

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee Government Audit and Oversight

Date October 28, 2010

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

### OTHER

(Use back side if additional space is needed)

- Response dated, September 27, 2010, SF Police Department
- Response dated, September 22, 2010, Dept on the Status of Women
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Completed by: LaTonia Stokes

Date October 22, 2010

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.



1 [City's Open Data Policy]

2  
3 **Ordinance establishing the City's Open Data policy and requiring City departments to**  
4 **make appropriate data available to the public, and amending the San Francisco**  
5 **Administrative Code to add Section 22D.**

6 NOTE: Additions are single-underline italics Times New Roman;  
7 deletions are ~~strike-through italics Times New Roman~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strikethrough-normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 The San Francisco Administrative Code is hereby amended by adding Section 22D, to  
11 read as follows:

12 Section 1. FINDINGS.

13 (a) An open data policy will provide benefits to the City, which include:

14 (1) enhanced government transparency and accountability;

15 (2) development of new analyses or applications based on the unique data the City provides;

16 (3) mobilization of San Francisco's high-tech workforce to use City data to create useful civic  
17 tools at no cost to the City; and

18 (4) creation of social and economic benefits based on innovation in how residents interact with  
19 government stemming from increased accessibility to City data sets.

20 (b) On October 21, 2009, Mayor Newsom issued Executive Directive 09-06, entitled Open Data  
21 ("the Directive"). The Directive stated the City's commitment to transparency in government by  
22 declaring that all appropriate data sets would be published through a designated website.

23 (c) City departments should take further steps to make their data sets available to the public in a  
24 more timely and efficient manner.

1 Section 2. CITY DEPARTMENTS REQUIRED TO MAKE DATA AVAILABLE.

- 2 (a) Each City department, board, commission, and agency ("Department") shall make available all  
3 data sets under the Department's control, provided however, that such disclosure shall be  
4 consistent with the rules and standards promulgated by the Committee on Information  
5 Technology ("COIT").
- 6 (b) Data sets shall be made available on the Internet through a web portal linked to sfgov.org or  
7 successor website maintained by or on behalf of the City.
- 8 (c) Departments shall conduct quarterly reviews of their progress on providing access to data sets  
9 requested by the public through the designated web portal.

10  
11 Section 3. STANDARDS AND COMPLIANCE.

- 12 (a) COIT shall establish rules and standards to implement the open data policy, including  
13 developing standards to determine which data sets are appropriate for public disclosure. In  
14 making this determination, COIT shall balance the benefits of open data set forth in Section 1,  
15 above, with the need to protect from disclosure information that is proprietary, confidential, or  
16 protected by law or contract.
- 17 (b) Within 60 days of the effective date of this ordinance, COIT shall promulgate rules and  
18 standards to implement the open data policy which shall apply to all Departments. The rules  
19 and standards shall include the following:
- 20 (1) technical requirements for the publishing of public data sets by Departments for the purpose  
21 of making public data available to the greatest number of users and for the greatest number  
22 of applications. These rules shall, whenever practicable, use non-proprietary technical  
23 standards for web publishing and e-government;
- 24 (2) guidelines for Departments to follow in developing their plans for implementing the open  
25 data policy consistent with the standards established by COIT. Each plan shall include an

1 accounting of all public data sets under the control of the Department; and


2 (3) rules for including open data requirements in applicable City contracts.

3 (c) COIT shall also evaluate the merits and feasibility of making City data sets available pursuant to  
4 a generic license, such as those offered by "Creative Commons." Such a license would grant  
5 any user the right to copy, distribute, display and create derivative works at no cost and with a  
6 minimum level of conditions placed on the use. If appropriate, COIT shall specify the terms and  
7 conditions of such a generic license in the standards it develops to implement the open data  
8 policy.

9 (d) Prior to issuing rules and standards, COIT shall solicit comments from the public, including  
10 from individuals and firms who have successfully developed applications using open data sets.

11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA, City Attorney

13 By:

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15 Theresa L. Mueller  
16 Deputy City Attorney

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Mayor Newsom  
BOARD OF SUPERVISORS

**LEGISLATIVE DIGEST**

[Open Data Policy.]

**Ordinance establishing the City's Open Data policy and requiring City departments to make appropriate data available to the public, and amending the San Francisco Administrative Code to add Section 22D.**

Existing Law

None.

Amendments to Current Law

This ordinance would modify the Administrative Code to establish as City policy that all City datasets appropriate for public disclosure be made available through DataSF.org or a successor website. The ordinance would require all City departments, boards, commissions, and agencies ("Departments") to publish data sets in compliance with the policies and standards promulgated by the Committee on Information Technology ("COIT").

COIT would develop rules and standards to implement the open data policy. COIT would also consider whether to use a generic license, such as those offered by "Creative Commons", for publishing the City's data sets. Such a license would grant any user the right to copy, distribute, display and create derivative works at no cost and with a minimum level of conditions.

