

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-170
July 21, 2014

SUBJECT: Transparency, Open Government and Open Data Directive

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Repl.), and section 206 of the District of Columbia Freedom of Information Act, effective March 25, 1977, D.C. Law 1-96, D.C. Official Code § 2-536 (2012 Repl.), it is hereby **ORDERED** that:

Section 1. Introduction.

- a. **Background.** The District of Columbia government (“District”) is committed to creating an unprecedented level of openness in government. Agency heads will work together and with the public to ensure public trust, and an open and effective government by establishing a system of transparency, public participation, collaboration, and accountability that increases the public’s confidence in their government. The goal of this directive is to provide a tool for prescribing and institutionalizing change within all departments and agencies.

The District has been a leader in government transparency and open data policy in the United States. In 2001, the Freedom of Information Act was amended to require that certain public records be published online. Since 2006, the District has been making data publicly available on the Internet. In January 2011, Mayor’s Memorandum 2011-1, entitled Transparency and Open Government Policy, was issued, recognizing that the District government needed to continue to proactively provide information to citizens, and thereby reduce the need for information requests. This directive implements Mayor’s Memorandum 2011-1, to require District government departments and agencies to take the following steps to achieve the goal of creating a more transparent and open government:

b. **Definitions.**

- 1) “Chief Data Officer” (“CDO”) means the Chief Technology Officer or a Chief Data Officer designated by the Chief Technology Officer.
- 2) “Data” means statistical, or factual, quantitative, or qualitative information that are regularly maintained or created by or on behalf of a District agency,

- and controlled by such agency in structured formats, including statistical or factual information about image files and geographic information system data.
- 3) "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.
 - 4) "Open Government Coordinator" means agency personnel designated by an agency head, in coordination with the Office of the Chief Technology Officer ("OCTO") or the CDO as appropriate, to ensure that the information and data required to be published online is published and updated as required by this Order.
 - 5) "Protected data" means (i) any dataset or portion thereof to which an agency may deny access pursuant to the District of Columbia Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.) ("FOIA"), or any other law or rule or regulation; (ii) any dataset that contains a significant amount of data to which an agency may deny access pursuant to FOIA or any other law or rule or regulation promulgated thereunder, if the removal of such protected data from the dataset would impose an undue financial or administrative burden on the agency; or (iii) any data which, if disclosed on the District of Columbia Data Catalog, could raise privacy, confidentiality or security concerns or jeopardize or have the potential to jeopardize public health, safety or welfare.

c. **Scope.**

- a. The requirements of this Order shall be applied to any District of Columbia department, office, administrative unit, commission, board, advisory committee or other division of the District government ("agency"), including the records of third party agency contractors that create or acquire information, records, or data on behalf of a District agency.
- b. Any agency that is not subject to the jurisdiction of the Mayor under the Freedom of Information Act or any other law is strongly encouraged to comply with the requirements of this Order.

Section 2. Transparency and Open Government Policy.

- a. **Publish Government Information Online.** To increase accountability and transparency, promote informed public participation, and create economic development opportunities, each District agency shall expand access to information by making it proactively available online, and when practicable, in an open format that can be retrieved, downloaded, indexed, sorted, searched, and reused by commonly used Web search applications and commonly used software to facilitate access to and reuse of information. Examples of open format include HTML, XML, CSV, JSON, RDF or XHTML. The Freedom of Information Act creates a presumption in favor of openness and publication (to the extent permitted by law and subject to valid privacy, confidentiality, security, or other restrictions).

- b. **Open Government Web Portal:** Within 30 days from the date of this Order, the Chief Technology Officer shall establish a common web portal that will serve as the source for District-wide and agency activities related to this Transparency and Open Data Directive. The Chief Technology Officer, in his or her discretion, may build upon an existing web portal, or may establish a new portal. Each agency shall be responsible for ensuring that the information required to be published online is accessible from the agency's designated Open Government and FOIA webpage. The required information shall include, but is not limited to, where applicable:
- 1) A means for the public to submit and track Freedom of Information Act requests online;
 - 2) The information required to be made public under this Directive and D.C. Official Code § 2-536, including links to:
 - A. Employee 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. Absentee real property owners and their agent's names and mailing addresses;
 - J. Pending and authorized building permits;
 - K. Frequently requested public records; and
 - L. An index to the records referred to in this section;
 - 3) Freedom of Information Act reports;
 - 4) An organizational chart or statement of the agency's major components;
 - 5) Links to high-value datasets (as defined in section 3(a)(4));
 - 6) Public Meeting Notices and minutes required to be published under the Open Meetings Act and Freedom of Information Act; and
 - 7) A mechanism for the public to submit feedback on the agency's Open Government Report or other agency actions.
- c. **Open Government Report.** To institutionalize a culture of transparent and open government, accountability, and to expand opportunities for resident participation and collaboration, beginning October 1, 2014, and each year thereafter, each agency shall develop and publish an Open Government Report that will describe how the agency has or will enhance and develop transparency, public participation, and collaboration. Each agency shall include in its open government report a description of the information (including data) that will be made available to the public, formats in which information and data will be made

available, a schedule for making the information available, the dates for which information and datasets will be updated, and contact information for agency Open Government Coordinators. The Open Government Report shall address the following topics, and be transmitted to the Mayor and Director of the Office of Open Government:

