

NYC Transparency Working Group

Citizens Union ▪ Common Cause NY ▪ League of Women Voters NYC
NY Public Interest Research Group ▪ New York Civil Liberties Union
BetaNYC ▪ OpenPlans ▪ Reinvent Albany ▪ Women's City Club NYC

NYC Open Data Law Progress and Challenges

November 19, 2013

1. Executive Summary

We strongly support the NYC Open Data Law and its intent. The NYC Open Data Law is widely considered one of the best in the world. We strongly urge the council and next administration to fully fund and support its implementation. To this end, we welcome this oversight hearing and urge council to schedule more, especially after the release of the annual Agency Compliance Plans in July 2014.

The Open Data Law is very important because it establishes standards for data formats and availability which the city's digital information vastly easier to reuse. In particular it defines what open data is – which is basically digital information that is findable on the internet and usable with desktop office software. Plus, the law calls for “data streaming” features like Application Programming Interfaces (APIs) which make data available in the same way that Netflix, or Amazon Instant or iTunes do for movies, compared to having to visit a video store.

Broadly, the Open Data Law has been a success. It has led to the release of long sought land use data sets like PLUTO and ACRIS in easy to use formats, as well as real estate databases and other data sets of great public interest like 311 complaints. The City's open data site is being used by members of the public, advocates, developers, and journalists – the NY Times and National Public Radio have regularly credited data from NYC's data portal. City agencies are starting to use

“The City's open data site is being used by members of the public, advocates, developers, and journalists.”

the city's Open Data Portal for their own easy data retrieval. The best example may be the TLC, which publishes data on medallion vehicles and drivers. Very importantly, NYC open data is also being used by the apps developer community in apps like Roadify, Yelp, or NYC Building Violations to make government information more easily accessible to the public.

Implementation of the Open Data Law needs improvement. Many city agencies did not submit a mandated Agency Compliance Plan. Of those that did, many gave themselves a multi-year extension on releasing data that was supposed to have been released on March 13, 2013. (Deadline for publishing data currently on city websites in a non-open format.) Agencies released about half of the data sets

that should have been released on March 13th. Additionally, important city data, especially rules and reports, are still only available in closed formats or for sale in apparent contradiction of the Open Data Law. Lastly, many agencies, including the NYPD, have done little to make basic data, such as crimes and traffic crashes, available in open formats – though most major American cities already do.

The Open Data Portal has not yet evolved to the point where it is useful to the average New Yorker. The portal itself is somewhat difficult to use. The site's search function is not very good, and most people are not adept at using raw data. This is to be expected, because the basic idea behind the portal is to make data available to super-users who will convert it into mobile apps and easy to use reports or articles. The greater concern is that there is a mismatch between what's on the portal and what the public wants. The city does not appear to be prioritizing data releases based on agency website usage, FOIL, or 311 requests.

2. Overview

The NYC Transparency Working Group strongly supports the NYC Open Data Law and believes it has, overall, been a big success. The broad intent of the law is being realized, and it is achieving its goal of pushing City Hall and agencies to make much more data available. Our groups very strongly believe that the DOITT and City Hall staff time needed to implement the Open Data Law should continue to be fully funded.

Prior to the Open Data Law, there was no mandate for city agencies to proactively share their data with the public. That data sharing mandate has led to the release of hundreds of new data sets, including the PLUTO and ACRIS data which have long been sought by planners and researchers, who use those data sets to further their research on affordable housing and transportation issues.

“New York City’s
Open Data Law is
widely considered a
global best practice.”

Additionally, our groups appreciate the power of the API (Application Programming Interface) feature on the city's data portal, which essentially streams data to public users, powering countless mobile apps. The potential of this feature to link data to users in other agencies, levels of government, and the public is barely be-

Journalists are using the open data portal.

The NY Times, National Public Radio and Guardian have been regularly crediting NYC Open Data for data sets which power their interactive maps. In particular, they both used flood and damage maps housed in NYC Open Data after Hurricane Sandy. Additionally, the NY World frequently uses the data portal.

Academics are using the open data portal

The PLUTO land-use data set was immediately put to use by academic researchers at CUNY, Pratt Institute, and elsewhere. Prior to its publication in the open data portal, PLUTO data cost thousands of dollars a year in license fees. Additionally, the ACRIS real estate data set was also recently liberated and has been heavily used by NYC Furman Center and other researchers.

Developers are using the open data portal to build apps for public use.

Numerous mobile apps have been built using the Open Data portal. There are also many commercial applications for open data powering publicly useful tools. For example, a third party map of current building violations issued by NYC DOB:

Source: BuildVio, Building Violations History Reports. <http://buildingviolation.com>



housing) is not available to either the public or council. This data is some of the most highly sought after, and the Open Data Law cannot succeed without data like this being published.

