

IT Open Data Policy

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Description

This policy defines general requirements, policies and guidelines for the management, deployment, use, license, scheduling and maintenance of Open Data by the City of Wichita.

Responsible Person

This policy is inclusive of all City staff, vendors or business partners who provide or create data in the operation of daily business that are deemed open record and freely accessible to the public.

IT Contact

The Chief Information Officer (CIO) shall be the IT contact.

Governing Laws and Regulations

This policy is subject to all Local, State and Federal laws or regulations that may take precedence.

Overview

1. All data is deemed "open" and available unless there are legal reasons that preclude it from being disseminated.
2. Data with public value will be prioritized based on customer demand.
3. No data will require licensing of any type and will be available for reuse in any form.
4. The Open Data Policy shall be adhered to by all City Departments.
5. Exceptions to these standards, policies and guidelines can be granted only by the CIO.

DETAILED INSTRUCTIONS

I. GUIDING PRINCIPLES

1. A strong open data policy is foundational to an effective, transparent, open, and accountable government.
2. This Regulation establishes a strong open data policy for the for City of Wichita government based on the following principles:
 1. Accessibility. Government is most accountable to the public when it is most accessible, understandable and open to citizen scrutiny. Accountable government is effective government.
 2. Collaboration. Government is smarter, more responsive, and more innovative in proportion to the diversity of informed public input it receives.

Administrative Regulation 8.4
Technology
Page 2

3. **Openness.** In order to maximize transparency and opportunities for public input and collaboration, government should make openness routine and treat it as a smart investment.
4. **Discoverability.** In order to realize the benefits of openness, government should make its data easy to discover and use.

II. DEFINITIONS

When used in this Regulation, the following terms shall have the meanings ascribed:

1. "Agency Open Data Officer" means an employee designated by a department head, who, in coordination with the Chief Information Officer ("CIO") and/or the Chief Data Officer ("CDO") and the City's Freedom of Information Officer as provided in KORA or the "official custodian" as required by K.S.A. 45-217, ensures that the agency is implementing the government's open data policy.
2. "Codebase" means the source code that powers a software product, such as a website or application.
3. "Data" means statistical, factual, textual, narrative, quantitative, or qualitative information in structured formats, including statistical or factual information about image files and geographic information system data.
4. "Data catalog" means a publicly accessible store of data that enables searching for datasets, obtaining metadata in a consistent format, and the upload and maintenance of datasets over time.
5. "Dataset" means a named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form. A dataset can take various forms, including databases, narrative documents, spreadsheets, and paper records.
6. "Enterprise data inventory" means documentation in a structured format of datasets maintained by an organization, regardless of whether they are publicly released or releasable.
7. "Metadata" means data about data, such as date of creation or last update; author, maintainer, or point of contact; a dictionary to support the correct interpretation of data; and documentation of methodology or business rules.
8. "Open license" means a license that makes a dataset available without restrictions on copying, publishing, distributing, or using the data for a non-commercial or commercial purpose.
9. "Open source" means, with respect to software, having a source code that is available to the general public for inspection, use, and modification.
10. "Protected data" means:
 1. Any dataset or data to which an agency may deny access pursuant to the "Kansas Open Records Act," K.S.A. 45-215, et seq. ("KORA"), or any other law, rule, privilege, or regulation;
 2. Any dataset that contains a significant amount of data to which an agency may deny access pursuant to KORA or any other law, rule, privilege, or regulation, if the removal of such protected data from the dataset would impose an undue financial or administrative burden on the agency;
 3. Any dataset that would expose the City of Wichita to litigation or legal liability; or
 4. Any data which, if disclosed, could raise privacy, confidentiality, or security concerns or jeopardize or have the potential to jeopardize public health, safety, or welfare.

11. "Snapshotting" means the capturing and publication of point-in-time versions of a dataset over time.

III. SCOPE

1. The requirements of this Regulation shall apply to each department, office, administrative unit, commission, board, advisory committee, and other divisions of the City of Wichita government ("agency") that is subject to the authority of the Mayor, City Council and the City Manager. Each City of Wichita agency that is not subject to the aforementioned is strongly encouraged to voluntarily comply with the norms and requirements of this Regulation.

