1 [Administrative Code - Citywide Coordination of Open Data Policy and Procedures]

2

3 **Ordinance amending the Administrative Code, Sections 22D.2 and 22D.3, relating to**

4 **San Francisco's open data policies and procedures and establishing the position and**

5 **duties of Chief Data Officer and Departmental Data Coordinators.**

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7 NOTE: Additions are *single-underline italics Times New Roman*;
               deletions are *strike-through italics Times New Roman*.
               Board amendment additions are double-underlined;

8   Board amendment deletions are strikethrough normal.

9

10 Be it ordained by the people of the City and County of San Francisco:

11 Section 1. Findings.

12 (a) San Francisco has been a leader in open data policy in the United States. In 2009,

13 Mayor Gavin Newsom issued an Executive Directive promoting Open Data. In 2010, the

14 Board of Supervisors expanded on the Directive with the passage of the City's Open Data

15 Policy (Ordinance 293-10), codified in San Francisco's Administrative Code Section 22D.

16 (b) An open data policy has been shown to drive increased government efficiency

17 and civic engagement, leading to social and economic benefits as a result of innovative

18 citizen interaction with government. Social and economic benefits include, but are not limited

19 to:

20 (1) Empowering citizens through democratization of information and fostering

21 citizen participation in City projects;

22 (2) Supporting early stage entrepreneurship;

23 (3) Encouraging positive environments that contribute to workforce

24 development and job creation; and

25

1   (4) Increasing a positive business environment and promoting public-private

2 partnerships.

3   (5) San Francisco will improve and expand its Open Data Policy by creating the

4 position of Chief Data Officer and Department Data Coordinators to implement the standards

5 and policies articulated in the City's Open Data Policy.

6   Section 2. The San Francisco Administrative Code is hereby amended by amending

7 Sections 22D.2, and 22D.3, to read as follows:

8 **SEC. 22D.2.** *CHIEF DATA OFFICER AND CITY DEPARTMENTS* ~~*CITY DEPARTMENTS*~~

9 ~~*REQUIRED TO MAKE DATA AVAILABLE.*~~

10   *(a) Chief Data Officer.*

11   *In order to coordinate implementation, compliance, and expansion of the City's Open Data*

12 *Policy, the Mayor shall appoint a Chief Data Officer (CDO) for the City and County of San Francisco.*

13 *The CDO shall be responsible for sharing City data with the public, facilitating the sharing of*

14 *information between City departments, and analyzing how data sets can be used to improve city*

15 *decision making. To accomplish these objectives, the CDO shall:*

16   *(1) Coordinate utilization, maintenance, and updates of the City's Open Data website,*

17 *currently known as "DataSF;"*

18   *(2) Oversee the design, adoption by the Committee on Information Technology (COIT)*

19 *and implementation of technical standards for DataSF to ensure that the portal and its datasets*

20 *are implemented, updated, and utilized in accordance with San Francisco's open data policies;*

21   *(3) Provide education and analytic tools for City departments to improve and assist*

22 *with their open data efforts;*

23   *(4) Assist departments with compliance with Open Data policies by working with*

24 *Department Data Coordinators, collecting and reviewing each department's open data*

25 *implementation plans and creating a template for the departmental quarterly progress reports;*

1	*(5) Present an annual updated citywide implementation plan to COIT, the Mayor, and*
2	*Board of Supervisors and respond, as necessary, regarding the status of DataSF in the City;*
3	*(6) Actively work to further the goals of open data in the City;*
4	*(7) Coordinate creation and sharing of internal City data sets outside of those*
5	*designated for publication on DataSF;*
6	*(8) Help establish data standards within and outside the City through collaboration*
7	*with external organizations;*
8	*(9) Assist City departments with analysis of City data sets to improve decision making;*
9	*and,*
10	*(10) Analyze and report on the usage of DataSF.*
11	**(b) City Departments**
12	~~(a)~~ Each City department, board, commission, and agency
13	("Department") shall*:*
14	*(1)Make* reasonable efforts to make available all data sets under the
15	Department's control, provided however, that such disclosure shall be consistent with the
16	rules and standards promulgated by *the CDO and adopted by* COIT and with applicable law,
17	including laws related to privacy;
18	*(2) Conduct* quarterly reviews of their progress on providing access to data
19	sets requested by the public through the designated web portal *beginning six months after the*
20	*appointment of the CDO; and*
21	*(3) Designate a Data Coordinator (DC) who will oversee implementation and*
22	*compliance with the Open Data Policy within his/her respective department. Each DC shall work with*
23	*the CDO to implement the City's open data policies and standards. The DC shall:*
24	*(i) Prepare an Open Data plan for the Department which shall:*
25	

1   *(1) Include a timeline for the publication of the Department's*

2 *open data and a summary of open data efforts planned and/or underway in the Department;*

3   *(2) Include a summary description of all data sets under the*

4 *control of each Department (including data contained in already-operating information technology*

5 *systems);*

6   *(3) Prioritize all public data sets for inclusion on DataSF;*

7   *(4) Be updated quarterly after the initial submission to the CDO.*

8 *In the event of unsatisfactory implementation of the plan by the Department and/or disagreement over*

9 *publication of data sets, the CDO may request the Department's DC appear before COIT; and,*