Agencies must stop selling data and make it free

There are 32 publications for sale at the NYC City Store that are easier to purchase than to download from the open data portal. These include: 10 Surveys and Reports and 22 Rules and Regulations. Contained in these reports is a large amount of tabular data which is neither machine-readable nor reusable. This includes NYC's Building Codes, which are composed digitally, published to paper, and finally posted online with the information locked in PDF documents.

However, on November 7, 2013, the NYC Rent Guidelines Board started selling the latest edition of *HousingNYC: Rents, Markets and Trends*. This publication is sold in the NYC CityStore for \$30. (The soft bound book is available for purchase for an extra \$20.) As if adding insult to injury, the Board specifically states the data "is available for sale exclusively from CityStore in both book and CD format, but is not available as a free download."

Agencies must publish data in a machine readable format

The Open Data Law clearly requires agencies to produce machine readable data in a CSV or XLS format that allows for easy use. However, some agencies are publishing data in ways that make it impossible to use. For example, the NYPD is publishing spreadsheets that carry over the same malformed layout as their PDF versions. The NYPD states this is to protect the integrity of the data, but their choice of formatting makes this data effectively impossible to use without a large amount of time and manual data processing.

"Some agencies are publishing data in ways that make it impossible to use."

Clarify which agencies are subject to the Open Data Law

There is some confusion over which State chartered authorities in the city are subject to the Open Data Law. It would be helpful to have a decision from the Law Department about whether, for example, the NYC Board of Elections, Rent Guidelines Board, NYC Housing Authority, or the Roosevelt Island Development Corporation fall under the law.

miss deadlines, there is no public recourse except applying pressure in the press or via City Council. A public right of action would hugely increase the power of the Open Data Law by actually compelling agencies to comply with it.

6. Future Concerns and Questions

1. Loss of funding for DOITT staff implementing the Open Data Law.
2. End to leadership from City Hall from the Mayor's Office of Analytics.
3. Few automatically updating data sets. Too many data sets must be updated by hand, which is expensive and laborious.

Our groups will continue to develop questions along these lines:

1. When will the Open Data dashboard, which is called for in the Technical Standards Manual, be made available?
2. Does the administration look at website analytics, FOIL requests, and 311 requests when deciding which data sets to prioritize for release?
3. Has the administration used the Open Data Law to reduce the number of FOIL requests city agencies receive? Does the City know what FOIL requests agencies are receiving? Do their responses contain tabular data suitable for publication on the Open Data Portal?
4. Is the Open Data Law helping to reduce 311 requests?
5. Are agencies using the open data portal in the course of their everyday work? Are other levels of government using the city's data portal?
6. Are there plans to publish VENDEX data and the Doing Business With data in the open data portal where it can be accessed via API? Why or why not?
7. Why do City agencies, the latest being the Rent Guidelines Board, continue to charge for data that taxpayers already paid for?
8. Can the Law Department clarify which City and State authorities and boards are subject to the Open Data Law?

Data on facilities and sites that have may environmental impacts	City, state, and federal regulations require DEP to maintain a wealth of data on each of these, including location, type of environmental impact, amount of material such as hazardous waste or wastewater discharge, history of environmental impact, etc. Though state and federal environmental agencies also collect and maintain similar data, DEP often has unique data not included in these state and federal files such as the City's "industrial pretreatment program" or CSO locations. DEP has made some information available through the Open Data Portal, but not the info described above.		DEP
Full BIS database	The Department of Buildings Information System (BIS) provides a wealth of information of keen interest to the public and to anyone hoping to understand development trends, building safety, and how the City interfaces with the real estate industry in general. BIS includes information on building applications, certificates of occupancy, inspections, (final construction, plumbing, electrical, and elevator), complaints, violations, safety reports, licensing data for contractors, and more. DOB provides excerpts from BIS in spreadsheet format for certain items, but not the detailed BIS information.	http://www.nyc.gov/html/dob/html/codes_and_reference/materials/statistics.shtml	DOB
NYC Landmarks: individuals sites and districts.	The landmarks have been part of the Open Data Portal for a couple of years, but they haven't been updated on the Portal since at least 2010 (some of the data sets at the Portal indicate they're from 2009). Yet the Landmarks Preservation Commission has designated many new landmarks and historic districts since then.		NYC Landmarks
The New York City Loft Board Interim Multiple Dwellings database	Although there are relatively few of these – 328 as of October 2013 – loft living is a subject of interest to residents, urban planners, and others. The Loft Board provides a list of IMDs on its website, but only in PDF format and the list omits other information such as violations. The list and related data should be publicly available in electronic format.	www.nyc.gov/html/loft/downloads/pdf/imd_buildings.pdf	Loft Board
Checkbook NYC 2.0	The newly released Checkbook NYC 2.0 website provides unprecedented access to view and track how New York City government spends its nearly \$70 billion annual budget. With a maximum of 200,000 records available for download from 46,048,876 available records (as of today), it is not useful outside of the dashboard provided by the Office of the Comptroller.	http://www.checkbooknyc.com/	Office of the Comptroller - City of New York