IV. OPEN DATA POLICY

As part of the City of Wichita government's open data policy, each of the following requirements is established:

A. CHIEF DATA OFFICER

1. The Chief Information Officer ("CIO") shall appoint a Chief Data Officer ("CDO") for the City of Wichita government. The Chief Data Officer shall be a full-time position within the IT Department. The CDO shall:
 1. Coordinate implementation of, and compliance with, the City of Wichita's Open Data Policy;
 2. Work to ensure robust public access to City of Wichita government data;
 3. Facilitate the sharing of data between agencies;
 4. Serve as the lead advocate, both within the government and externally, for the principles and practices behind open data;
 5. Collaborate to identify opportunities to increase efficiency and efficacy of government through open data practices;
 6. Work with City of Wichita agencies to develop a methodology and framework that supports the collection, creation, and maintenance of high quality, highly interoperable data;
 7. Identify and overcome barriers to providing open data that are created by agencies' legacy systems;
 8. Create and leverage opportunities through procurement or other means to upgrade legacy systems to an open data architecture system;
 9. Serve as a data ombudsman for the public, receiving and responding to public input regarding the City of Wichita's Open Data Policy and activities;
 10. Ensure that the Open Data Policy is included in a long-term data strategy;
 11. In coordination with the City Manager's Office, help enhance the City of Wichita government's capacity to leverage data and data science in service of policy objectives;
 12. Encourage and support cross-agency and regional data integration;
 13. Identify privately held datasets of public value and work with the owners of those datasets to open the data to the public; and
 14. Promote ethical data use by the City of Wichita government.

B. AGENCY OPEN DATA OFFICERS

1. Each agency shall designate an Open Data Officer, who shall, in coordination with the CDO, be responsible for ensuring implementation of the City of Wichita government's Open Data Policy by the agency.
2. The agency's Open Data Officer shall:
 1. Work with agency employees, the CDO and the City Manager's Office to ensure that the agency implements the specific requirements imposed on the agency by this Regulation, including:
 1. Inventorying of agency datasets;
 2. Prioritization of agency datasets for publication;
 3. Publication of prioritized datasets;
 4. Participation in the development or adoption of data standards and related best practices;
 5. Improvement of the usability and discoverability of existing agency information online;
 2. Be responsible for the accuracy of the agency's enterprise data inventory listings; and
 3. Receive and respond to complaints and suggestions from the public about the agency's adherence to the requirements of the Open Data Policy.
3. The Open Data Officer may be an existing employee who performs other functions, but shall not be the agency's KORA official.
4. When possible, the Open Data Officer should have relevant professional expertise and a broad understanding of the agency's data assets.
5. The Open Data Officer shall coordinate the publication of datasets with the CDO and agency KORA Officer and shall not publish or redact a dataset without appropriate oversight from the agency's general counsel.

C. OPEN DATA CATALOG

1. Pursuant to section IV. and KORA (K.S.A. 45-221(a)(16)), the CDO shall establish a new open data catalog. The new catalog shall be based on open source technology and shall support the indexing and hosting of datasets from City of Wichita government and non-City of Wichita-government sources. The total body of available open data shall not be reduced or disrupted during the migration from the current open data catalog to the new open data catalog unless such reduction or disruption is required by law.
2. To the greatest extent possible, each dataset made available on the open data catalog shall:
 - A. Use an open format that permits automated processing of the data in a form that can be retrieved via an open application programming interface (API), downloaded in bulk, indexed, searched, and reused by commonly used web search applications and software;
 - B. Support browsing by users with accessibility requirements; and
 - C. Use appropriate technology to notify the public of updates to the data.
3. CDO shall ensure the listing of all datasets available on the catalog on the open data catalog website.

4. CDO shall establish and maintain on the open data catalog website an online forum to solicit feedback from the public and to encourage public discussion on open data policies and dataset availability.
5. CDO shall establish a strategy for maximizing the conformance of the City of Wichita's open data catalog and data standards with existing and emerging regional, federal and global efforts.

D. OPEN SOURCE PROGRAM

1. Pursuant to section IV., CDO shall establish an online repository for the City of Wichita's open source code.
2. CDO shall establish procedures for accepting community contributions of open source code, and assist agencies in identifying candidate codebases for publication under an open license.
3. CDO shall transmit to the City Manager recommendations for the creation of an open source policy for the City of Wichita government if warranted under standard business practices.

E. DATA FORMATS, STANDARDS, AND METADATA

1. CDO shall issue guidance for the collection of data by agencies. The guidance shall stipulate preferred formats, interoperability standards, and a metadata strategy. In developing the guidance, the CDO shall consider alignment with existing metadata standards such as the Federal data.json schema.
2. At a minimum, the guidance shall require agencies to:
 - A. Collect data in machine readable, open formats, where feasible;
 - B. Adopt open schemas and identifiers where available; and
 - C. Include a point of contact for each dataset in the dataset's metadata. Appropriate points of contact may include the agency Open Data Officer or Public Information Officer.
3. Agencies shall collect and create data in accordance with the guidance.
4. The guidance shall be made available publicly and shall be open to public feedback.

F. OPEN LICENSES

Datasets shall be made available to the public on an open license basis, under a commonly used open license such as Creative Commons or GNU General Public License. An open license on a dataset signifies that there are no restrictions on copying, publishing, distributing, using or reusing the data for a non-commercial or commercial purpose. Under KORA, the City may require a requestor to state that they will not use the names and addresses derived from public records for the purpose of selling or offering to sell any property or service. K.S.A. 45-220(c)(2). Attribution shall not be required, although it may be encouraged. Notification to the City of Wichita shall not be required, although it may be requested.

