

File No. 121017

Committee Item No. 2

Board Item No. 10

### COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight Date March 28, 2013

Board of Supervisors Meeting Date April 9, 2013

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- Amended in Committee 3/28/13 \_\_\_\_\_
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Completed by: Rana Calonsag Date April 4, 2013

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

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

3/28/13

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.**

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 Section 1. Findings.

11 (a) San Francisco has been a leader in open data policy in the United States. In 2009,  
12 Mayor Gavin Newsom issued an Executive Directive promoting Open Data. In 2010, the  
13 Board of Supervisors expanded on the Directive with the passage of the City's Open Data  
14 Policy (Ordinance 293-10), codified in San Francisco's Administrative Code Section 22D.

15 (b) An open data policy has been shown to drive increased government efficiency  
16 and civic engagement, leading to social and economic benefits as a result of innovative  
17 citizen interaction with government. Social and economic benefits include, but are not limited  
18 to:

19 (1) Empowering citizens through democratization of information and fostering  
20 citizen participation in City projects;

21 (2) Supporting early stage entrepreneurship;

22 (3) Encouraging positive environments that contribute to workforce  
23 development and job creation; and

24

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~~ prepare an Open Data plan for the Department which  
25 shall:

1 (A)(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 (B)(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 (C)(3) Prioritize all public data sets for inclusion on DataSF;

7 (D)(4) Be updated quarterly after the initial submission to the  
8 CDO. In the event of unsatisfactory implementation of the plan by the Department and/or disagreement  
9 over publication of data sets, the CDO may request the Department's DC appear before COIT; and,

10 (E)(5) Be published on the department's web site in addition to  
11 the DataSF site.

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

13 (F)(ii) Review department data sets for potential inclusion on  
14 DataSF and ensure they comply with the following guidelines:

15 (i)(1) Data prioritized for publication should be of likely  
16 interest to the public and should not disclose information that is proprietary, confidential, or protected  
17 by law or contract;

18 (ii)(2) Data sets that contain personally identifiable  
19 information or represent potential breaches to security or privacy should be flagged for potential  
20 exclusion from DataSF; and,

21 (iii)(3) Data sets should be free of charge to the public  
22 through the web portal.

23 (G)(iii) Make data sets available, provided that such disclosure is  
24 consistent with the City's Open Data Policy, technical standards, and with applicable law, including  
25 laws related to privacy;

1 (H)(iv) Catalogue and prioritize the Department's open data for  
2 publication on a quarterly basis;

3 (I)(v) Appear before COIT and respond to questions regarding  
4 the Department's compliance with the City's Open Data policies and standards;

5 (J)(vi) Conspicuously display his/her contact information  
6 (including name, phone number or email address) on DataSF with his/her department's data sets;

7 (K)(vii) Monitor comments and public feedback on the  
8 Department's data sets on a timely basis;

9 (L)(viii) Upon receipt of comments or information requests from  
10 the public related to data set content and supporting documentation, assess the nature and complexity  
11 of the request and provide DT with an expected timeframe to resolve the support inquiry as soon as  
12 possible;

13 (M)(ix) Notify DT upon publication of any updates or corrective  
14 action; and,

15 (N)(x) Notify DT prior to any structural changes to data sets  
16 when releasing updated data;

17 (c) Department of Technology

18 The Department of Technology (DT) shall provide and manage a single Internet site (web  
19 portal) for the City's public data sets (<http://data.sfgov.org> or successor site), called "DataSF." In  
20 managing the site, DT shall:

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;

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.

10  
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

17                   (b) ~~Within 60 days of the effective date of this ordinance, COIT~~ The CDO shall promulgate  
18 and COIT shall adopt rules and standards to implement the open data policy which shall apply  
19 to all Departments, consistent with COIT's role and responsibilities in San Francisco Administrative  
20 Code Section 22A.3. The CDO and COIT intend to work with the City Attorney's Office and  
21 purchaser to develop contract provisions to promote open data policies. The rules and standards  
22 shall include the following:

23                   (1) ~~Technical~~ technical requirements for the publishing of public data sets by  
24 Departments for the purpose of making public data available to the greatest number of users

1 and for the greatest number of applications. These rules shall, whenever practicable, use  
2 non-proprietary technical standards for web publishing and e-government;

3 (2) ~~Guidelines~~ *guidelines* for Departments to follow in developing their plans for  
4 implementing the open data policy consistent with the standards established by COIT. Each  
5 plan shall include an accounting of public data sets under the control of the Department; *and*

6 (3) Rules for including open data requirements in applicable City contracts and  
7 standard contract provisions that promote the City's open data policies, including, where appropriate,  
8 provisions to ensure that the City retains ownership of City data and the ability to post the data on  
9 data.sfgov.org or make it available through other means; and,

10 (4) Requirements that a third party providing City data (or applications based on City  
11 data) to the public explicitly identify the source and version of the public data set, and include a  
12 description of any modifications made to the public data set.