Compstat's weekly records.	Released but needs to be published in open, "un-pdf" copy. This is not mentioned in the "Open Data Plan."		NYPD
RFP Data	Unreleased RFP should be out sooner than 31 Dec 2014		SCA
City chartered franchise agreements (e.g. Citibike),	those entities should comply with local law 11 of 2012	http://citibikenyc.com/system-data	
Enrollment Capacity Utilization from School Construction Authority	Currently released as a PDF. There are currently three different reports which are just the raw data organized by different columns. Release data for all years and all columns in open format.	http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Pages/EnrollmentCapacityUtilization.aspx	BOE
Community Board Districts and Numbers	Released	http://www.nyc.gov/html/cau/html/cb/manhattan.shtml	Mayor
Community Board Contact Information	Released	http://www.nyc.gov/html/cau/html/cb/manhattan.shtml	Mayor
Business Improvement District GeoFiles	Released	http://nycdata.pediacities.com/dataset/nyc-business-improvement-districts/resource/47512ee9-711d-467f-a692-b5d38530e65b	SBS
Comments on the Data Portal	A listing of registered users comments on the Data Portal		DOITT
Street cleaning files	Cleaning routes are not published though alternate side of street parking calendars are		DOT
DOT Unreleased Data	Unreleased. Already crunches crash data around its SafeRoute for schools. This is the same data that would help community boards and safe streets advocates plan and advocate for safer streets for all.		DOT
Community Board District GeoFiles	Unreleased		DCP
NYCEDC Data	Unreleased		NYCEDC
Polling Locations	Released but not in machine readable format		NYCBOE
Bike counts	Released but recommended to be done quarterly		DCP
DCP Released Data	Released but should stop making apps (aka geosupport) desktop applications and start producing universally accessible web data tools.		DCP
Greenbook	Released. Data Portal release date in 2014 too late		DCAS
Entry Point LCR Monitoring Results	Released but recorded on a daily basis but will only be released as an annual data set. They should be released in real time.		DEP

Borough President Community Events Calendar	Released	http://www.queensbp.org/clients/queens_events/list_queens_free2.asp	BP
Borough President Events Calendar	Released	http://www.queensbp.org/clients/queens_events/queens_calendar.asp	BP
Borough President one-off reports	Released	http://www.queensbp.org/content_web/Health_Human/healthreport_2006.pdf	BP
Public Advocate's Office Report Data	Released	http://pubadvocate.nyc.gov/	PA
Queens Borough President Business Resources	Released	http://www.queensbp.org/content_web/econ_dev/rg_biz_officespace.asp	QNS BP
listing of NYC Legislative social media outlets	Unreleased		City Council
Borough President List of Budget (Capital and Expense) and Grant applications and disbursements	Unreleased		BP
Community Board Applicants and Appointments	Unreleased		BP
Borough President Topographical Records	Unreleased		
Assets Under Management	This is information on the NYC Pension investments but it is not very good, and there does not appear to be good or common data about the five major funds.	http://comptrollernyc.com/bureaus/bam/assets.shtm	Comptroller's Bureau of Asset Management ADVISOR TO NEW YORK CITY PENSION FUNDS
Community Board Data: files, votes, records, etc	Status Unknown		Community Boards
Released MTA Data	Point to / linked to the city data portal		MTA
Released state or multi-state agency datasets; specifically port authority, and private transit operators that provide services in the city, port authority data (bolt bus, ctown bus)	Point to / linked to the city data portal		Multiple
City council discretionary funds	Online on City Council Site, not in Open Data Portal		City Council

