

DRAFT OPEN DATA POLICY

SUBJECT: Open Data

POLICY NO.: ~~000-01~~

EFFECTIVE DATE: _____

BACKGROUND:

The City of San Diego is committed to the principles of open, accessible, efficient and transparent government and the use of technology to help put those principles into practice. On January 2, 2014, the City Council approved Resolution R-308684 in support of creating an open data policy.

PURPOSE:

This policy creates a process for making City data available online using open standards. The City, acting in good faith, will devote its best efforts to quickly making its data publicly available online, while recognizing that it has thousands of data sets and limited resources to dedicate to a new open data program. The City recognizes that making data available online in this manner will promote civic engagement, improve service delivery, allow for more effective communication with the public, and create increased opportunities for economic development. Implementation of this Policy will also make the operation of City government more transparent, effective, and accountable to the public and allow the public to assist in identifying efficient solutions for government.

POLICY:

Section 1. Definitions:

As used in this Policy:

- 1.1. "Chief Data Officer" means an individual designated by the Mayor who is responsible for overseeing implementation of this Policy.
- 1.2. "City" means the City of San Diego's departments, but does not include independent agencies and corporations, such as the Housing

Authority Commission, SDCERS and Civic San Diego.

- 1.3 "Data" means statistical or factual information in digital form which: (a) is reflected in a list, table, graph, chart, map, or database that can be digitally transmitted or processed; and (b) is regularly created or maintained and controlled by ~~a~~the City Agency—and which has administrative, legal, operational, fiscal, or historical value requiring retention of the record for a specified period of time. Nothing in this Policy shall be deemed to prohibit the City Agency from voluntarily disclosing information not otherwise defined as "Data" in this subdivision, nor shall it be deemed to prohibit a the City Agency from making such voluntarily disclosed information accessible through the single web portal established pursuant to Section 2.
- 1.4 "Effective Date" means the date upon which the Resolution authorizing this Policy takes effect in accordance with the City Charter.
- 1.5 "IT Department" means the department responsible for information technology.
- ~~1.6 "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.~~
- 1.76 "Public Data Set" means, except as otherwise provided herein, 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, the City Agency. Public Data Set does not include:
- a. any portion of a data set to which athe City Agency may deny access pursuant to applicable federal, state or local law, rule or regulation;
 - b. any data set that contains a significant amount of data to which athe City Agency may deny access pursuant to 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 the City Agency, including

but not limited to negotiating positions, future procurements, or pending or reasonably anticipated legal or administrative proceedings;

- d. data stored solely on a City ~~Agency~~-owned personal computing device, or data stored on a portion of a network that has been exclusively assigned to a single City ~~Agency~~-employee or a single City ~~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 and internal employee-related directories.

1.87 "Voluntary Consensus Standards" shall have the meaning described in OMB Circular A-119 Revised¹, as amended or modified by future OMB Circulars, which currently includes standards developed or adopted by Voluntary Consensus Standards bodies, both domestic and international including provisions that require owners of relevant intellectual property to agree to make that intellectual property available on a non-discriminatory, royalty-free or reasonable royalty basis to all interested parties.

1.98 "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.

1.109 "Web Portal" means a collection of web services, accessible from a single web site, which brings information together from diverse sources in a uniform way.

¹ <http://www.nist.gov/standardsgov/omb119.cfm>

Section 2. Chief Data Officer: Role, Responsibilities and Timeline for Actions

- 2.1 No later than 60 days from the Effective Date of this Policy, the Chief Data Officer shall provide ~~all City Agencies with~~ written guidelines describing how to prepare an inventory of data owned or managed by the City ~~Agency~~ which is subject to this Policy and will publish these guidelines on the City's web site.
- 2.2 When ~~City Agencies provide to~~ the Chief Data Officer receives an initial inventory of data owned or managed by the City ~~Agency~~ (which, as provided herein, is to occur no later than 120 days from release of the guidelines described in 2.1 above), the Chief Data Officer shall, as soon as reasonably possible, publish the known inventory to the City web site.
- 2.3 No later than 180 days from the Effective Date of this Policy, the Chief Data Officer shall prepare and publish a technical guidelines manual for the publishing of Public Data Sets in raw or unprocessed form through a 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. If the Chief Data Officer determines that Voluntary Compliance Standards are not suitable, then the Chief Data Officer shall identify the reasons why they were not suitable. The technical guidelines manual shall require a web application programming interface that permits application programs to request and receive Public Data Sets directly from the web portal. This technical guidelines manual shall be reviewed annually and updated as necessary by the Chief Data Officer.

