[Administrative Code - Timelines and Procedures for Releasing Open Data]

Ordinance amending the Administrative Code to modify open data standards and set deadlines for releasing open data.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Code is hereby amended by revising Chapter 22, Sections 22D.1, 22D.2, and 22D.3, to read as follows:

SEC. 22D.1. FINDINGS.

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

(1) enhanced government transparency and accountability;

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

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

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

(b) *San Francisco has been a leader in open data policy in the United States.* On October 21, 2009, Mayor Newsom issued Executive Directive 09-06, entitled Open Data ("the Directive"). The Directive stated the City's commitment to transparency in government by declaring that all appropriate data sets would be published through a designated website. *The*

City expanded on the Directive with the enactment of the Open Data Policy (Ordinance 293-10), codified in Chapter 22D of the Administrative Code. A significant and valuable revision to the Open Data Policy came through the amendment of Chapter 22 establishing the position of Chief Data Officer, Departmental Data Coordinators, and making other procedural revisions (Ordinance No.69-13).

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

(d) The City should develop a strategy for the release of City-held citizen data directly back to citizens who request such data.

(e) In enacting and implementing this Chapter, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SEC. 22D.2. CHIEF DATA OFFICER AND CITY DEPARTMENTS.

(a) Chief Data Officer. In order to coordinate implementation, compliance, and expansion of the City's Open Data Policy, the Mayor shall appoint a Chief Data Officer (CDO) for the City and County of San Francisco ~~within one month of the effective date of Ordinance No. _____~~. ~~*The CDO shall be responsible for sharing City data with the public, facilitating the sharing of information between City departments, and analyzing how data sets can be used to improve city decision making. To accomplish these objectives, the CDO shall:*~~ *The CDO shall be responsible for drafting rules and technical standards to implement the open data policy, and determining within the boundaries of law which data sets are appropriate for public disclosure. In making this determination, the CDO shall balance the benefits of open data set forth in Section 22D.1, with the need to protect from disclosure information that is proprietary or confidential and that may be*

protected from disclosure in accordance with law. Nothing in the rules and technical standards shall compel or authorize the disclosure of privileged information, law enforcement information, national security information, personal information, unless required by law. Nothing in the rules or technical standards shall compel or authorize the disclosure of information which is prohibited by law.

(b) The CDO's duties shall include, but are not limited to the following:

(1) Draft rules and technical standards to implement the open data policy ensuring the policy incorporates the following principles;

(A) Data prioritized for publication should be of likely interest to the public;

(B) Data sets should be free of charge to the public through the web portal;

(C) Data sets shall not include privileged or confidential information, law enforcement information, national security information, personal information, proprietary information or information the disclosure of which is prohibited by law; and

(D) Data sets shall include, to the extent possible, metadata descriptions, API documentation, and the description of licensing requirements. Common core metadata shall, at a minimum, include fields for every dataset's title, description, tags, last update, publisher, contact information, unique identifier, and public access level as defined by the CDO.

~~*(1)*~~ *(2)* Coordinate, *maintain* ~~*utilization*~~, ~~*maintenance*~~, and update~~*s of*~~ the City's Open Data website, currently known as "DataSF";

~~*(2)*~~ *(3)* ~~*Oversee the design,*~~ *Present the Open Data rules and technical standards to* ~~*adoption by*~~ the Committee on Information Technology (COIT) *for adoption;*~~*and implementation of technical standards for DataSF to ensure that the portal and its data sets are implemented, updated, and utilized in accordance with San Francisco's open data policies*~~

~~*(3)*~~ *(4)* Provide education and analytic tools for City departments to *improve and assist with the release of open data to the public*~~*improve and assist with their open data efforts*~~;

~~(4)~~ *(5)* Assist departments ~~*with compliance with Open Data policies by working with Department Data Coordinators,*~~ *by* collecting and reviewing each department's open data implementation plans and creating a template for the departmental quarterly progress reports;

~~(5)~~ *(6)* Present an annual ~~*updated*~~ citywide implementation plan to COIT, the Mayor, and Board of Supervisors and respond, as necessary, *to inquiries regarding the implementation of the open data policy and the compliance of departments with the deadlines established in this section.*~~*regarding the status of DataSF in the City*~~;

~~*(6) Actively work to further the goals of open data in the City;*~~

~~*(7) Coordinate creation and sharing of internal City data sets outside of those designated for publication on DataSF;*~~

~~(8)~~ *(7)* Help establish data standards within and outside the City through collaboration with external organizations;

~~(9)~~ *(8)* Assist City departments with analysis of City data sets to improve decision making; ~~*and,*~~

(9) Establish a process for providing citizens with secure access to their private data held by the City;

(10) Establish guidelines for licensing open data sets released by the City and evaluate the merits and feasibility of making City data sets available pursuant to a generic license, such as those offered by "Creative Commons." Such a license could grant any user the right to copy, distribute, display and create derivative works at no cost and with a minimum level of conditions placed on the use; and,

(11) Prior to issuing universally significant and substantial changes to rules and standards, solicit comments from the public, including from individuals and firms who have successfully developed applications using open data sets.