G. DATA INVENTORY

1. CDO shall immediately begin work to establish a single enterprise data inventory for all City of Wichita government data.
2. CDO, in conjunction with the City Manager's Office, shall convene an interagency working group to establish standards for the collection of enterprise data inventory listings, including standards and specific criteria for determining what types of datasets should be included in the listings, as well as a timeline for the completion of the enterprise data inventory. The inventory shall be

built out over time, with the ultimate goal of including agency datasets of public value in the agency's enterprise data inventory listings, to the extent practicable.

3. Each agency shall catalog its datasets for inclusion in the enterprise data inventory pursuant to the standards set forth for inclusion on the enterprise data inventory. The agency's catalog shall include datasets that have not been made publicly available or may not be appropriate for publication, if the datasets meet the standards for inclusion on the enterprise data inventory.
4. In cataloging its data, an agency shall establish a priority for the release of each dataset on the open data catalog based on the dataset's potential value. In determining the priority for the release of a dataset, the agency shall consider:
 - A. Whether the data in the dataset is:
 1. Reliable, accurate and timely;
 2. Already required to be posted under existing Open Government policies;
 3. Frequently the subject of written requests for public records under KORA, and not subject to withholding under KORA;
 - B. Whether creation and release of the dataset would:
 1. Increase agency accountability, efficiency, or responsiveness or improve the delivery of services;
 2. Help improve the public health, safety, or welfare;
 3. Facilitate informed public engagement; or
 4. Create economic opportunity.
 - C. The time it would take to create and verify a dataset and determine the potential legal liability that could ensue or be exacerbated by the release of the data.
5. CDO shall begin publishing the enterprise data inventory as a machine readable dataset pursuant to section IV., regardless of whether all agencies have completed their lists of agency datasets.

H. OPEN BY DEFAULT

The City of Wichita's data shall be open by default, meaning that agencies must justify why data should not be released publicly in its most complete form rather than the public being obligated to justify why data should be released.

I. PUBLICATION OF DATASETS ON THE OPEN DATA CATALOG

1. Each agency shall, in collaboration with the CDO, publish on the open data catalog all datasets required to be included in the agency's enterprise data inventory listings under the standards and criteria established pursuant to section IV.G.2 of this Regulation, or shall, on a dataset-specific basis, provide justification for why the dataset should not be published. Each dataset published on the open data catalog shall include any associated and relevant metadata. The catalog shall be built out over time, with the ultimate goal of including all agency datasets in the agency's enterprise data inventory listings, to the extent practicable.

Administrative Regulation 8.4
Technology
Page 7

2. Each agency, in collaboration with CDO, shall determine the frequency for updates to each dataset, and the mechanism to be utilized to update the dataset. Agencies shall endeavor to update each dataset at the highest relevant and feasible update frequency. To the extent possible, datasets shall be updated through an automated process to limit the additional burden on agency resources.
3. Pursuant to section IV., the CDO shall issue standards and guidance on the snapshotting of datasets on the open data catalog. The standards and guidance shall be published on the open data catalog website.
4. The highest-priority datasets shall be made available on the open data catalog within a reasonable amount of time after the effective date of this Regulation or at such time as may be designated on the schedule established pursuant to paragraph 5 of this subsection.
5. CDO shall establish a schedule for the release of datasets on the open data catalog that meets the following requirements:
 - A. The schedule shall be published on the open data catalog website.
 - B. The schedule shall list, by month, the datasets that will be added to the open data catalog.
 - C. The schedule shall include at least the next six (6) months of planned dataset releases as well as information about past releases.
 - D. The schedule may be revised in response to public feedback or for logistical reasons, but the reasons for the changes shall be documented publicly.
 - E. The schedule shall be based on the priority assigned to the datasets in the enterprise data inventory as well as the availability and reliability of the data. CDO may design additional, transparent processes for further refining the release schedule, for example to account for the complexity of the releases or to coincide with other initiatives.
6. Datasets made available on the open data catalog shall be redacted to exclude protected data and shall be otherwise protected as required by law.
7. Agencies shall ensure that all of their datasets currently available online and all new datasets made available online are included in the open data catalog.

J. INFORMATION SECURITY AND PERSONAL PRIVACY

1. CDO shall establish a transparent process for evaluating the potential risks to individual privacy and other protected data categories that may result from the release of data. Specifically, CDO shall develop institutional capability in evaluating not only the privacy risk imposed by the release of individual data fields but the re-identification risk posed by a dataset in combination with other publicly available data. CDO shall ensure that this process does not create an undue burden or expense in releasing data, or an undue bias against release. The CDO will follow the Information Security and Person Privacy. K.S.A. 45-221(a)(30) which allows the City to withhold giving out any information if it is an “unwarranted invasion of personal privacy.”