- 1) **Transparency:** The Open Government Report shall reference statutes, regulations, policies, legislative records, budget information, geographic data, crime statistics, public health statistics, and other public records and data, and describe steps each agency has taken or will take to:
 - A. Meet its legal information dissemination obligations under Freedom of Information Act and Open Meetings Act;
 - B. Create more access to information and opportunities for public participation; and
 - C. Conduct its work more openly and publish its information online, including a plan for how each board and commission subject to the Open Meetings Act will ensure that all of its meetings are, where practicable, webcast live on the Internet.

- 2) **Participation:** To create more informed and effective policies, each agency shall enhance and expand opportunities for the public to participate throughout agency decision-making processes. The Open Government Report will include descriptions of or plans to provide:
 - A. Online access to proposed rules and regulations;
 - B. Online access to information and resources to keep the public properly informed (such as frequently asked questions, contact information of city officials' and departments, and other supportive content);
 - C. Opportunities for the public to comment through the Web on any proposed rule, ordinance, or other regulation;
 - D. Methods of identifying stakeholders and other affected parties and inviting their participation;
 - E. Proposed changes to internal management and administrative policies to improve participation;
 - F. Links to appropriate websites where the public can engage in the District government's existing participatory processes;
 - G. Proposals for new feedback mechanisms, including innovative tools and practices that create new and more accessible methods for public participation; and
 - H. A plan that provides a timetable for ensuring that all meetings of boards and commissions that are subject to the Open Meetings Act are webcast live and archived on the Internet.

- 3) **Collaboration:** The Open Government Report will describe steps the agency will take or has taken to enhance and expand its practices to further cooperation among departments, other governmental agencies, the public, and

non-profit and private entities in fulfilling its obligations. The Report will include specific details about:

- A. Proposed changes to internal management and administrative policies to improve collaboration;
- B. Proposals to use technology platforms to improve collaboration among District employees and the public;
- C. Descriptions of and links to appropriate websites where the public can learn about existing collaboration efforts; and
- D. Innovative methods, such as prizes and competitions, to obtain ideas from and to increase collaboration with those in the private sector, non-profit, and academic communities.

Section 3. Open Data Policy.

a. Agency Requirements.

- 1) Each agency shall, in collaboration with the Chief Data Officer and OCTO, make available through the online District of Columbia Data Catalog all appropriate datasets, associated extensible metadata, and associated documented agency business processes under the agency's control. Each agency, in collaboration with OCTO, shall determine the frequency for updates to a dataset, and the mechanism to be utilized. To the extent possible, datasets shall be updated through an automated process to limit the additional burden on agency resources. The publication of an agency's datasets shall exclude protected data.
- 2) Datasets under paragraph (4) shall be made available in accordance with technical standards published by OCTO not later than November 1, 2014 that ensure that data is published in a format that is machine readable, and fully accessible to the broadest range of users, for varying purposes. Datasets shall be made available to the public on an open license basis. An open license on a dataset signifies there are no restrictions on copying, publishing, further distributing, modifying or using the data for a non-commercial or commercial purpose.
- 3) For the purposes of identifying datasets for inclusion on the District of Columbia Data Catalog, each agency shall consider whether the information embodied in the dataset is (i) reliable and accurate; (ii) frequently the subject of a written request for public records of the type that a public body is required to make available for inspection or copying under FOIA; (iii) increases agency accountability, efficiency, responsiveness or delivery of services; (iv) improves public knowledge of the agency and its operations; (v) furthers the mission of the agency; or (vi) creates economic opportunity.
- 4) Within 120 days of the date of this Order, the City Administrator and each Deputy Mayor shall, collaborating with their cluster agencies, and OCTO,

identify at least 3 new high-value datasets to publish to the Data Catalog, in accordance with OCTO's open data standards. The identified high-value datasets will not be currently available, or not available in an exportable format. For the purposes of this section, "high-value dataset" includes agency outcome data, agency caseload data, data reported to the federal government by the agency, agency data reported as part of the performance measurement process, and any data that is tracked by the agency that is not protected data.

b. Chief Data Officer.