~~*(10) Analyze and report on the usage of DataSF.*~~

(b) City Departments. Each City department, board, commission, and agency ("Department") shall:

(1) Make reasonable efforts to make *publicly* available all data sets under the Department's control, provided however, that such disclosure shall be consistent with the rules and *technical* standards *drafted* by the CDO and adopted by COIT and with applicable law, including laws related to privacy;

~~*(2) 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; and*~~

(2) Review department data sets for potential inclusion on DataSF and ensure they comply with the rules and technical standards adopted by COIT;

(3) Designate a Data Coordinator (DC) *no later than three months after the effective date of Ordinance No. ____*, who will oversee implementation and compliance with the Open Data Policy within his/her respective department. Each DC shall work with the CDO to implement the City's open data policies and standards. The DC shall prepare an Open Data plan for the Department which shall *include*:

(A) ~~*Include*~~ A timeline for the publication of the Department's open data and a summary of open data efforts planned and/or underway in the Department;

(B) ~~*Include*~~ A summary description of all data sets under the control of each Department (including data contained in already-operating information technology systems);

(C) ~~*Prioritize*~~ All public data sets *proposed* for inclusion on DataSF;

(D) *Quarterly updates of data sets available for publication.* ~~*Updates quarterly after the initial submission to the CDO.In the event of unsatisfactory implementation of the*~~

~~*plan by the Department and/or disagreement over publication of data sets, the CDO may request the Department's DC appear before COIT; and,*~~

~~*(E) Be published on the department's web site in addition to the DataSF site.*~~

~~*(F)*~~ (~~*E) Review department data sets for potential inclusion on DataSF and ensure they comply with the following guidelines:*~~

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

~~*(ii) Data sets that contain personally identifiable information or represent potential breaches to security or privacy should be flagged for potential exclusion from DataSF; and*~~

~~*(iii) Data sets should be free of charge to the public through the web portal.*~~

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

~~*(H) Catalogue and prioritize the Department's open data for publication on a quarterly basis;*~~

(4) The DC's duties shall include, but are not limited to the following:

(A) No later than six months after the effective date of Ordinance No. ____, publish on DataSF, a catalogue of the Department's data that can be made public, including both raw data sets and application programming interfaces ["API's"].

~~*(I)*~~*(B)* Appear before COIT and respond to questions regarding the Department's compliance with the City's Open Data policies and standards;

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

~~*(K)*~~*(D)* Monitor comments and public feedback on the Department's data sets on a timely basis *and provide a prompt response*;

~~*(L) Upon receipt of comments or information requests from the public related to data set content and supporting documentation, assess the nature and complexity of the request and provide DT with an expected time frame to resolve the support inquiry as soon as possible;*~~

~~*(M)*~~*(E)* Notify *the Department of Technology* ~~*DT*~~ upon publication of any updates or corrective action; ~~*and,*~~

~~*(N) Notify DT prior to any structural changes to data sets when releasing updated data;*~~

(F) Work with the CDO to provide citizens with secure access to their own private data by outlining the types of relevant information that can be made available to individuals who request such information;

(G) Implement the privacy protection guidelines established by the CDO and hold primary responsibility for ensuring that each published data set does not include information that is private, confidential, or proprietary; and

(H) Make reasonable efforts to minimize restrictions or license-related barriers on the reuse of published open data.

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

(1) Publish data sets with reasonable, user-friendly registration requirements, license requirements, or restrictions *that comply with the rules and technical standards drafted by the CDO and adopted by COIT*~~*on the use and distribution of data sets*~~;

(2) *Provide mechanisms for departments to ~~Indicate~~ indicate* data sets that have been recently updated;

~~*(3) Ensure that updated data sets retain the original data structure, i.e., the number of data elements per record, name, formats and order of the data elements must be structurally consistent with the originally approved submission;*~~

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

~~(5)~~*(3)* Include an on-line forum to solicit feedback from the public and to encourage public discussion on Open Data policies and public data set availability;

~~(6)~~*(4)* Forward open data requests to the assigned DC; and,

~~(7)~~*(5)* Take measures to ensure access to public data sets while protecting DataSF from unlawful abuse or attempts to damage or impair use of the website.

SEC. 22D.3. STANDARDS AND COMPLIANCE.

(a) The CDO *and COIT* shall *work with the Purchaser to develop contract provisions to promote Open Data policies. The provisions shall include* ~~*establish for adoption by COIT rules and standards to implement the open data policy, including developing standards to determine which data sets are appropriate for public disclosure. In making this determination, COIT shall balance the benefits of open data set forth in Section 22D.1, above, with the need to protect from disclosure information that is proprietary, confidential, or protected by law or contract.*~~

~~*(b) The CDO shall promulgate and COIT shall adopt rules and standards to implement the open data policy which shall apply to all Departments, consistent with COIT's role and responsibilities in San Francisco Administrative Code Section 22A.3. The CDO and COIT intend to work with the City Attorney's Office and purchaser to develop contract provisions to promote open data policies. The rules and standards shall include the following:*~~

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

~~*number of applications; These rules shall, whenever practicable, use non-proprietary technical standards for web publishing and e-government;*~~

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

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

(b) The following Open Data Policy deadlines are measured from effective date of Ordinance No. ___:

~~(1) Within one month, the Mayor appoints the Chief Data Officer;~~

(1)~~(2)~~ *Within three months, department heads designate Department Data Coordinators to oversee implementation and compliance with the Open Data Policy within his/her respective department;*

(2)~~(3)~~ *Within six months, each Department shall begin conducting quarterly reviews of their progress on providing access to data sets requested by the public through the designated web portal;*

(3)~~(4)~~ *Within six months, each Department shall publish on DataSF a catalogue of their Department's data that can be made public, including both raw datasets and APIs; and*

(4)~~(5)~~ *Within one year, the CDO shall present updated citywide Open Data implementation plan to COIT, the Mayor and Board of Supervisors.*

(5) The CDO may propose a modification, for adoption by COIT, of the timelines set forth in the legislation.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: _____
Margarita Gutierrez
Deputy City Attorney

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