K. OPEN GOVERNMENT REQUIREMENTS IN CITY OF WICHITA CONTRACTS

1. CDO and Purchasing shall lead an effort to develop guidance and model language and train City of Wichita employees on the inclusion of open data, open license, and open source requirements in contracting and procurement documents and other agreements with third parties.

Administrative Regulation 8.4
Technology
Page 8

2. After such guidance and model language have been developed, new procurements should include provisions for the publication of data and code under open licenses and according to accepted data standards when relevant and feasible. As much as possible and wherever feasible, CDO and Purchasing shall seek to apply the guidance and model language to ongoing procurements and contracts.

L. UPDATING THE OPEN DATA POLICY

1. CDO shall perform a comprehensive review of the Open Data Policy one (1) year after the effective date of this Regulation and annually thereafter. The purpose of the review shall be to determine whether the policy should be revised to incorporate best practices, better meet public needs, or address the impact of the policy on City of Wichita government resources and operations.
2. CDO's review process shall include a robust opportunity for public input. CDO shall consider including online collaboration platforms to allow the public to provide suggested line edits to the policy as well as more general feedback.
3. After each annual review, CDO shall transmit to the City Manager its recommendations for any revisions to the Open Data Policy.

M. AGENCY OPEN GOVERNMENT WEBPAGES

1. The open government webpage shall include the following information:
 - A. Employee name, title, and salary information;
 - B. Administrative staff manuals and instructions that affect the public;
 - C. Final opinions and orders made in the adjudication of cases;
 - D. Statements of policy, interpretations of policy, and rules adopted by the agency;
 - E. Correspondence and other materials relating to agency regulatory, supervisory, or enforcement responsibilities in which the rights of the public are determined;
 - F. Information dealing with the receipt or expenditure of public or other funds;
 - G. Budget information;
 - H. Minutes of public meetings;
 - I. Pending and authorized building permits;
 - J. Frequently requested public records; and
 - K. An organizational chart or statement of the agency's major components;
 - L. A link to the City of Wichita's open data catalog; and
 - M. Public meeting notices required to be published under the Open Meetings Act, K.S.A. 75-4317 through 75-4320a, (1999, ch. 96, § 1; July 1).
2. The information required by A-M of number 1 of this subsection may be provided directly on the agency's open government webpage or through a link to another website that provides centralized information for the City of Wichita government.

N. OPEN DATA LEGAL POLICY

1. The open data catalog and all public data included in the catalog shall not be subject to any licensing restrictions, terms of use, trademark, or similar mechanisms that limit the right of the public or any third party to copy, publish, distribute, or use the data consistent with law

Administrative Regulation 8.4
Technology
Page 9

- (copyrighted or proprietary data). The freedom to copy, publish, distribute, and use the data shall be described by CDO in a conspicuous place on the website for the open data catalog.
2. The City of Wichita government shall reserve the right to remove or discontinue the availability of data on the open data catalog only when: there is a technical need to remove or discontinue the data; the data is corrupt, degraded, misleading, or inaccurate; or the data is protected data. When removing or discontinuing the availability of data, the City of Wichita shall provide a clear, discoverable justification for doing so and, when feasible, a period and mechanism for public feedback before removal or discontinuation. Advance notice of the removal or discontinuation shall also be sent to the City Manager's Office and the CDO.
 3. If an agency or CDO is notified or otherwise learns that any data on the open data catalog is factually inaccurate or misleading or is protected data, the agency or CDO shall promptly correct or remove, or cause to be corrected or removed, such data from the open data catalog.
 4. Nothing in this Resolution shall be deemed to prohibit CDO or any agency or third party that establishes or maintains the open data catalog on behalf of the City of Wichita from adopting or implementing measures necessary or appropriate to:
 - A. Analyze the types of public data on the open data catalog being used by the public in order to improve service delivery or for any other lawful purpose;
 - B. Terminate any display, distribution, or other use of any of the public data provided on the open data catalog for violation of any of the terms of use posted on the open data catalog; or
 - C. Require a third party providing the City of Wichita's public data (or applications based on public data) to the public to explicitly identify the source and version of the public dataset, and describe any modifications made to the public dataset.
 5. Nothing in this Regulation shall be construed to create a private right of action to enforce any provision of this Regulation. Failure to comply with any provision of this Regulation shall not result in any liability to the City of Wichita, including, but not limited to, CDO or any agency or third party that establishes or maintains on behalf of the City of Wichita the open data catalog or website required under this Regulation.

Relationship to Previously Established Procedure

No qualifying statement, previously established rules or procedures shall be used to negate the spirit or intent of this statement of policy.

Effective Date: 9/08/2016



Robert Layton, City Manager

9/8/2016

Date