CSO Overflow Data	Overflow maintenance, rate of overflow, development and design benchmarking, implementation and distribution of load across water facilities.		DEP
DCP hi-res population data	Hi-resolution population data from the Dept of City Planning Population Division		DCP
Appointment Calendar	Appointment calendars of high-level city officials. Similar to how the President's whitehouse calendar is shared (http://www.whitehouse.gov/schedule/complete)		
Website Analytics	Website analytics of major NYC properties.		DoITT?
CB meeting transcripts	Community Board meeting minutes/transcripts as machine-readable data		Community Boards
CitiBike GPS traces	CitiBike GPS traces. During the inaugural CitiBike hack night, a CitiBike rep confirmed that GPS traces are captured by the system. It would be nice if anonymized traces are made available as open data.		DOT/CitiBike
TLC trip data	TLC trip data. Some of this data has been released to research/academic institutions. It would be great if its released as Open Data as well		TLC
NYC Green Book	Greenbook machine-readable data. For the first time, an online version of the Green Book was published in 2012. But the data is trapped in a MS-backed CMS. It would be nice if its released as machine-readable data.	http://a856-gbol.nyc.gov/GBOLWebsite/home.aspx	Citywide Administrative Services
Hpd and city agency real estate loan agreements	A constantly updated list of all buildings and their landlords that are given loans through hpd or other city agencies.		Hpd and other
Historical PLUTO dataset	Historical PLUTO data. Steven Romalewski during BetaNYC PLUTO night confirmed that he has PLUTO archives going back decades. However, they are still under the old licensing regime which prohibits him from releasing it. Either Steven is given a waiver to release the datasets of the City itself release all the historical data.		DCP

**Testimony of Michael Flowers – Chief Analytics and Open Platform Officer –
before the New York City Council – Committee on Technology**

November 20, 2013

Good afternoon. My name is Michael Flowers. I am the Chief Analytics and Open Platform Officer for the City of New York. In my role as the Chief Open Platform Officer, I am responsible for the implementation of Local Law 11, the New York City Open Data Law. Here with me is my Chief-of-Staff Nicholas O'Brien, Deputy Commissioner for Application Development at the Department of Information Technology and Telecommunications ("DoITT") Donald Sunderland, and DoITT's General Counsel Charles Fraser. My office, the Mayor's Office of Data Analytics, works with DoITT to fulfill the requirements of the Open Data Law.

The Open Data Law was signed by Mayor Michael Bloomberg in March of 2012. The law was the product of a collaborative effort including the City's technology community, the nonprofit sector, the Council, City agencies, and the Mayor's Office. The Mayor has referred to the law as "the most ambitious and comprehensive open data legislation in the country." It has served as the basis for a number of other policies and initiatives throughout the country and has the full support of the administration.

I'm here today to testify on the progress on the implementation of the Open Data Law and highlight some of the successes we've had since the law took effect.

In April, Mayor Bloomberg and Chief Information and Innovation Officer Rahul Merchant formally appointed me Chief Open Platform Officer. Since that time, my team has focused relentlessly on delivering high-value data to New Yorkers. In July, the Department of City Planning released one of the most sought after datasets, PLUTO, which contains land use and geographic data at the tax lot level. In October, we released ACRIS Property Records and Parking Ticket Data from the Department of Finance. We have also focused on automating data sets to ensure that the published data are always up-to-date.

The primary vehicle for delivering data to New Yorkers is the Open Data Portal accessible at nyc.gov/data. We currently have over 1,100 unique sets available, up from 350 in 2011. 59 of those sets have been fully automated and new automations are coming online every month. In September, we released the inaugural New York City Open Data Plan, which catalogues over 460 unreleased datasets covered under the law and their planned release dates. Earlier today, we launched the Beta version of the Open Data Dashboard to provide insight into the progress of publishing the datasets included in the Open Data Plan.

Currently we are in the process of reviewing the lists submitted by mayoral agencies pursuant to the Open Data Plan to ensure that all qualifying data is included, that it is released at the earliest possible date, and that no private data is inadvertently listed. The annual update to the Open Data Plan will be released to the Council on July 15 of 2014.

In addition to these activities, which are mandated under the law, we are undertaking numerous initiatives beyond what is required by the law to increase transparency and facilitate the use of Open Data to provide meaningful insight.

In May, we launched the New York City Developer Portal. The Developer Portal is designed to provide data to a more technical audience for the purpose of creating commercial grade applications. The Developer Portal includes Application Programming Interfaces or APIs from 311, DOT, DOE, HPD, the Comptroller, and DCP. This enables developers to build applications that integrate directly with high-value public data.

In June, we announced the winners of the 4th annual New York City BigApps competition. The competition, hosted by DoITT and the Economic Development Corporation, is designed to encourage creation of online and mobile applications that make the data we release more accessible to New Yorkers and to jump start new businesses built on top of Open Data. Since 2009, NYC BigApps has helped launch nearly 300 new applications.

