



CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE REGARDING OPEN DATA ACCESSIBILITY FOR THE CITY OF BOSTON

- WHEREAS*, In order to make the operation of city government more transparent, effective, collaborative with, and accountable to the public, it is in the best interest of the City of Boston that its agencies and departments make their data available online using open standards; and
- WHEREAS*, Making more data accessible online would streamline communication and interoperability among city departments and other entities as well as provide a forum for the public to assist in identifying efficient solutions for government, promote innovative strategies for social progress, and create economic opportunities; and
- WHEREAS*, Other cities, such as San Francisco and New York have adopted open data ordinances that increase the accessibility of government processes and provide for rules and technical standards to implement open data policies and to ensure compliance with privacy laws; and
- WHEREAS*, The City of Boston has already made certain datasets available through its current open data portal, and adopting an ordinance would codify the open government policies of the City, create consistency among city departments by developing uniform technical standards, and institutionalize a culture of open government while simultaneously requiring city departments to balance transparency with privacy; and
- WHEREAS*, The implementation of an open data ordinance would provide greater accessibility to government programs and proceedings by requiring city departments to make datasets available in a timely, efficient, and consistent manner and would provide an opportunity to use such data for the creation of useful civic tools; and
- WHEREAS*, By enacting an open data ordinance, the City of Boston would increase government openness and the availability of information about government and its proceedings; allow and encourage citizens to participate in government and civic life; improve the extent to which city departments work together, or the city government works with private organizations; develop innovation and interest in civic applications, new ideas, and new solutions to problems; and, progress civic development, economic improvement, or other aspects of community growth; *NOW*

THEREFORE BE IT ORDERED

That the following shall take effect immediately upon passage:



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SECTION 1 STATEMENT OF PURPOSE

- a) The purpose of this Article is:
 - i. to make the workings of the people's city as transparent as possible within the boundaries of the law;
 - ii. to empower citizens through the democratization of information;
 - iii. to mobilize citizens to use city data to create innovative civic tools to improve the city's quality of life;
 - iv. to create social and economic benefits stemming from increased accessibility to city data.

SECTION 2 DEFINITIONS

- a) "Agency" means an office, administration, department, division, bureau, board, commission, advisory committee or other governmental entity performing a governmental function of the city of Boston.
- b) "Chief Information Officer" means the head of the city's Department of Innovation and Technology or its successor agency.
- c) "Chief Procurement Officer" means the head of the city's Procurement Department or its successor agency.
- d) "Department of Innovation and Technology" means the city's information technology department or its successor agency.
- e) "Data" means final versions of statistical, factual, geographical information (1) in alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and (2) regularly created or maintained by or on behalf of and owned by an agency that records a measurement, transaction, or determination related to the mission of an agency. Such term shall not include information that is confidential, privileged, copyrighted, patented, or otherwise protected by law. Nothing in this chapter shall be deemed to prohibit an agency from voluntarily disclosing information not otherwise defined as "data" in this subdivision, nor shall it be deemed to prohibit an agency from making such voluntarily disclosed information accessible through the single web portal established pursuant to Section 3.
- f) "Public data" means data available for disclosure.
- g) "Public Participation" means consulting interested stakeholders through a series of public meetings or an online forum accessible to the public.
- h) "Data portal" means <https://data.cityofboston.gov> or its successor website.

SECTION 3 OPEN DATA AVAILABILITY

- a) Within one year of the effective date of this Article, all agencies shall, in compliance with the rules and standards set pursuant to Section 4(b) make public data available on the Internet through the data portal.

