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OAKLAND

Approved as to Form and Legality

*Barbara J. Carter*  
City Attorney's Office

13 SEP 27 AM 9:51

## OAKLAND CITY COUNCIL

Resolution No. 84659 C.M.S.

**INTRODUCED BY COUNCILMEMBER LIBBY SCHAAF**

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**A RESOLUTION ESTABLISHING AN OPEN DATA POLICY FOR THE CITY OF OAKLAND FOR MAKING PUBLIC DATA AVAILABLE IN MACHINE READABLE FORMATS USING OPEN DATA STANDARDS**

**WHEREAS**, the City of Oakland is committed to using technology to foster open, transparent, and accessible government (“Open Government”); and

**WHEREAS**, the City of Oakland collects or generates data that is legally accessible to the public (“City Data”); and

**WHEREAS**, by publishing such data more freely, the City of Oakland seeks to improve government service delivery, develop opportunities and insights for promoting economic development, commerce, increased investment, civic engagement and strengthening our community; and

**WHEREAS**, proactively publishing City Data is a foundation of Open Government and is consistent with laws regarding residents’ right to access public information as well as privacy laws that have been outlined by the California Public Records Act (Gov. Code §6250, et seq.) and the Oakland Sunshine Ordinance (Oakland Municipal Code §2.20.180.C.); and;

**WHEREAS**, publishing structured standardized data in machine readable formats creates new opportunities for information from different sources to be combined and visualized in new and innovative ways, for niche markets to be identified and developed, and for citizens, policymakers and public servants to browse, interpret and draw attention to trends or issues with greater efficiency; and

**WHEREAS** the use of open data exchange standards improves transparency, access to public information, and improved coordination and efficiencies among organizations across the public, non-profit and private sectors; and

**WHEREAS**, the City of Oakland seeks to encourage the local community to develop software applications and tools to collect, organize, and share City Data in new and innovative ways that benefit both residents and government; and

**WHEREAS**, software applications and tools that enable residents, policymakers and public servants to access, visualize, and analyze public information will encourage feedback on local issues; and

**WHEREAS**, on April 30, 2012, the City Council approved Resolution No. 83824 directing the City Administrator to prepare a report identifying the costs and benefits of implementing an open data system and analyzing the steps to implement such a system, and

**WHEREAS**, on June 20, 2012, staff returned to the Council with an Open Data System Implementation Report that outlined the implementation and planning of an Open Data system, identifying and prioritizing data, costs associated with developing an Open Data portal and a timeline for implementation; and

**WHEREAS**, on January 31, 2013 the City of Oakland launched an Open Data portal at [data.oaklandnet.com](http://data.oaklandnet.com), as the central repository for the City of Oakland's public data; and

**WHEREAS**, the City of Oakland was one of ten cities awarded a partnership with Code for America in 2013, providing the opportunity to share and expand technology with other jurisdictions across the nation; now therefore be it

**RESOLVED**, that the City of Oakland hereby establishes an Open Data Policy that the City shall make every reasonable effort to ensure that City Data is published in machine readable formats using prevailing open standards for data, documents, maps, and other formats of media for the purpose of making City Data available to the greatest number of users and for the greatest number of applications in a manner that is open and accessible to the public to be maintained in a catalog on a single City website ("Open Data"); and be it

**FURTHER RESOLVED**: that it is the policy of the City Council that an effective Open Data policy shall:

- Ensure that the City provides sufficient knowledgeable support for Oakland's Open Data Policy to every organizational unit of the City regarding that unit's data to ensure each unit's successful compliance with and implementation of this Open Data Policy, such as by designating a person or persons to be responsible for providing such support for each organizational unit;
- Include clear guidelines for identifying "high value" and "high interest" City Data sets and a policy for prioritizing its publication as Open Data;
- Include a public engagement strategy to ensure on-going feedback and collaboration with citizens and data users;
- Include City guidelines for maintaining consistency with applicable laws and best practices, including those related to privacy and security;
- Provide a process by which the City Administrator receives regular ongoing input from those City employees responsible for data collection in their respective organizational units, City employees in the Department of Information &