13 ~~(e) COIT shall also evaluate the merits and feasibility of making City data sets available~~  
14 ~~pursuant to a generic license, such as those offered by "Creative Commons." Such a license could~~  
15 ~~grant any user the right to copy, distribute, display and create derivative works at no cost and with a~~  
16 ~~minimum level of conditions placed on the use. If appropriate, COIT shall specify the terms and~~  
17 ~~conditions of such a generic license in the standards it develops it develops to implement the open data~~  
18 ~~policy.~~



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

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:   
7 MARGARITA GUTIERREZ  
8 Deputy City Attorney



**LEGISLATIVE DIGEST**

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

**Ordinance amending the Administrative Code, Sections 22D.2 and 22D.3, relating to San Francisco's open data policies and procedures and establishing the position and duties of Chief Data Officer and Departmental Data Coordinators.**

Existing Law

Chapter 22D of the San Francisco Administrative Code established San Francisco's Open Data Policy and provided general standards for City Departments to comply with the policy.

Amendments to Current Law

The proposed ordinance would establish the position and duties of the Chief Data Officer, and Open Data Department Coordinators to assist in the implementation of the City's Open Data Policy. The ordinance would also establish rules and procedures for making open data available through the City's open data web portal.

The provisions would be incorporated into Chapter 22D.

Background Information

Open and accessible government is fundamental to successful representative democracy. The Internet has become a powerful tool for improving government and increasing transparency through the release of government documents and data, as well as improved engagement and partnership between government officials and citizens.

An open data policy has been shown to drive increased civic engagement, leading to social and economic benefits as a result of innovative resident interaction with government. Examples of potential social and economic benefits include, but are not limited to, (1) empowerment of citizens through democratization of information and fostering citizen participation in city projects; (2) supporting early stage entrepreneurship; and (3) encouraging positive environments that contribute to workforce development and jobs creation.

Mayor Gavin Newsom enacted the nation's first open data legislation in 2009, and the Board of Supervisors expanded on this work in 2010 with the passage of the City's Open Data Policy (Ordinance 293-10). This ordinance empowered San Francisco's Committee on Information Technology (COIT) to establish Rules and Standards applicable to all City departments regarding the release of data to the city's online data portal. The proposed ordinance establishes the position of Chief Data Officer and Department Data Coordinators to assist in

the implementation of the City's Open Data Policy.

The Chief Data Officer (CDO) will work with COIT, the Mayor, and Board of Supervisors to further the goals of open data in the City. The CDO shall also prepare an annual citywide implementation plan and establish rules and standards to implement the open data policy, including developing standards to determine which data sets are appropriate for public disclosure. The CDO and COIT intend to work with the City Attorney's Office and the Purchaser to develop contract provisions to promote open data policies.

City departments shall make available data sets, provided that such disclosure is consistent with the City's Open Data Policy, technical standards, and with applicable law, including laws related to privacy. Each department will conduct quarterly reviews of their progress on providing access to data sets requested by the public through the designated web portal beginning six months after the appointment of the CDO. To further the goals of the City's policy, each department shall appoint a Data Coordinator (DC) to implement the City's Open Data plan within the department.

The DCs shall identify and enable the delivery of data sets for potential inclusion on the portal, and meet with the CDO as needed to achieve these goals. The DCs will also prepare a Department Open Data implementation plan and respond to public feedback regarding the Department's public data sets. DCs will display their contact information on DataSF alongside any of their published data sets.