SECTION 4 OPEN DATA AUTHORITY AND RESPONSIBILITIES

- a) All agencies shall:
 - i. make reasonable efforts to make publicly available all data under the agency's control in compliance with the rules, guidelines, and technical standards promulgated by the Chief Information Officer (CIO). If the agency is unable to disclose particular data sets, it must report its reasons to the CIO and the City Council;
 - ii. designate one Data Coordinator ("DC") no later than 3 months after the effective date of this Article, who will oversee implementation and compliance with applicable Open Data Policies. The DC shall prepare a public Open Data plan for the agency, which shall include a timeline, a summary description of all data sets under the control of the agency, and proposed data sets to be made public data. The DC shall also attend interagency advisory group meetings at the request of the CIO. The DC shall create an online mechanism for public participation in order to receive feedback regarding the agency's public data. The DC shall respond to the feedback when appropriate in a timely manner.
- b) The CIO of the City of Boston shall have the following responsibilities:
 - i. After public participation and consultation with the agencies, create rules and guidelines to determine which data sets are appropriate for public disclosure. These rules and guidelines shall be made publicly available on cityofboston.gov or its successor website. These rules and guidelines shall be promulgated within a year of the effective date and amended as needed.
 - ii. After public participation and consultation with the agencies, create technical standards to ensure the public data's uniformity of format(s), machine readability, and accessibility to the public at no cost. These technical standards shall be made publicly available on cityofboston.gov or its successor website. These technical standards shall be promulgated within a year of the effective date of this Article and amended as needed.
 - iii. After public participation and consultation with agencies, develop terms of use that makes public data free of charge. The terms of use shall be promulgated within a year of the effective date of this Article and amended as needed.
 - iv. Work with the Chief Procurement Officer to develop contract provisions to promote open data policies in the City's procurement.
 - v. In promulgating rules, guidelines, technical standards, or other open data policies, appropriately consider and balance the benefits of open data and government transparency with the need to protect from disclosure that is proprietary, confidential, privileged, or protected by other applicable law or contract.
 - vi. Convene an interagency advisory group composed of DCs when necessary.
 - vii. Provide an annual public report to the Mayor and City Council on the implementation, progress, and evolution of the city's Open Data policies.
 - viii. Establish an online mechanism for public participation in order to receive and respond to feedback regarding public data and open data policies.

- ix. Proactively partner with other cities and localities, the Massachusetts Bay Transportation Authority, the Metropolitan Area Planning Council, and other relevant entities as appropriate to expand the city's public data to reflect and meet the needs of the actual lived experience in the Boston metro area.
- c) The Department of Innovation and Technology shall:
 - i. maintain and keep secure the data portal.
 - ii. provide education and analytical tools for agencies to improve their open data efforts;
 - iii. assist agencies with open data policy compliance by working with the DCs, collecting and reviewing agencies' proposed public data;
 - iv. analyze and report the usage of open data on the data portal.

SECTION 5 OPEN DATA LEGAL POLICY

- a) Public data made available on the City of Boston's data portal shall be provided as a public service, on an "as is" basis, and for informational purposes only. Although the City will strive to ensure that such public data are accurate, the City shall make no warranty, representation or guaranty of any type as to the content, accuracy, timeliness, completeness or fitness for any particular purpose or use of any public data provided on such portal; no shall any such warranty be implied, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. The City shall assume no liability for:
 - i. any errors, omissions or inaccuracies in the public data provided on the data portal regardless of how caused; or
 - ii. any decision made or action take or not taken by anyone using or relying upon such public data; or
 - iii. any virus or other damage to any computer that might occur during or as a result of accessing such portal or the public data provided therein; or
 - iv. any other act identified in any disclaimer of liability or indemnification provision or any other provision set forth in the Terms of Use required under Section 4(b)(iii) of this Article.
- b) The data portal and all public data contained on such portal shall be subject to the terms of use required under Section 4(b)(iii) of this Article. Such Terms of Use shall be posted by DOIT in a conspicuous place on the data portal.
- c) The City shall reserve the right to discontinue availability of content on the data portal at any time and for any reason. If a data set is made accessible by a city agency on the data portal and such city agency is notified or otherwise learns that any data set or portion thereof posted on the data portal is factually inaccurate or misleading or is protected data, the city agency shall, as appropriate, promptly correct or remove, or cause to be corrected or removed, such data from the data portal and shall so inform the CIO.
- d) Nothing in this Article shall be construed to create a private right of action to enforce any provision of this Article Failure to comply with any provision of this Article shall not result in any liability to the City.