The New York City Council

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Title: A Local Law to amend the administrative code of the city of New York, in relation to publishing open data.

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Indexes:

Attachments: 1. Int. No. 29 - 2/11/10, 2. Committee Report 6/21/10, 3. Hearing Testimony 6/21/10, 4. Hearing Transcript 6/21/10, 5. Committee Report 2/28/12, 6. Hearing Transcript 2/28/12, 7. Fiscal Impact Statement, 8. Mayor's Letter, 9. Hearing Transcript - Stated Meeting 2-29-12, 10. Local Law

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2/28/2012	*	Committee on Technology	Amended by Committee	
2/28/2012	A	Committee on Technology	Approved by Committee	Pass
2/29/2012	A	City Council	Approved by Council	Pass
2/29/2012	A	City Council	Sent to Mayor by Council	
3/7/2012	A	Mayor	Hearing Held by Mayor	
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3/7/2012	A	City Council	Recved from Mayor by Council	

Int. No. 29-A

By Council Members Brewer, Fidler, Gentile, Gonzalez, James, Lander, Palma, Nelson, Lappin, Dromm, Garodnick, Reyna, Mealy, Vann, Jackson, Levin, Cabrera, Gennaro, Williams, Van Bramer, Rodriguez, Halloran and the Public Advocate (Mr. de Blasio)

A Local Law to amend the administrative code of the city of New York, in relation to publishing open data.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The council hereby finds and declares that it is in the best interest of New York city that its agencies and departments make their data available online using open standards. Making city data available online using open standards will make the operation of city government more transparent, effective and accountable to the public. It will streamline intra-governmental and inter-governmental communication and interoperability, permit the public to assist in identifying efficient solutions for government, promote innovative strategies for social progress, and create economic opportunities.

§ 2. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 5 to read as follows:

CHAPTER 5

ACCESSIBILITY TO PUBLIC DATA SETS

§ 23-501 Definitions.
§ 23-502 Public data sets availability.
§ 23-503 Web portal administration.
§ 23-504 Open data legal policy.
§ 23-505 Internet data set policy and technical standards.
§ 23-506 Agency compliance plan.

§ 23-501 Definitions. As used in this chapter: a. "Agency" means an office, administration, department, division, bureau, board, commission, advisory committee or other governmental entity performing a governmental function of the city of New York.

b. "Data" means final versions of statistical or factual information (1) in alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and (2) regularly created or maintained by or on behalf of and owned by an agency that records a measurement, transaction, or determination related to the mission of an agency. Such term shall not include information provided to an agency by other governmental entities, nor shall it include image files, such as designs, drawings, maps, photos, or scanned copies of original documents, provided that it shall include statistical or factual information about such image files and shall include geographic information system data. Nothing in

this chapter shall be deemed to prohibit an agency from voluntarily disclosing information not otherwise defined as "data" in this subdivision, nor shall it be deemed to prohibit an agency from making such voluntarily disclosed information accessible through the single web portal established pursuant to section 23-502.

c. "Department" means the department of information technology and telecommunications or any successor agency.

d. "Determination" means any final decision made by an agency with respect to a person, including, but not limited to: (1) eligibility for services or benefits; (2) issuing a permit; (3) registration, certification and licensing; and (4) liability for civil and criminal penalties.

e. "Measurement" means to quantify by means of comparison to a reference standard any characteristic of an observable event, occurrence or object.

f. "Open standard" means a technical standard developed and maintained by a voluntary consensus standards body that is available to the public without royalty or fee.

g. "Public data set" means a comprehensive collection of interrelated data that is available for inspection by the public in accordance with any provision of law and is maintained on a computer system by, or on behalf of, an agency. Such term shall not include:

(1) any portion of such data set to which an agency may deny access pursuant to the public officers law or any other provision of a federal or state law, rule or regulation or local law;

(2) any data set that contains a significant amount of data to which an agency may deny access pursuant to the public officers law or any other provision of a federal or state law, rule or regulation or local law and where removing such data would impose undue financial or administrative burden;

(3) data that reflects the internal deliberative process of an agency or agencies, including but not limited to negotiating positions, future procurements, or pending or reasonably anticipated legal or administrative proceedings;

(4) data stored on an agency-owned personal computing device, or data stored on a portion of a network

that has been exclusively assigned to a single agency employee or a single agency 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; or

(7) employment records, internal employee-related directories or lists, and facilities data, information technology, internal service-desk and other data related to internal agency administration.

h. "Technical standard" means (1) the common and repeated use of rules, conditions, guidelines or characteristics for products or related processes and production methods, and related management systems practices; and (2) (i) the definition of terms; (ii) classification of components; (iii) delineation of procedures; (iv) specifications of dimensions, materials, performance, designs or operations; (v) measurement of quality and quantity in describing materials, processes, products, systems, services or practices; (vi) test methods and sampling procedures; or (vii) descriptions of fit and measurements of size or strength.

i. "Transaction" means any interaction between an agency and any person related to the mission of an agency.

j. "Voluntary consensus standards body" means a domestic or international organization that develops and maintains a technical standard that utilizes a transparent deliberative process, permits the participation of any party, and achieves general consensus, although not necessarily unanimity, of the participating parties, including a process for attempting to resolve any differences in viewpoint.

