certification, and licensing; and (4) liability for civil and criminal penalties.
4. "Data" means statistical or factual information (1) in digital form reflected in a list, table, graph, chart, map, or database that can be digitally transmitted or processed; and (2) regularly created or maintained by or on behalf of/and owned by an agency that records a measurement, transaction, or determination related to the mission of an agency. Nothing in this policy shall be deemed to prohibit an agency from voluntarily disclosing information not otherwise defined as "data" in

this subdivision, nor shall it be deemed to prohibit an agency from making such voluntarily disclosed information accessible through the single web portal established pursuant to Section 2.

5. "IT Department" means the department responsible for information technology and telecommunications.
6. "Measurement" means to quantify by means of comparison to a reference standard any characteristic of an observable event, occurrence, or object.
7. "Open standard" means a technical standard developed and maintained by a voluntary consensus standards body that is available to the public without royalty or fee.
8. "Public data set" means data that is designated available for inspection by the public in accordance with any provision of law and is maintained on a computer system by, or on behalf of, an agency. Such term shall not include:
 - a. any portion of such data set to which an agency may deny access pursuant to the public officers law or any other provision of a federal or state law, rule or regulation, or local law;
 - b. any data set that contains a significant amount of data to which an agency may deny access pursuant to the public officers law or any other provision of a federal or state law, rule or regulation, or local law and where removing such data would impose undue financial or administrative burden;
 - c. data that reflects the internal deliberative process of an agency or agencies, including but not limited to negotiating positions, future procurements, or pending or reasonably anticipated legal or administrative proceedings;
 - d. data stored solely on an agency-owned personal computing device, or data stored on a portion of a network that has been exclusively assigned to a single agency employee or a single agency-owned or -controlled computing device;
 - e. materials subject to copyright, patent, trademark, confidentiality agreements, or trade secret protection;
 - f. proprietary applications, computer code, software, operating systems, or similar materials; or
 - g. employment records, internal employee-related directories or lists, and facilities data, information technology, internal service-desk and other data related to internal agency administration.

9. "Single web portal" means a collection of web pages, accessible from a single web page, which brings information together from diverse sources in a uniform way.
10. "Technical standard" means (1) the common and repeated use of rules, conditions, guidelines, or characteristics for products or related processes and production methods, and related management systems practices; and (2) (i) the definition of terms; (ii) classification of components; (iii) delineation of procedures; (iv) specifications of dimensions, materials, performance, designs, or operations; (v) measurement of quality and quantity in describing materials, processes, products, systems, services, or practices; (vi) test methods and sampling procedures; or (vii) descriptions of fit, and measurements of size or strength.
11. "Transaction" means any interaction between an agency and any person related to the mission of an agency.
12. "Voluntary consensus standards" as described in OMB Circular A-119 Revised, "voluntary consensus standards" are "standards developed or adopted by voluntary consensus standards bodies, both domestic and international. These standards include provisions requiring that owners of relevant intellectual property have agreed to make that intellectual property available on a non-discriminatory, royalty-free or reasonable royalty basis to all interested parties."
13. "Voluntary consensus standards body" means a domestic or international organization that develops and maintains a technical standard that utilizes a transparent deliberative process, permits the participation of any party, and achieves general consensus, although not necessarily unanimity, of the participating parties, including a process for attempting to resolve any differences in viewpoint.

Section 2. Data Set Availability

1. Within 12 months of the effective date of this policy and thereafter, all of the public data sets that agencies make available on the Internet shall be accessible through a single web portal that is linked to sandiego.gov to or any successor website maintained by, or on behalf of, the city of San Diego. If an agency cannot make all such public data sets available on the single web portal pursuant to this subdivision, the agency shall report to the Chief Data Officer and to the Council which public data set or sets it is unable to make available, the reasons why it cannot do so, and

the date by which the agency expects that such public data set or sets will be available on the single web portal.

2. Within 18 months of the effective date of this policy, agencies will begin publishing to the single web portal public data sets that had not been previously available on the Internet, in accordance with the publication schedule set forth in the Compliance Plan, as described in Section 6.
3. Public data sets shall be made available in accordance with technical standards published by the Chief Data Officer and shall be in a format that permits automated processing and shall make use of appropriate technology to notify the public of all updates.
4. Public data sets shall be updated as often as is necessary to preserve the integrity and usefulness of the data sets, to the extent that the agency regularly maintains or updates the public data set.
5. Public data sets shall be made available without any registration requirement, license requirement, or restrictions on their use. Registration requirements, license requirements, or restrictions as used in this section shall not include measures required to ensure access to public data sets, to protect the single web site housing public data sets from unlawful abuse, or attempts to damage or impair use of the web site, or to analyze the types of data being used to improve service delivery.
6. Public data sets shall be accessible to external search capabilities using open and commonly used standards and formats.
7. Within 3 months of the effective date of this policy, the Chief Data Officer shall present recommendations to the appropriate Council committee for incorporating the public's right to information under the California Public Records with this Open Data policy.

Section 3. Data Portal Administration

1. The IT Department may take reasonable measures to maintain bandwidth availability of the web portal.
2. The Chief Data Officer shall conspicuously publish the open data legal policy, as provided below, on the web portal.

Section 4. Open Data Legal Policy

1. Public data sets made available on the web portal are provided for informational purposes. The city does not warranty the completeness, accuracy, content, or fitness for any particular purpose or use of any public data set made available on the web portal, nor are any such warranties to be implied or inferred with respect to the public data sets furnished therein.
2. The city is not liable for any deficiencies in the completeness, accuracy, content, or fitness for any particular purpose or use of any public data set, or application utilizing such data set, provided by any third party.
3. This policy shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this policy shall not result in liability to an agency.