- 2.4 No later than 180 days from the Effective Date of this Policy, the Chief Data Officer shall submit an initial written status report to the Mayor and the Council and shall make such report available to the public on the City web site. An updated status report shall be provided to the appropriate City Council committee within 12 months after the Effective Date and annually thereafter.
- 2.5 No later than 18 months from 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 City web site. ~~Each City Agency departments~~ 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 City Agency on or after the Effective Date of this Policy. The plan shall also include a timeline for publication to the web portal of high value existing Public Data Sets, as determined by the Chief Data Officer and in consultation with the Public, with all high value Public Data Sets being published within five years of the Effective Date of this Policy. If a Public Data Set cannot be made available on the web portal within the specified time, the plan shall state the reasons why such high value Public Data Set cannot be made available, and, to the extent practicable, the date by which the City ~~Agency that owns the data~~ believes that it will be available on the web portal.
- 2.6 Annually following the first publication of the Compliance Plan, the Chief Data Officer shall post on the 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 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

Public Data Sets on the web portal. If a Public Data Set cannot be made available on the 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 City ~~Agency~~ believes that such Public Data Set will be available on the web portal.

- 2.7 The Chief Data Officer shall ensure that an appropriate disclaimer and terms of use are placed on the City web site which shall include, but not be limited to, the following: a) Public Data Sets are provided for informational purposes only; b) 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; c) 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.) ~~Council Policy~~ This open data policy XXX XX shall not be construed to create a private right of action to enforce its provisions, and failure to comply with ~~Council this Ppolicy XXX XX~~ shall not result in liability to the City ~~of San Diego or any City Agency~~.

Section 3. City Agencies~~Departments~~: Roles, Responsibilities and Timeline for Actions

- 3.1 No later than 120 days from receipt of the guidelines described in 2.1 above, all City ~~Agencies~~ departments shall provide to the Chief Data Officer an inventory of data they owned or managed ~~by the City Agency~~.
- 3.2 No later than 12 months from the Effective Date of this Policy and thereafter, the City will make all of the Public Data Sets ~~that City Agencies make available shall be made~~ accessible through a web portal that is linked to sandiego.gov or to any successor website maintained by, or on behalf of, the City of San Diego. ~~If a City Agency cannot make all such Public Data Sets cannot be made available on the web portal pursuant to this subdivision, the City Agency department shall~~

~~provide a written report to the Chief Data Officer and to the Council describing which Public Data Set(s) it is unable to make available, the reasons why it cannot do so, and the date by which the City Agency it expects that such Public Data Set or sets will be available on the web portal. For purposes of prioritizing Public Data Sets, the City 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.~~

- 3.3 Within 18 months of the Effective Date of this Policy, the City Agencies will begin publishing to the web portal high value 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 2.5.
- 3.4 City Agencies departments shall make Public Data Sets available in accordance with technical guidelines published by the Chief Data Officer and in a format that permits automated processing and shall make use of appropriate technology to notify the public of all updates.
- 3.5 City Agencies departments shall update Public Data Sets as often as is necessary to preserve the integrity and usefulness of the data sets, to the extent that the City Agency regularly maintains or updates the Public Data Set.
- 3.6 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 web portal 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.
- 3.7 To the greatest extent possible, Public Data Sets shall be accessible to external search

capabilities using open and commonly used standards and formats as described in the technical guidelines manual.

3.8 If a Public Data Set cannot be made available on the web portal pursuant to this section Policy, the City department shall describe in writing which Public Data Set(s) it is unable to make available, the reasons why it cannot do so, and the date by which it expects that such Public Data Set or sets will be available on the web portal.

3.9 For purposes of prioritizing Public Data Sets, the City 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.

Section 4. Other considerations

4.0 Nothing in this policy is intended to conflict or absolve the City from complying with records retention laws.

4.1 Nothing in this policy precludes the City from entering into agreements with other agencies for the provision of their data through the City's web portal.