In September, we updated the NYC Open Data portal to improve the user experience and to help New Yorkers navigate the massive amount of data available. All datasets are categorized for easy browsing and are fully searchable. We provide background information on featured datasets to increase awareness of the high value datasets on the portal. We are currently featuring the newly released Parking Ticket data. Information about how to deal with parking tickets is one of the most common information requests to 311; this data will provide New Yorkers with greater access and ability to address their tickets. We are also using the Open Data Portal to show visualizations built with public data. These visualizations make the information contained in the data more accessible and understandable as users seek to understand their City.

We are working with agencies on an ongoing basis to enhance the public's ability to access, consume, map, and visualize New York City's data. By leveraging the City's GIS expertise, we have enabled users to create different types of maps of more than 165 datasets through the Open Data portal, including hurricane evacuation zones, wifi hotspot locations, parks, and building footprints.

There are many high-value datasets that are generated by vendors for delivery under contract to the City. We believe that, to the greatest extent possible, this data should be released as Open Data. DoITT aggressively negotiates for the intellectual property rights on all data created, generated or maintained by the City's contractors and whenever possible works to provide public access to that data.

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We are already seeing the positive impact of the City's Open Data efforts. For example, the Department of Education is working with Padiacities, a former NYC BigApps winner and successful startup built on NYC Open Data, to launch a set of public APIs (data integration tools). Previously, middle school students applying to high school had to slog through a phone book-sized catalogue or navigate a very basic search page to get information on DOE's nearly 700 high school programs. For next year's application process, students will be able to access this information through nationally recognized mobile and online

applications, including some of the same applications that high school seniors across the nation use to apply to college.

We are also starting to develop proofs-of-concept around utilizing the Open Data Portal for agency operational needs. For example the Taxi & Limousine Commission is directing fleet owners to the automatically refreshed list of Licensed Taxi Drivers to verify that their driver's licenses are current. Our hope is that by using the portal to provide information to the public and other agencies, the City can save significant costs in new IT projects to achieve the same ends.

One of the benefits of Open Data we are working to quantify is the improvement in fulfilling FOIL requests. During the month of October, ECB received two FOIL requests that they were able to meet by directing the requestors to the Open Data portal. This not only makes it easier for the agency to respond to requests, it also provides faster, easier, and cheaper access to the data, potentially reducing the need for the public to submit lengthy FOIL requests to gain access to information.

Another data set that was previously only available via a FOIL request or for a fee is PLUTO and MapPLUTO, a mashup of land use and geographic data from a range of City agencies. This data has been downloaded more than 579 times since it was released at the end of July. In the year prior to the release they had only been downloaded 141 times.

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In the coming months we are focusing on releasing automated feeds of newly available data including Season Flu Vaccination Locations, Farmers Markets, Office of Emergency Management Incidents and Notifications, and Office of Management and Budget Revenue, Expense and Capital Funds data. In parallel we are working to automate existing datasets from the Department of Housing Preservation and Development, the Department of Transportation, and the Department of Environmental Protection, just to mention a few.

We are also focusing on measuring the economic benefit of Open Data. We are tracking aggregate usage and have begun to catalogue the applications built on top of the data; this is the first step in our effort to rigorously quantify the economic impact of Open Data. These benefits come in many forms, ranging from agency efficiencies and cost avoidance to the creation of new jobs and businesses made possible by the release of this data. We are confident that this analysis will demonstrate that the City's investment in Open Data makes economic sense and look forward to presenting the result of this effort the next time we have the opportunity to testify.

I would like to thank the Council Technology Committee for providing me the opportunity to testify today and we are happy to answer any questions you may have.

20 November 2013

Hearing on how to improve NYC Open Data Law

Testimony from Noel Hidalgo, Brooklyn, NY, 11222

Honorable Chairperson and Councillors,

It is a pleasure to be in front of you this afternoon. I am Noel Hidalgo. I am a civic technologist and a civic hacker. I am the former director of technology innovation at New York State Senate and am the co-founder and executive director of BetaNYC. We are building a connected NYC by the people, for the people, for 21st Century. We do this through weekly meetings. In this room, you will find a number us - we are hackers, yackers, and mappers. We are grateful for the City's Data Catalogue and are here to outline what we need to help make our communities safer and smarter.

BetaNYC first met in the Spring of 2009. We are a community of civic technologists. We are city's passionate technology vanguard. Over the past few years, we have partnered with several City agencies to explore how data and tools can improve the lives of all New Yorkers. We are members of NYC Digital's Code Corp In 2013, we hosted and worked with NYC DOITT, NYC Digital, NYC DOT, NYC Financial Empowerment Center, NYCEDC, Citi Bike, NYU Wagner School... just to name a few.