Section 5. Data Set Policy and Technical Standards

1. Within 6 months of the effective date of this policy, the Chief Data Officer shall prepare and publish a technical standards manual for the publishing of public data sets in raw or unprocessed form through a single web portal by city agencies for the purpose of making public data sets available to the greatest number of users and for the greatest number of applications and shall, whenever practicable, use voluntary compliance standards for web publishing and e-government, as described in OMB Circular A-119 Revised, unless the Chief Data officer deems no voluntary compliance standard to be suitable. When the voluntary compliance standards are deemed not suitable, the Chief Data Officer shall identify the reasons why it was not suitable. The manual shall include a plan to adopt or utilize a web application programming interface that permits application programs to request and receive public data sets directly from the web portal. This manual shall be updated by the Chief Data Officer as necessary.
2. The Chief Data Officer shall consult with voluntary consensus standards bodies and may, when it is in the public interest and is compatible with agency and departmental missions, authorities, and priorities, participate with such bodies in the development of technical and open standards.

Section 6. Agency Compliance Plan

1. Within 3 months of the effective date of this policy, all agencies shall provide to the Chief Data Officer an inventory of data owned or managed by the agency. The inventory shall also be published to the data portal.
2. Within 6 months of the effective date of this policy, the Chief Data Officer shall submit an initial status report to the Mayor and the Council and shall make such plan available to the public on the web portal. An updated status report shall be provided to the appropriate City Council committee within 12 months after the effective date and annually thereafter.
3. With 18 months of the effective date of this policy, the Chief Data Officer shall submit a compliance plan to the Mayor and the Council and shall make such plan available to the public on the web portal. Each agency shall cooperate with the Chief Data Officer in its preparation of such plan. The plan shall include a data inventory and a summary description of public data sets under the control of each agency on or after the effective date of this policy. The plan shall include a timeline for publication to the single web portal of all public data sets, with all public datasets being published before Dec 31, 2018. If a public data set or sets cannot be made available on the single web portal within the specified time, the plan shall state the reasons why such set or sets cannot be made available, and, to the extent practicable, the date by which the agency that owns the data believes that it will be available on the single web portal.
4. For purposes of prioritizing public data sets, agencies shall consider whether information embodied in the public data set: (1) can be used to increase agency accountability and responsiveness; (2) improves public knowledge of the agency and its operations; (3) furthers the mission of the agency; (4) creates economic opportunity; or (5) responds to a need or demand identified by public consultation.
5. Every 6 months following the first publication of the Compliance Plan, the Chief Data Officer shall post on the single web portal an update of the compliance plan, until all public data sets have been made available through a single web portal in compliance with this policy. Such updates shall include the specific measures undertaken to make additional public data sets available on the single web portal since the immediately preceding update, specific measures that will be undertaken prior to the next update, an update to the inventory of public data sets, and, if necessary, any changes to the prioritization of public data sets and an update to the timeline for

the inclusion of data sets on the single web portal. If a public data set cannot be made available on the single web portal on or before the Compliance Plan update, the update shall state the reasons why it cannot and, to the extent practicable, the date by which the agency believes that such public data set will be available on the single web portal.

TIMELINE:

- 3 Months: Publish inventory of data
- 3 Months: Chief Data Officer (CDO) proposes recommendations regarding public records
- 6 Months: CDO publishes Technical Standards Manual
- 6 Months: CDO publishes first status report
- 12 Months: Agencies publish to portal all datasets available on the web
- 12 Months: CDO publishes second status report
- 18 Months: CDO publishes compliance plan
- 18 Months: Agencies begin publishing unpublished public data sets
- 24 Months: CDO publishes first bi-annual update of the compliance plan

OTHER RESOURCES:

- <http://www.opengovdata.org/home/8principles>
- <http://opengovernmentinitiative.org/>
- <http://www.sandiegodata.org/reports/data-as-a-public-good/>
- <http://www.sandiegodata.org/reports/municipal-open-data-policies/>

Policies from Other Cities

- Washington DC <http://bit.ly/YMJvEp> DCStat Policy June 1, 2006
- Vancouver <http://bit.ly/171n1pK> Resolution May 1, 2009
- Portland <http://bit.ly/11U9T1R> Resolution September 1, 2009
- San Francisco <http://bit.ly/10INWr6> Executive Order October 1, 2009
- San Francisco <http://bit.ly/WZPaJI> Ordinance October 1, 2010
- Austin <http://bit.ly/ZrLgpq> Resolution December 1, 2011
- New York <http://on.nyc.gov/10dUHLW> Ordinance March 1, 2012
- Philadelphia <http://1.usa.gov/ZEseQt> Executive Order April 1, 2012

- Chicago <http://bit.ly/YWKYXT> Executive Order December 1, 2012

Federal Policy

- White House <http://1.usa.gov/ZErVoO> Directive December 1, 2009
- <http://www.whitehouse.gov/the-press-office/2013/05/09/executive-order-making-open-and-machine-readable-new-default-government->
- <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2013/m-13-13.pdf>

City Open Data Portals

- New York <https://nycopendata.socrata.com/>
- Chicago <https://data.cityofchicago.org/>

References/Links

- <http://opensandiego.org/>
- <http://codeforsandiego.org/>
- <http://www.sandiegodata.org/>
- <http://wiki.civiccommons.org/Initiatives>
- https://docs.google.com/document/d/1m5_fSPwB64YUo8oKMAEe9xk0Jw2qfm1kFBvEUwR2_dg/edit