



RESOLUTION

TO ADOPT AN OPEN DATA POLICY

WHEREAS, much of the data collected by the City is stored in ways which impede the ability to aggregate, analyze and synthesize it to better allocate public resources; and

WHEREAS, access to public information promotes a higher level of civic engagement and allows citizens to provide valuable feedback to government officials regarding local issues; and

WHEREAS, every citizen has the right to prompt, efficient service from the government; and

WHEREAS, the thoughtful implementation of an open data program improves provision of services, increases transparency and access to public information, and enhances coordination and efficiencies among departments, partner organizations and citizens; and

WHEREAS, one goal of an Open Data Policy is to proactively provide information currently sought through public records requests, thereby saving the City time and money; and

WHEREAS, in commitment to the spirit of Open Government, the City will proactively publish data containing public information, to the extent practicable, and consistent with the South Carolina Freedom of Information Act, public records laws, and other applicable state and federal laws and regulations; and

WHEREAS, information technologies, including web-based and other Internet applications and services, are an essential means for Open Government, and good government generally; and

WHEREAS, by publishing structured standardized data in machine readable formats the City seeks to encourage the local software community to develop software applications and tools to collect, organize, and share public records data in new and innovative ways; and

WHEREAS, the protection of privacy, confidentiality and security will be maintained as a paramount priority while also advancing the government's transparency and accountability through open data.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED, THAT THE CITY HEREBY ADOPTS AN OPEN DATA POLICY AS SET FORTH IN EXHIBIT "A," ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

RESOLVED this ___ day of _____, 2021, in City Council Chambers.

John J. Tecklenburg, Mayor
City of Charleston

ATTEST:

Jennifer Cook
Clerk of Council

EXHIBIT A
OPEN DATA POLICY

Section 1: Definitions

- a. “Data” means statistical, factual, quantitative, or qualitative information that is maintained or created by or on behalf of the City.
- 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 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. “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.
- e. “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.
- f. “Protected information” means any dataset or portion thereof to which the City may deny access pursuant to the South Carolina Freedom of Information Act, public records laws, or any other state or federal law or regulation.
- 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.

Section 2: Open Data Program

- a. The City will endeavor to develop and implement practices that will allow it to:
 - 1. Proactively release publishable data, to the extent practicable and feasible with regard to City staff time, technology and resources, making it freely available in open formats, with no restrictions on use or reuse, and fully accessible to the broadest range of users to use for varying purposes;

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 all released publishable 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. Appropriately safeguard 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 these practices shall be overseen by the Chief Innovation Officer, reporting to the Mayor.
 - c. The Chief Innovation Officer may adopt such rules and regulations as deemed necessary for the development and implementation of these practices, subject to City Council approval.
 - d. The requirements of this Policy shall apply to the governing body of the City and any City department, division, office, administrative unit, commission, board, committee, subcommittee, advisory committee or other division of the City, including the records of third party contractors that create or acquire information, records, or data on behalf of the City.

Section 3: Governance

- a. Implementation of the Open Data Program will be managed by the Open Data Management Team, chaired by the Chief Innovation Officer, who will work with the City's departments to:
 1. For each City department or division, identify and publish appropriate contact information for a lead open data coordinator who will be responsible for managing that department 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, to the extent practicable;
 3. Consult with the City's Legal Department to make determinations on whether a dataset, or any portion thereof, contains protected or sensitive information and whether and how to publish it if it is determined to be publishable in part;

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, cost, ease of access, and feasibility of City staff time, technology and resources;
 5. Proactively consult with members of the public, City staff, journalists, researchers, and other stakeholders to identify the datasets which will have the greatest benefit to City residents 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, to the extent practicable;
 8. Develop and oversee a routinely updated, public timeline for new dataset publication, to the extent practicable; and
 9. Ensure that published datasets are available for bulk download without legal encumbrance, to the extent practicable.
- b. In order to increase and improve use of the City's open data, the Open Data Management Team will actively encourage City department and public participation through providing regular opportunities for feedback and collaboration.

Section 4: Central Online Location for Published Data

- a. The City will 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. To the extent practicable, 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 5: Annual Report

- c. Within one year of the adoption of this Policy, and thereafter no later than May 1st of each year, the Open Data Management Team shall publish an annual Open Data Report. The report shall include:
 - 1. an assessment of progress towards achievement of the goals of the City's Open Data Program;
 - 2. an assessment of how the City's open data work has furthered or will further the City's programmatic priorities;
 - 3. an assessment of the current scope of department compliance;
 - 4. a list of datasets currently available on the Open Data Portal; and
 - 5. a description and publication timeline for datasets envisioned to be published by the City in the following year.
- d. During the review and reporting period, the Open Data Management Team 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 6: Program disclaimers

- a. Data made available on the Open Data Portal shall be for informational purposes only. The data shall be provided "as is" and the City explicitly disclaims any representations and warranties, express or implied, including, without limitation, the implied warranties of merchantability, fitness for a particular purpose, and non-infringement. Without limiting the foregoing, the City makes no warranty, representation, or guaranty as to the quality, content, sequence, accuracy, timeliness, or completeness of any information provided or derived from the data for any reason. The City assumes no responsibility or legal liability concerning the data's accuracy, reliability, completeness, timeliness, or usefulness, or for any decision made or action taken or not taken by anyone using or relying upon the data provided. The user assumes the risk of using the data and knowingly waives any and all claims for damages of any kind whatsoever against any and all of the entities and individuals comprising the City arising out of, or in connection with, use of the data.
- b. The data is compiled from a variety of sources and is subject to change at any time without prior notice from the City. The City reserves the right to discontinue availability of content on the City's Open Data Portal at any time and for any reason.

- c. Nothing in the City's Open Data Policy shall be construed to create a private right of action to enforce their provisions. Failure to comply with the Open Data Policy shall not result in any liability to the City, including, but not limited to, its officers, agents, employees, and elected and appointed officials.