Rec'd in Committee  
Received Time Mar. 28. 2013 5 AM No. 0957  
3/28/13

CONFIDENTIAL FAX

FROM: Lauren Massa-Lochridge  
Voice: 415-735-1873

TO FAX: 415-554-5163

2 pages including cover

TO:  
To The San Francisco Board Of Supervisors,  
Government Audit and Oversight Committee  
San Francisco, California

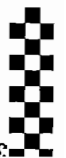
Thursday, March 28, 2013

SUBJECT: Written Testimony Statement Filing Requested Regarding:  
Government Audit and Oversight Committee Hearing, Thursday, March 28, 2013, Agenda Item 2. 121017.  
Agenda Item 2. 121017 [Administrative Code - Citywide Coordination of Open Data Policy and Procedures],  
Sponsors: Mayor; Chiu

Please accept this written testimony statement for filing for the indicated Government Audit and Oversight Committee  
Hearing, Thursday, March 28, 2013, Agenda Item 2. 121017.

Thank you.  
Sincerely,  
Lauren Massa-Lochridge  
415-735-1873

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR 28 AM 10:00



Lauren Massa-Lochridge 1601 Beverly Place, Berkeley, CA 94707 415-735-1873

Statement of Lauren Massa-Lochridge

To The San Francisco Board Of Supervisors,  
Government Audit and Oversight committee  
San Francisco, California

Thursday, March 28, 2013

Regarding:  
Agenda Item 2. 121017 [Administrative Code – Citywide Coordination of Open Data Policy and Procedures],  
Sponsors: Mayor; Chiu

As a technology strategist with 20 years of experience including executive level at mid to long range planning, working through influence to achieve execution on C-Level goals, relationship management and in roles that involved similar goals to achieve as the CDO position is being created for, I see two key elements to the legislation that I believe would be helpful to illuminate.

First, that the proposed CDO position is crucial in executing successfully in an environment of challenging coalescence of disparate business units, or in this case city and county government department objectives. In my experience, the goals that the city and county of San Francisco has as a leader in Open Data and Open Government would be difficult or impossible to achieve, and would be costly to attempt as well as of potentially higher risk without the Chief Data Officer (CDO) role.

Second, I am also experienced in entrepreneurial activity and the Open Data and Open Government eco-system. Open Data & Open Government is the right thing to do for start-up small business and job creation. One of the elements of progress that San Francisco has made is key to funding and viability in general for start-ups in the Open Data and Open Government data eco-system is that the licenses for use of the data sets be preferably uniform, have known public ownership in terms of the right to grant use of the data, and that the licenses be "commercial friendly". This is an element crucial to start-ups. These are key elements for success because for self-funded start-ups, or those seeking angel or VC funding, the founders and other stakeholders have to be able to know what the status of licensing to use the data sets is, and they have to know that there will be continuity in licensing policy going forward.

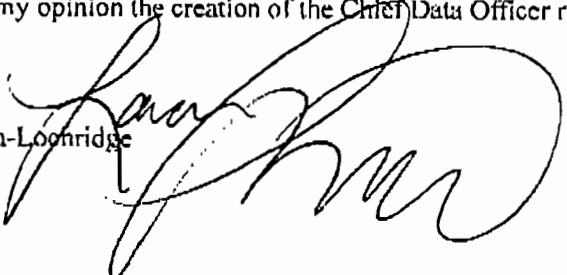
If there is a significant variability across data sets licenses or there are gray areas, then the combination of different data sets or the use of only one data set may increase risk unacceptably due to potential legal issues over the lifecycle of the venture. This is a matter that is explored at the outset for most Open Data start-up ventures and can be a deciding factor in whether or not a start-up will be undertaken by founders and whether it will be funded.

The data set licensing policy and implementation as well as sustaining citizen and commercial friendly licensing of data sets going forward over time, is one example of a key policy and implementation issue that takes someone in a Chief Data Officer executive role to achieve successfully. It requires significant effort to oversee and manage the interactions between the departments who are sources of data in an environment of complex third party contracts that may interact with the data sets and there are the perfectly reasonable considerations that may differ from department to department in process and procedures. Furthermore, as another example of the complexity of making and sustaining policy and implementation which justifies a CDO role, in some cases such as environmental and transportation data, data sets may intersect across other Bay Area cities and county boundaries.

Promoting and easing the way for entrepreneurial activity in the Open Data and Open Government eco-may be reasonably expected to benefit the city and county, the citizens, and business entities of San Francisco and the Bay Area, and in my opinion the creation of the Chief Data Officer role will be crucial to that expected benefit.

Sincerely,

Lauren Massa-Lochridge



Oct. 26, 2012

121017

Currently SEC. 22D.3. STANDARDS AND COMPLIANCE provides opportunities for public comment through solicitation by COIT.

" SEC. 22D.3. STANDARDS AND COMPLIANCE ...