Councilmembers, because of your leadership, NYC is one of the premier cities for 'civic hacking.' Local Law 11 of 2012 ushered in a new era of transparency and opportunity. Now, I will outline three areas - Wins, Frustrations, and Opportunities.

WIN - Community Building

- **A year ago, Code for America hired a full time community organizer.**
- In Jan 2013, BetaNYC had 618 members. Though 42 weekly study sessions, aka hacknights and demo nights, we have grown the community 110%.
- **This month, BetaNYC has 1,300 members, and is the nation's largest local group of civic hackers.**

WIN - NYC BigApps 2013

In Spring, we worked the NYC Economic Development Corporation to support the fourth NYC BigApps. **Through advocacy, we convinced the NYCEDC that BigApps should focus on building communities AND companies.** Seven apps won a total of \$125,000. With the assistance of 42 Data providers, 517 individuals participated, 120 projects were created, and 54 were eligible to win.

WIN - PLUTO & ACRIS

The liberation of PLUTO and ACRIS has fueled an explosive demand to understand the city's built environment and property records. Streeteasy, a Made in NY Company and one of our hacknight partners, was acquired for \$50 million. The liberation of this dataset WILL produce MORE success stories.

FRUSTRATIONS - NYPD's CrashStat and Citi Bike

- While independent of each other, NYPD's CrashStat and Citi Bike have proven to be the most frustrating yet rewarding community conversations.
- **Though a monthly hacknight with NYU Rudin Center, 30 bike/public safety apps have been created.**
- **Because of poor data formatting, we are forced to scrape this data. This process creates decreases the data's quality and goes against NYPD testimony of usability and accuracy. We want a safer and more accessible city and if we had the data, we could help.**

FRUSTRATIONS - Machine Readable Data Formats

- **We continue to see data locked away in PDFs or "saved as" a spreadsheet that was formatted to be printed and read by a human. When they are released, many of these datasets are aggregated. For us civic hackers, we need data disaggregated and frequently updated.**
- **From our research, if a report or data is hosted away from the NYC Data Catalogue and on an agency site, there is a higher likelihood of the data not being machine readable. In our mind, this violates the spirit of the law.**
- **EXAMPLE - NYPD -** Despite statements to their data being machine readable, NYC's civic hacker community is constantly frustrated by fluctuating formats and their refusal to improve their data quality practices. We have testified in front of the Council's Transportation Committee to discuss our frustration. If we had this data, we could build better public safety apps and work with community boards to advocate for safer and

smarter streets.

- **EXAMPLE - NYC DOT** - Produces a number of "data feeds" on resurfacing that are human readable. If we had this data, we could build better notification tools for drivers and cyclists.

FRUSTRATIONS - Timeliness of the Open Data Plan

- The NYC Open Data Plan, released Sept 2013, states that the city will release 434 data sets by 31 Dec 2018. Only, 75 of them will be updated on a daily or weekly basis. 120 datasets will be updated on a monthly basis. 223 of them will be updated on quarterly, semi-annually, or annually basis.
- Most of these datasets are tied to annual reports where the data is synthesized and compiled to fit into a verbal narrative. We need agencies to produce data that is timely.
- Additionally, some of the city's most valuable datasets are scheduled to be released between now and several years from now. There are NO details on why these data sets are scheduled to be produced so far into the future.
- **EXAMPLE - NYC Schools / Department of Education** - Despite NYC Schools having a larger IT budget than DOITT, they are not schedule to release any more data than what currently exists on the open data catalogue. Sometime between now and 31 Dec 2018.
- **EXAMPLE - Department of Health and Mental Hygiene** - is scheduled to produce critical health inspection data sometime in 2016, 2017, and 2018 respectively.

IMPROVEMENTS to NYC Open Data Practice

Improve Scope of the Law

State Chartered Agencies, Franchise Agreements, and "County Datasets" (i.e. Richmond County for property sales, Court Records, etc.) are not covered by LL11/2012. Additionally, any FOIL'ed record should automatically be considered "open" and become part of the data catalogue. We call it "one strike you're in."

Machine readability, disaggregated data, and error reporting.

As mentioned before, several agencies continue to produce data in ways that are readable to humans but are NOT readable for computers. For us to use the data, we must "munge" the data increasing the probability for errors. Additionally, to the extent possible, we need disaggregate data. Finally, we the people, need mechanisms to report back inconsistent data and issues of quality control.