§ 23-502 Public data set availability. a. Within one year of the effective date of this chapter and thereafter, the public data sets that agencies make available on the Internet shall be accessible through a single web portal that is linked to nyc.gov or any successor website maintained by, or on behalf of, the city of New York. If an agency cannot make all such public data sets available on the single web portal pursuant to this subdivision, the agency shall report to the department and to the council which public data set or sets that it is

unable to make available, the reasons why it cannot do so and the date by which the agency expects that such public data set or sets will be available on the single web portal.

b. Such public data sets shall be made available in accordance with technical standards published by the department pursuant to section 23-505 of this chapter and shall be in a format that permits automated processing and shall make use of appropriate technology to notify the public of all updates.

c. Such public data sets shall be updated as often as is necessary to preserve the integrity and usefulness of the data sets to the extent that the agency regularly maintains or updates the public data set.

d. Such public data sets shall be made available without any registration requirement, license requirement or restrictions on their use provided that the department may require a third party providing to the public any public data set, or application utilizing such data set, to explicitly identify the source and version of the public data set, and a description of any modifications made to such public data set. Registration requirements, license requirements or restrictions as used in this section shall not include measures required to ensure access to public data sets, to protect the single web site housing public data sets from unlawful abuse or attempts to damage or impair use of the web site, or to analyze the types of data being used to improve service delivery.

e. Such public data sets shall be accessible to external search capabilities.

§ 23-503 Web portal administration. a. The department may take reasonable measures to maintain bandwidth availability of the web portal.

b. The department shall conspicuously publish the open data legal policy, as provided in section 23-504, on the web portal.

c. The department shall implement an on-line forum to solicit feedback from the public and to encourage public discussion on open data policies and public data set availability on the web portal.

d. Requests received via the on-line forum for inclusion of particular public data sets shall be considered by agencies in making determinations as to priority for public data set inclusion on the single web portal

pursuant to paragraph 5 of subdivision b of section 23-506 of this chapter.

§ 23-504 Open data legal policy. a. Public data sets made available on the web portal are provided for informational purposes. The city does not warranty the completeness, accuracy, content or fitness for any particular purpose or use of any public data set made available on the web portal, nor are any such warranties to be implied or inferred with respect to the public data sets furnished therein.

b. The city is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any public data set, or application utilizing such data set, provided by any third party.

c. This chapter shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this chapter shall not result in liability to an agency.

§ 23-505 Internet data set policy and technical standards. a. Within one hundred eighty days of the effective date of this chapter, the department shall prepare and publish a technical standards manual for the publishing of public data sets in raw or unprocessed form through a single web portal by city agencies for the purpose of making public data available to the greatest number of users and for the greatest number of applications and shall, whenever practicable, use open standards for web publishing and e-government. Such manual shall identify the reasons why each technical standard was selected and for which types of data it is applicable and may recommend or require that data be published in more than one technical standard. The manual shall include a plan to adopt or utilize a web application programming interface that permits application programs to request and receive public data sets directly from the web portal. Such manual shall be updated by the department as necessary.

b. The department shall consult with voluntary consensus standards bodies and shall, when such participation is feasible, in the public interest and is compatible with agency and departmental missions, authorities and priorities, participate with such bodies in the development of technical and open standards.

§ 23-506 Agency compliance plan. a. Within eighteen months of the effective date of this chapter, the

department shall submit a compliance plan to the mayor and the council and shall make such plan available to the public on the web portal. Each agency shall cooperate with the department in its preparation of such plan. The plan shall include a summary description of public data sets under the control of each agency on or after the effective date of this chapter, and shall prioritize such public data sets for inclusion on the single web portal on or before December 31, 2018 in accordance with the standards promulgated by the department pursuant to section 23-505 and shall create a timeline for their inclusion on the single web portal. If a public data set or sets cannot be made available on the single web portal on or before December 31, 2018, the plan shall state the reasons why such set or sets cannot be made available, and, to the extent practicable, the date by which the agency that owns the data believes that it will be available on the single web portal.

b. For purposes of prioritizing public data sets, agencies shall consider whether information embodied in the public data set: (1) can be used to increase agency accountability and responsiveness; (2) improves public knowledge of the agency and its operations; (3) furthers the mission of the agency; (4) creates economic opportunity; or (5) responds to a need or demand identified by public consultation.

c. No later than July fifteen, 2014 and every July fifteen thereafter, the department shall submit and post on the web portal an update of the compliance plan to the mayor and the council until all public data sets have been made available through a single web portal in compliance with this chapter. Such update shall include the specific measures undertaken to make public data sets available on the single web portal since the immediately preceding update, specific measures that will be undertaken prior to the next update, an update to the list of public data sets, if necessary, any changes to the prioritization of public data sets and an update to the timeline for the inclusion of data sets on the single web portal, if necessary. If a public data set cannot be made available on the single web portal on or before December 31, 2018, the update shall state the reasons why it cannot and, to the extent practicable, the date by which the agency believes that such public data set will be available on the single web portal.

§ 3. This local law shall take effect immediately.

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