Technology, employees working in citizen engagement, as well as members of the community who are users of Open Data, such as an Open Data Advisory Committee; and be it

**FURTHER RESOLVED:** Within one hundred eighty days of the effective date of this resolution, the City Administrator or his/her designee shall prepare and present to the City Council's Finance and Management Committee for public review and comment, an informational report on the draft Regulations setting forth the technical requirements and standards for publishing Open Data sets in raw or unprocessed formats for the purpose of making Open Data available to the greatest number of users and for the greatest number of applications, as well as the guidelines and processes necessary for the effective implementation of this Open Data Policy; and be it

**FURTHER RESOLVED:** The City Administrator and his/her designee shall take into account such public review and comment before finalizing such Regulations for publication; and be it

**FURTHER RESOLVED:** Within twelve months of the effective date of this resolution, the City Administrator or his/her designee shall publish an inventory of Open Data and a plan for disseminating it; and such plan should include any information regarding the current state that the data exists in, as well as the costs and barriers of releasing it as Open Data; such inventory and plan will be presented to the City Council's Finance and Management Committee as an Informational Report for public review and comment; and be it

**FURTHER RESOLVED:** The City Council's Finance and Management Committee shall hear an informational report from the City Administrator or his or her designee every six months informing the public of updates to the data catalog and evaluating the implementation, successes, barriers, and public uses resulting from the Open Data policy for the first two years and henceforth once yearly after the first two years; and be it

**FURTHER RESOLVED:** The City Administrator or his/her designee must publish existing City Data sets to the Open Data catalog that are already publicly available on oaklandnet.com within twelve months of the effective date of this resolution; and be it

**FURTHER RESOLVED:** The City of Oakland shall license any Open Data it publishes for free re-use to ensure clarity of copyright without legal responsibility or liability for publishing such data as described further below; and be it

**FURTHER RESOLVED:** All data sets shall be updated in the public Open Data catalog as often as necessary to preserve the integrity and usefulness of the data sets; and be it

**FURTHER RESOLVED:** All Open Data sets shall be clearly defined and information on the type of data set should be included in the data set description for each dataset uploaded to the Open Data catalog as defined by the Regulations; and be it

**FURTHER RESOLVED:** Open Data made available by the City is provided solely for informational purposes. The City does not warranty the completeness, accuracy, content or fitness for any particular purpose or use of any Open Data set made available, nor are

any such warranties to be implied or inferred with respect to the data sets furnished therein; and be it

**FURTHER RESOLVED:** The City is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any Open Data, or application utilizing such data, provided by any third party; and be it

**FURTHER RESOLVED:** This policy shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this policy shall not result in any liability to the City of Oakland; and be it

**FURTHER RESOLVED:** That the City Administrator or his/her designee's disclosure of any data sets shall be consistent with applicable laws and best practices, including those related to privacy and security.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 15 2013, 2013

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ~~REID~~, SCHAAF, ~~ADRIAN BRADSHAW~~ - 6  
~~KERNIGHAN~~

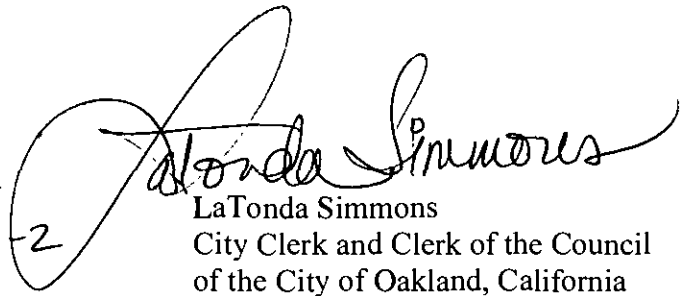
NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: \_\_\_\_\_

Excused - Reid, Kernighan - 2



LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California