Improve frequency of data publication

- First, the current data catalogue doesn't indicated when datasets are being updated. Without being an expert, it is hard to tell what is the current frequency.
- Second, we need more frequently published data. The current NYC Open Data Plan will release 434 data sets. Only 75 of them will be updated on a daily or weekly basis. 223 of them will be updated on quarterly, semi-annually, or annually basis. 120 datasets will be updated on a monthly basis.

Published data in common data standards

In 2012, Code for America, Yelp.com, San Francisco, and NYC worked together to produce a commonly accessible format titled - LIVES - Local Inspector Value-Entry Specification, a data standard for restaurant health inspection scores. Some time late last year or early this year, NYC withdrew from this conversation. Currently, NYC's restaurant inspection score database is in an overly complicated format and continues to be filled with data inconsistencies.

Thank you for your time.

Noel Hidalgo

Co-Founder and Executive Director of BetaNYC

Code for America, Brigade Team

Noel@CodeForAmerica.org

November 20, 2013

Ellen McDermott
OpenPlans
emcdermott@openplans.org
openplans.org

Good afternoon. My name is Ellen McDermott. I am co-director of OpenPlans, a non-for-profit technology development firm based in Manhattan. We work with city and state agencies, community boards, and community groups to provide them with better tools for transportation planning and neighborhood planning.

OpenPlans worked closely with Council Member Gale Brewer and others on the council to get the Open Data Law passed. We have been a member of the New York City Transparency Working Group since its inception.

In my testimony today, I will give examples of how open data supports our work as a local technology developer. I also have some recommendations to strengthen the open data ecosystem in New York City.

This fall, we have been working with Community Board 6 in Brooklyn, and CB 6 and CB 7 in Manhattan to create maps showing requested capital spending. With Council Member Lander's office and the Participatory Budgeting Project, we are helping residents of 8 council districts be more involved in local spending decisions.

And just last week we created a map for the community group Make Brooklyn Safer, which they are using to gather information on street safety issues. The data they are gathering is informing conversations with the 88th Precinct as they work together to improve street safety after several pedestrian fatalities.

The examples I gave are all made easier with the City's open data. We would like to see more data to enable more community-based planning. I have several recommendations:

First, release more data about spending and capital improvements.

Community organizations will be able to advocate more effectively with access to more detailed, up to date information about capital spending data. Specifically, agency responses to community board requests, past and future discretionary spending by council members, and information about planned and proposed capital spending by NYC

DOT, the Parks Department, and other agencies making physical changes to communities.

Secondly, work with users to improve the open data portal.

DoITT should involve users of the data portal in design decisions, to ensure that the portal is working for its intended audience. By convening a 'useability clinic', DoITT can tap into the wealth of experience available in New York's policy and software communities, to guide decisions and make the portal even more useful. This effort needs to be regular and ongoing.

Thirdly, improve city data through community collaboration.

The process of opening up data so far has been one way: data from city agencies has been published in formats that people can use. Looking into the future, we encourage the committee to consider how agencies can save money and have up-to-date information by using community-edited data.

For example, community mapping of street trees, and the freely editable OpenStreetMap. The recent collaboration between DoITT and volunteer cartographers to include building footprint data into OpenStreetMap is a commendable example. Implementing two-way sharing of open data raises complex issues about data quality and data management. I urge this committee to charge DoITT with investigating this topic further.

Finally, I welcome this hearing and commend the committee for giving OpenPlans and other data users a forum to share our concerns and ideas. I suggest regular oversight hearings on progress by DoITT and agencies in opening up their valuable data. My co-workers and I are always available to assist committee members with this important topic, to support greater community involvement in making New York City a better place to live and work.

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Statement of NYC Tech Meetup

New York City Council Committee on Technology
Oversight Hearing on
Re: Local Law 11 of 2012 (NYC Open Data Law)

November 20, 2013

Good afternoon, My name is Dominic Mauro, I am staff attorney of Reinvent Albany. I am here today to read a brief statement on behalf of the NYC Tech Meetup, which was unable to send a representative to today's hearing, but wanted to emphasize its strong support for the NYC Open Data Law.

The NY Tech Meetup is a 36,000 member non-profit organization that supports the growing NY technology community. Our goal is to help build a sustainable technology industry that drives economic growth, leads innovation, and creates positive, high-impact change for our local communities and the world. NYTM has been integral to the birth of New York's new technology industry, with nearly every notable new company making its debut at NY Tech Meetup's monthly event. Companies that have demoed at NYTM in the past include: Foursquare, Livestream, Tumblr, Vimeo, Aviary, Audible, Twilio, Aereo, Skillshare, Shapeways, TheLadders, HowAboutWe, Codecademy, and so many others.