Background Information

On October 21, 2009, the Mayor issued Executive Directive 09-06, entitled Open Data. The directive stated the City's commitment to transparency in government by declaring that all datasets determined to be appropriate for public disclosure would be published through DataSF.org. This ordinance would adopt an open data policy in line with Executive Directive 09-06.

In developing rules and standards for the open data policy, COIT may consider the eight principles of open government data that were developed by a group of open government advocates to provide guidance for entities implementing open data policies. (<http://www.opengovdata.org/home/8principles>)

BOS File No. 101155 (City's Open Data Policy)

Simon Silverman

to:

LaTonia Stokes

09/27/2010 04:28 PM

Show Details

Dear Ms. Peoples-Stokes,

While the San Francisco Police Department supports transparency in government, we are concerned about the proposed ordinance which establishes the City's open data policy (BOS file #101155). As presently drafted, the ordinance does not provide exclusions for information whose disclosure is prohibited by law (for example, criminal history information or peace officer personnel records). In addition, the Department must maintain the confidentiality of certain information in order to protect the safety of persons and the integrity of ongoing investigations. Further, the Department must safeguard information that is subject to the attorney client privilege. Finally, the Department is concerned that implementation of the open data policy may place demands on the department's technological resources that we are unable to meet.

At present, the Department has adequate, lawful policies and practices in place for responding to specific information requests from citizens. In addition, we regularly post crime information and statistics on our website for public inspection.

In conclusion, we are concerned that the ordinance does not contemplate the unique circumstances of the San Francisco Police Department and we foresee significant problems with implementation should it be adopted in its present form.


Sincerely,

Lt. Simon Silverman

San Francisco Police Department

Legal Division



Re: Referral: BOS File NO. 101155   
Laura Marshall to: LaTonia Stokes  
Cc: Emily Murase

09/22/2010 09:22 AM

Ms. Stokes,

Thank you for providing the Department on the Status of Women with the opportunity to offer comments and feedback about the City's Open Data Policy (File number 101155).

The Department supports the Mayor's and the Board's efforts to increase the collection of and access to data about City services. The Department has done significant work around enhancing the data collection practices of departments, and considers this ordinance to be one facet of a larger process. In 2009, the Department, in partnership with the Mayor's Budget Office, administered a survey of City departments to assess the degree to which departments collect demographic data about clients served, as well as the degree this demographic data is used in crafting policy and budget decisions. This was the first step in a larger initiative to institute gender responsive budgeting in the City's budget process.

A budget is the most comprehensive statement of a government's priorities and plans. It tracks where money comes from and where it goes and provides information on who pays for, and who benefits from, government spending. Gender responsive budgeting examines funding allocations and their impact on men and women. Gender responsive budgeting does *not create* separate budgets for women or men, nor does it mean that budget allocations are divided equally between the two. Instead, it determines where the needs of men and women are the same, and where they differ. Where the needs are different, budget allocations should reflect these differences. Government programs can be held accountable not only by administrative and political leaders, but by those not being served equitably. In this way, gender responsive budgeting expands transparency and accountability, and facilitates performance-based budgeting (budgeting based on measurable outcomes). Generally, gender responsive budgeting initiatives reflect a transition to more open, participatory, and responsive systems of governance.

For a number of years, San Francisco, like many other City governments worldwide, has been moving toward a performance-based budgeting system which uses performance information to inform decision-making and resource allocation. Performance-based budgeting shifts assessments of the success of government programs and policies away from the raising and spending of money (budgetary inputs), and instead focuses on achieving results by measuring both *outputs*, or the products and services delivered by agencies, as well as *outcomes*, or the impacts of government policies. These measures are then incorporated into budgetary decision-making. Since the availability of demographic data facilitates implementing performance-based budgeting, as well as efforts to more fully assess gender impacts of budget decisions, this study looks at what data is available. A lack of appropriate demographic data constitutes a major constraint to assessing the impact of government spending.

In February 2010, the Department and the Mayor's Budget Office issued the report, "Gender Responsive Budgeting: Path to Accountability and Data-Based Decision-Making." The report outlines the findings of the City-wide survey of demographic data collection practices, and offers recommendations for the implementation of a comprehensive gender responsive budgeting program. Find the report in the "Resources" section of the Department's website: [www.sfgov.org/dosw](http://www.sfgov.org/dosw).

As noted above, the City's Open Data Policy is one step toward a truly transparent and accountable government. The Department also asks for the Board to further increase transparency and accountability by 1) providing departments with the resources they need to expand data collection practices, especially demographic data collection, including training, technology, and staff time, and 2) using data collected to make policy and budgeting decisions that are equitable, efficacious, and appropriate to the needs of City residents. The Department is actively partnering with the Mayor's Budget Office on this process, and hopes the Board can be a partner as well.

Again, thank you for the opportunity to comment on this legislation. Please contact me with any questions.



Laura

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Laura Marshall, MSW  
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