(d) Prior to issuing rules and standards, COIT shall solicit comments from the public; ... "

The ordinance amending the San Francisco Administrative Code Sections 22D.2 and 22D.3 relating to ... duties of Chief Data Officer and Department Data Coordinators deletes COIT solicitation of comments from the public.

With amendment what will be opportunities for public to comment on rules and standards?

Thank you.

Jeanne Quock  
Jeanne Quock  
Winchellq@sbcglobal.net  
Q →  
415-990-9300

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT 26 PM 4:23  
AK

## Calonsag, Rana

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**From:** Caldeira, Rick  
**Sent:** Thursday, January 31, 2013 9:21 AM  
**To:** Calonsag, Rana  
**Cc:** Calvillo, Angela  
**Subject:** FW: Fiscal Impact

Rana,

Please update Legistar and file accordingly.

Thank you,

**Rick Caldeira, MMC**  
**Legislative Deputy Director**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Phone: (415) 554-7711 | Fax: (415) 554-5163  
[rick.caldeira@sfgov.org](mailto:rick.caldeira@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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<http://www.sfbos.org/index.aspx?page=104>

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**From:** Newman, Debra  
**Sent:** Thursday, January 31, 2013 8:41 AM  
**To:** Caldeira, Rick  
**Cc:** True, Judson; Campbell, Severin  
**Subject:** Fiscal Impact

Hi Rick,


Just a heads up that in re-reviewing File 121017, Citywide Coordination of Open Data Policy and Procedures.....we have changed our determination from yes fiscal impact, to no fiscal impact, such that we will not be preparing a report on this legislation.....my understanding is that the ordinance has been referred to GAO Committee.

Thanks, and don't hesitate to contact me or Severin if you have any questions.  
Great to see you yesterday!

**Debra Newman**  
Budget and Legislative Analyst  
1390 Market Street, Suite 1150  
San Francisco, CA 94102  
(415) 553-4631





Re: Public Inquiry: File No. 121017 (Open Data Policy)   
Judson True to: Alisa Miller  
Cc: Catherine Rauschuber, Jason.Elliott

10/29/2012 11:08 AM

I'll respond thanks.

---

Judson True  
Office of Supervisor David Chiu  
City Hall, Room 264  
San Francisco, CA 94102  
415.554.7451 desk  
415.554.7454 fax

Alisa Miller	All, I received the attached inquiry from Jeanne...	10/29/2012 10:35:47 AM
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From: Alisa Miller/BOS/SFGOV  
To: Jason.Elliott@sfgov1.onmicrosoft.com, Judson True/BOS/SFGOV@SFGOV, Catherine Rauschuber/BOS/SFGOV@SFGOV  
Date: 10/29/2012 10:35 AM  
Subject: Public Inquiry: File No. 121017 (Open Data Policy)

---

All,

I received the attached inquiry from Jeanne Quock regarding File 121017 (Citywide Coordination of Open Data Policy and Procedures). Is there someone else I should direct her question to or can you provide a response?

[attachment "121017 questions.pdf" deleted by Judson True/BOS/SFGOV]

***Alisa Miller***

Assistant Clerk  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Phone: (415) 554-4447 | Fax: (415) 554-7714  
alisa.miller@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the following link:  
<http://www.sfbos.org/index.aspx?page=104>.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: City Department Heads

FROM: Alisa Miller, Clerk, Government Audit and Oversight Committee  
Board of Supervisors

DATE: October 22, 2012

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Mayor Lee on October 16, 2012, which is being forwarded to your department for informational purposes.

**File No. 121017**

Ordinance amending the San Francisco Administrative Code Sections 22D.2 and 22D.3 relating to San Francisco's open data policies and procedures and establishing the position and duties of Chief Data Officer and Departmental Data Coordinators.

If you have any reports or comments to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *ML* Mayor Edwin M. Lee *EL*  
RE: Administrative Code--Citywide Coordination of Open Data Policy and Procedures  
DATE: October 16, 2012

---

Attached for introduction to the Board of Supervisors is the ordinance amending San Francisco's open data policies and procedures and establishing the position and duties of Chief Data Officer and Departmental Data Coordinators, and amending San Francisco Administrative Code Sections 22D.2 and 22D.3 to implement these changes.

Please note this item is cosponsored by Supervisor Chiu.

I request that this item be calendared in Government Audit and Oversight Committee.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT 16 PM 2:45  
AK

cc. Supervisor David Chiu