- 1) The Chief Technology Officer shall designate a Chief Data Officer ("CDO") for the District of Columbia to coordinate implementation, compliance and expansion of the District's Open Data Program, to facilitate the sharing of information between departments and agencies, and to coordinate initiatives to improve decision making and management through data analysis. The Chief Data Officer shall report to the Chief Technology Officer.
- 2) The Chief Data Officer shall:
 - A. Identify points of contact, which may include agency open government coordinators within departments, on data related issues who will be responsible for leading intra-departmental open data initiatives;
 - B. Emphasize the culture behind open data and the benefits to ensure that opportunities to increase efficiency through open data practices can be obtained from those with the most direct expertise;
 - C. Work together with District agencies to develop a methodology and framework that supports the collection, or creation of data in a way that assists in downstream data processing and open data distribution activities;
 - D. Identify and overcome challenges with agency proprietary business systems; create and/or leverage opportunities through procurement or other means to upgrade legacy systems to one of an open data architecture; and
 - E. Function as a data ombudsman for the public, fielding public feedback and ensuring the policy is included into a long-term data strategy.

c. District of Columbia Open Data Catalog.

- 1) A single web portal, or integrated set of websites, shall be established and maintained by or on behalf of the District of Columbia. The Chief Data Officer, in collaboration with OCTO, may build upon previous open data initiatives, or may establish a new portal for managing and delivering open data benefits to constituents.
- 2) Any dataset made accessible on the District of Columbia Data Catalog shall
 - (i) use an open format that permits automated processing of such data in a form that can be retrieved via an open application programming interface (API), downloaded, indexed, searched and reused by commonly used web

search applications and software; (ii) use appropriate technology to notify the public of updates to the data; and (iii) be accessible to external search capabilities.

- 3) OCTO shall (i) post on the portal a list of all datasets available on such portal; and (ii) establish and maintain on the portal an online forum to solicit feedback from the public and to encourage public discussion on open data policies and dataset availability.

d. **Open Data Legal Policy.**

- 1) The District of Columbia Data Catalog and all public data contained on such portal shall be subject to Terms of Use developed by OCTO. Such Terms of Use shall be posted by OCTO in a conspicuous place on the District of Columbia Data Catalog.
- 2) Public data made available on the District of Columbia Data Catalog shall be provided as a public service, on an "as is" basis. Although the District will strive to ensure that such public data are accurate, the District 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; nor shall any such warranty be implied, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. The District shall assume no liability for 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 subsection (d)(1) of this section.
- 3) The District shall reserve the right to discontinue availability of content on the District of Columbia Data Catalog at any time and for any reason. If a dataset is made accessible by an agency on the District of Columbia Data Catalog and such agency is notified or otherwise learns that any dataset or portion thereof posted on the Data Catalog is factually inaccurate or misleading or is protected data, the agency shall, as appropriate, promptly correct or remove, or cause to be corrected or removed, such data from the Data Catalog and shall so inform the Chief Data Officer.
- 4) Nothing in this Order shall be deemed to prohibit OCTO or any agency or any third party that establishes or maintains the District of Columbia Data Catalog on behalf of the District from adopting or implementing measures necessary or appropriate to (i) ensure access to public datasets housed on the Data Catalog; (ii) protect the Data Catalog from unlawful use or from attempts to impair or damage the use of the portal; (iii) analyze the types of public data on the Data Catalog being used by the public in order to improve service delivery or for any other lawful purpose; (iv) terminate any and all display, distribution or other use of any or all of the public data provided on the Data Catalog for violation of any of the Terms of Use posted on the Data Catalog

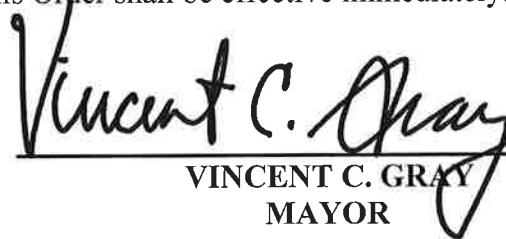
pursuant to subsection (d)(1) of this section; or (v) require a third party providing the District's public data (or applications based on public data) to the public to explicitly identify the source and version of the public dataset, and describe any modifications made to the public dataset.

- 5) Nothing in this Order shall be construed to create a private right of action to enforce any provision of this Order. Failure to comply with any provision of this Order shall not result in any liability to the District, including, but not limited to, OCTO or any agency or third party that establishes or maintains on behalf of the District the Open Data Services Portal required under this Order.


Section 4. Open Government Advisory Group.

- a. The Mayor shall convene an Open Government Advisory Group to be chaired and convened by the Mayor's designee, CDO, and the Director of the Office of Open Government within the Board of Ethics and Government Accountability.
- b. The Open Government Advisory Group shall:
 - 1) Evaluate the District's progress towards meeting the requirements of this Order and make specific recommendations for improvement; and
 - 2) Assist the Mayor and CDO in creating policy establishing specific criteria for agency identification of protected data in accordance with FOIA, maintenance of existing data, and the creation of data in open formats.
- c. The CDO shall publish the evaluation and recommendations on the Open Government Web Portal or create an Open Government Dashboard that will provide the public with both graphic and narrative evaluation information.

Section 5. EFFECTIVE DATE: This Order shall be effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA