

# Open Data Policy

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## Purpose

The City of Milwaukee is committed to proactively publish data in a structured standardized machine readable format to improve provision of services, increase transparency and access to public information, and enhance coordination and efficiencies among departments, partner organizations and citizens.

## Scope

Data and information collected by the City which would advance the City's transparency and accountability through open data. Exceptions are provided for information that is Protected Information or Sensitive Information. Data will be prioritized for publication based on relevance, ease of access, and other criteria established by the Dept. of Administration-Information and Technology Management Division, with review and affirmation by the City Information Management Committee. While all eligible City data should be considered for publication, capacity and demand will dictate the size and growth of the open data library.

## Definitions

- a. "Data" means statistical, factual, quantitative, or qualitative information that is maintained or created by or on behalf of a City department. "Data" does not include information provided to a department or division by other governmental entities, nor does it include image files, such as designs, drawings, maps, photos or scanned copies of original documents. Nothing in this policy shall be deemed to prohibit the voluntary disclosure of information not otherwise defined as "data."
- b. "Open data" means data that is available online, in an open format, with no legal encumbrances on use or reuse, and is available for all to access and download in full without fees [or a requirement of registration]. "Legal encumbrance" includes federal copyright and privacy protections and other, non-statutory legal limitations on how or under what conditions a dataset may be used.
- c. "Open format" means any widely accepted, nonproprietary, platform-independent, machine-readable data format, which permits automated processing of such data and facilitates analysis and search capabilities.

d. "Metadata" means the date the data was last updated, frequency of data refresh, how the data is formatted, data field names and explanations for each field.

e. "Dataset" means a named collection of related records, with the collection containing data organized or formatted in a consistent, specific or prescribed way, often in tabular form

f. "Protected information" means any data, dataset or portion thereof, that is not in the best interests of the City to release. Protected information includes, but is not limited to, the following:

1. Any data, data set or portion thereof to which a department or division may deny access pursuant to the public records laws or any other provision of a federal or state law, rule or regulation or local law;
2. Any data, data set that contains a significant amount of confidential data pursuant to the preceding subsection and where removing such data would impose undue financial or administrative burden;
3. Data that reflects the internal deliberative process of a department or division, including but not limited to negotiating positions, future procurements, or pending or reasonably anticipated legal or administrative proceedings;
4. Data stored on a department or division-owned personal computing device, or data stored on a portion of a network that has been exclusively assigned to a single department or division employee or a single department or division-owned or controlled computing device;
5. Materials subject to copyright, patent, trademark, confidentiality agreements or trade secret protection;
6. Proprietary applications, computer code, software, operating systems or similar materials;
7. Employment records, internal employee-related directories or lists, and facilities data, information technology, internal service-desk and other data related to internal department or division administration;
8. Legacy Data. Any public data set that, due to its size or complexity, or due to technology constraints, cannot be made available on the internet, shall be classified as legacy. Departments or divisions shall make best efforts to avoid placing public data sets into the legacy classification.
9. Any data, data set or portion thereof which contains any personally identifiable information or financial identifying information that can be associated with a particular individual through one or more identifiers or other information or circumstances and specifically includes, but is not limited to, a private individual's home address, personal electronic mail address, personal telephone number, social security number and/or driver's license number.

g. "Sensitive information" means any data which, if published by the City online, could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that data.

h. "Publishable data" means data which is not protected or sensitive and which has been prepared for release to the public.

## General Policy

### Section 1: Open Data Program

a. The city commits to develop and implement practices that will allow it to:

1. Regularly release publishable city data, making it freely available in open formats, with no restrictions on use or reuse, and fully accessible to the broadest range of users;
2. Publish high quality, updated data with documentation (metadata) and permanence to encourage maximum use;
3. Provide or support access to free, historical archives of released city data;
4. Measure the effectiveness of datasets made available through the Open Data Program by connecting open data efforts to the city's programmatic priorities;
5. Minimize limitations on the disclosure of public information while appropriately safeguarding protected and sensitive information; and
6. Support innovative uses of the city's publishable data by agencies, the public, and other partners.

b. The development and implementation of open data processes and practices shall be implemented by the Department of Administration - Information and Technology Management Division, overseen and affirmed by the City Information Management Committee.

c. The requirements of this policy shall apply to general city departments or divisions.

d. Appropriate funding requests shall be made by the Chief Information Officer to achieve the goals of this program.

e. The Chief Information Officer shall work with the City Attorney and the Purchasing Director to develop contract language to promote the Open Data policy in technology-related procurements. These provision may include, where appropriate, requirements to post data on the city's open data portal or to make data available through other means.

## Section 2: Governance

a. Implementation of the Open Data Program will be overseen by the Chief Information Officer and the City Information Management Committee, who will work with the city's departments and divisions to:

1. For each city department or division, identify appropriate contact information for a lead open data coordinator who will be responsible for managing that department's or division's participation in the Open Data Program;
2. Oversee the creation of a comprehensive inventory of datasets held by each city department or division which is published to the central open data location and is regularly updated;
3. Develop and implement a process for determining the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;
4. Develop and implement a process for prioritizing the release of datasets which takes into account new and existing signals of interest from the public (such as the frequency of public records requests), the city's programmatic priorities, existing opportunities for data use in the public interest, and cost;
5. Proactively consult with members of the public, department staff, journalists, researchers, and other stakeholders to identify the datasets which will have the greatest benefit to city residents and civic improvement in Milwaukee if published in a high quality manner;
6. Establish processes for publishing datasets to the central open data location, including processes for ensuring that datasets are high quality, up-to-date, are in use-appropriate formats, and exclude protected and sensitive information;
7. Ensure that appropriate Metadata is provided for each dataset in order to facilitate its use;
8. Develop and oversee a routinely updated, public timeline for new dataset publication;  
and
9. Ensure that published datasets are available for bulk download, to the extent practicable.

b. In order to increase and improve use of the city's open data, the Chief Information Officer and the City Information Management Committee will actively encourage department and public participation through providing regular opportunities for feedback and collaboration. The Chief Information Officer shall investigate establishing an online mechanism to solicit feedback from the public.

### **Section 3: Central Online Location for Published Data**

- a. The city will create and maintain a publicly available location on the city's website or in another suitable online location where the city's published data will be available for download.
- b. Published datasets shall be placed into the public domain. Dedicating datasets to the public domain means that there are no restrictions or requirements placed on use of these datasets.
- c. Each published dataset should be associated with contact information for the appropriate manager of that dataset as well as with a file layout or data dictionary that provides information about field labels and values.

### **Section 4: Open Data Report and Review**

- a. Within one year of the effective date of this policy, and thereafter no later than June of each year, the City Information Management Committee shall publish an annual report which will include an assessment of progress towards achievement of the goals of the city's Open Data policy. The goals will relate to the nine points in the governance in Section 2a.
- b. During the review of the report and at regularly scheduled meetings, the City Information Management Committee should also make suggestions for improving the city's open data management processes in order to ensure that the city continues to move towards the achievement of the policy's goals.

### **Section 5: Open Data Legal Policy**

- a. The City does not guarantee the quality, content, accuracy, or completeness of the published datasets, as the data comes from a variety of sources, and may be collected and maintained for different purposes. Published datasets should not be used as a substitute for legal, accounting, real estate, business, tax, or other professional advice. The City assumes no liability for any damages or loss of any kind that might arise from the use of, misuse of, or the inability to use the published datasets. The City also assumes no liability for improper or incorrect use of the published materials, or for any virus or other contamination of or damage to computers that might occur during or as a result of downloading or accessing the published datasets. All published datasets are distributed and transmitted "as is," without warranties of any kind, either express or implied, and subject to the terms and conditions stated in this section.
- b. The City reserves the right to discontinue availability of content on the city's Open Data website at any time and for any reason. The City reserves the right to claim or seek to protect any patent, copyright, trademark, or other intellectual property rights in any of the information, images, software, or processes displayed or used at the city's Open Data website. If the City claims or seeks to protect any intellectual property rights in any of the information, images,

software, or processes displayed or used at the Open Data website, then the Open Data website will indicate on the webpage on or from which such information, images, software, or processes are accessed. These Terms of Use do not grant anyone any title or right to any patent, copyright, trademark or other intellectual property rights that the City may have in any of the information, images, software, or processes displayed or used at the City's Open Data website.

c. Nothing in the City's Open Data Policy shall be construed to create a private right of action to enforce any of their provisions and therefore, any failure to comply with these provisions shall not result in liability to the City, including, but not limited to, its employees, departments and divisions.