10   *(5) Be published on the department's web site in addition to the*

11 *DataSF site.*

12   *(6) Ensure data sets comply with the following requirements:*

13   *(ii) Review department data sets for potential inclusion on DataSF and*

14 *ensure they comply with the following guidelines:*

15   *(1) Data prioritized for publication should be of likely interest to*

16 *the public and should not disclose information that is proprietary, confidential, or protected by law or*

17 *contract;*

18   *(2) Data sets that contain personally identifiable information or*

19 *represent potential breaches to security or privacy should be flagged for potential exclusion from*

20 *DataSF; and,*

21   *(3) Data sets should be free of charge to the public through the*

22 *web portal.*

23   *(iii) Make data sets available, provided that such disclosure is consistent with*

24 *the City's Open Data Policy, technical standards, and with applicable law, including laws related to*

25 *privacy;*

1   *(iv) Catalogue and prioritize the Department's open data for publication on a*

2 *quarterly basis;*

3   *(v) Appear before COIT and respond to questions regarding the Department's*

4 *compliance with the City's Open Data policies and standards;*

5   *(vi) Conspicuously display his/her contact information (including name, phone*

6 *number or email address) on DataSF with his/her department's data sets;*

7   *(vii) Monitor comments and public feedback on the Department's data sets on a*

8 *timely basis;*

9   *(viii) Upon receipt of comments or information requests from the public related*

10 *to data set content and supporting documentation, assess the nature and complexity of the request and*

11 *provide DT with an expected timeframe to resolve the support inquiry as soon as possible;*

12   *(ix) Notify DT upon publication of any updates or corrective action; and,*

13   *(x) Notify DT prior to any structural changes to data sets when releasing*

14 *updated data;*

15   *(c) Department of Technology*

16   *The Department of Technology (DT) shall provide and manage a single Internet site (web*

17 *portal) for the City's public data sets (http://data.sfgov.org or successor site), called "DataSF." In*

18 *managing the site, DT shall:*

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21   *(1) Publish data sets with reasonable, user-friendly registration requirements, license*

22 *requirements, or restrictions on the use and distribution of data sets;*

23   *(2) Indicate data sets that have been recently updated;*

24

25

1   *(3) Ensure that updated data sets retain the original data structure, i.e., the number of*

2   *data elements per record, name, formats and order of the data elements must be structurally consistent*

3   *with the originally approved submission;*

4   *(4)   Use open, non-proprietary standards when practicable;*

5   *(5) Include an on-line forum to solicit feedback from the public and to encourage public*

6   *discussion on Open Data policies and public data set availability;*

7   *(6) Forward open data requests to the assigned DC; and,*

8   *(7) Take measures to ensure access to public data sets while protecting DataSF from*

9   *unlawful abuse or attempts to damage or impair use of the website.*

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11   **SEC. 22D.3. STANDARDS AND COMPLIANCE.**

12   (a) *The CDO ~~COIT~~* shall establish *for adoption by COIT* rules and standards to

13   implement the open data policy, including developing standards to determine which data sets

14   are appropriate for public disclosure. In making this determination, COIT shall balance the

15   benefits of open data set forth in Section 22D.1, above, with the need to protect from

16   disclosure information that is proprietary, confidential, or protected by law or contract   (b)

17   *~~Within 60 days of the effective date of this ordinance, COIT~~ The CDO* shall promulgate *and COIT*

18   *shall adopt* rules and standards to implement the open data policy which shall apply to all

19   Departments*, consistent with COIT's role and responsibilities in San Francisco Administrative Code*

20   *Section 22A.3*. The CDO and COIT *intend to work with CAO and purchaser to develop contract*

21   *provisions to promote open data policies.* The rules and standards shall include the following:

22   (1) *Technical ~~technical~~* requirements for the publishing of public data sets by

23   Departments for the purpose of making public data available to the greatest number of users

24   and for the greatest number of applications. These rules shall, whenever practicable, use

25   non-proprietary technical standards tor web publishing and e-government;

1   (2) *Guidelines* ~~guidelines~~ for Departments to follow in developing their plans for

2 implementing the open data policy consistent with the standards established by COIT. Each

3 plan shall include an accounting of public data sets under the control of the Department; ~~and~~

4   *(3) Rules for including open data requirements in applicable City contracts and*

5 *standard contract provisions that promote the City's open data policies, including, where appropriate,*

6 *provisions to ensure that the City retains ownership of City data and the ability to post the data on*

7 *data.sfgov.org or make it available through other means; and,*

8   *(4) Requirements that a third party providing City data (or applications based on City*

9 *data) to the public explicitly identify the source and version of the public data set, and include a*

10 *description of any modifications made to the public data set.*

11   *~~(c) COIT shall also evaluate the merits and feasibility of making City data sets available~~*

12 *~~pursuant to a generic license, such as those offered by "Creative Commons." Such a license could~~*

13 *~~grant any user the right to copy, distribute, display and create derivative works at no cost and with a~~*

14 *~~minimum level of conditions placed on the use. If appropriate, COIT shall specify the terms and~~*

15 *~~conditions of such a generic license in the standards it develops it develops to implement the open data~~*

16 *~~policy.~~*

17   *~~(d) Prior to issuing rules and standards, COIT shall solicit comments from the public, including~~*

18 *~~from individuals and firms who have successfully developed applications using open data sets.~~*

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20 APPROVED AS TO FORM:
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22 By: _____

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