The Tech Meetup strongly supports the NYC Open Data Law. The law is a powerful tool for opening up government, improving public services and promoting economic development, and tech jobs. A key feature of the law is that it endorses the basic values expressed in the Freedom of Information Law that government information, in this case electronic information, or data belongs to the public. Our government curates that information, but we, the public own it. The law recognizes that the public, you, me, and people like our members, can take that data and find useful and productive things to do with it.

Like smart phones, open data is part of a new era in which technology tools are changing how we live, and how our government works. We think the open data law is working, and has huge, positive potential for New York City. We look forward to working with council and the next mayor to unleash that potential for everyone's benefit.



TRANSPORTATION
ALTERNATIVES

127 West 26th Street
Suite 1002
New York, NY 10001
Tel 212 629-8080
Fax 212 629-8334
transalt.org

November 20, 2013 Technology Committee Hearing

Oversight - DoITT's administration of the New York City Open Data Law.

Good morning. Thank you Chair Brewer and members of the Committee for the opportunity to testify. My name is Juan Martinez and I'm Transportation Alternatives' General Counsel. We are a 40-year old non-profit, with over 100,000 activists in our network, dedicated to improving the safety of New York City's streets. We use the data that has been unlocked by the Council through Local Law 11 of 2011 on a daily basis in order to encourage agencies to more efficiently focus their limited street safety resources, and to empower communities to make their own streets safer. I am here today to explain how your efforts to continue to unlock that data and remove impediments to its analysis will ultimately make New York safer for everyone who walks, bikes or drives.

In 2011, this Council passed and the Mayor signed landmark legislation, authored by Council Member Lappin, which aimed to allow all New Yorkers the opportunity to assess the relative safety of their street, or the route their child walks to school, or the safety of their neighborhood at large. The hope was that this data would enable Council Members, Community Board members, community members and community advocates to identify danger patterns and trends. Thus empowered, these leaders would be able to organize and develop plans to increase safety on crosswalks and sidewalks, at intersections, and within vehicle lanes.

Yet despite the overwhelming support from this body, and the scrutiny from the Council on the implementation of that law, New Yorkers are still unable to tap into this enormous resource. The demand for this data remains high, but the New York Police Department's efforts to comply with this law have frustrated the high hopes for the bill. They publish the data, but in a format that obfuscates the data and renders it all but inaccessible to the public. Indeed, if it weren't for the intervention of a few exceedingly talented, driven, and diligent New Yorkers, the promise of Local Law 11 would have been entirely frustrated.

We deeply appreciate the work of these volunteer experts, our organization receives, on average, four requests a week for crash data from elected officials, reporters, community board members, or civic groups. In just the past week, we've used the data to:

- provide context and analysis to panelists at an event evaluating the NYPD's traffic safety priorities
- provide context to journalists who needed statistics on pedestrian fatalities for the past few years
- provide a Councilmember-elect with the crash history of a particular intersection in their district.

We are thrilled to help these people when we can – indeed, we view it as an essential function of our office- but the truth is that we can't keep up with the requests to sift through the data and produce maps to fulfill each of these requests.

The open access to this data in a format which can be analyzed by researchers, data experts and advocates would be beneficial; but we're not there yet. Once that does happen we should expect that within a short period of time community members, Community Board members and Council Members will have applications made available to them to view, understand and use. All that stands in the way is the application of less formatting of the data by the NYPD. If they did *less work* researchers, data experts, and others would produce applications to make the data available to any New Yorker with an internet connection. We are greatly appreciative of the Committee's attention to this issue, and look forward to taking your questions.

Testimony in support of T2013-7110
Prepared by Nathan Storey

Honorable Chairperson, I am Nathan Storey, Product Manager for PediaCities.com, an encyclopedia of city data. I am also a member of BetaNYC, a Code for America Brigade for New York City. I strongly support the City's Open Data efforts, and acknowledge that the City has made great progress thus far. But I know we must do more to realize the full economic potential of open data.

In a study released just last month, the McKinsey Global Institute estimates that Open Data has the potential to unlock \$3-\$5 trillion dollars in economic value, per year, in the US alone. In New York, much focus has been placed on using data contests known as hackathons to unlock that potential. Hackathons are intended to spur the creation of projects that turn into viable businesses. And while that is certainly the case with PediaCities, our company and my job are the exception. To create more open data jobs we need stronger ongoing partnerships between the producers and users of the city's data.

First, we need agencies to replace closed internal data systems with open data platforms. This would create open data jobs, of course, but it would also create better feedback loops to correct errors, allow for more efficient identification of gaps in the available datasets, and make possible the incorporation of community generated data.

Second, we need to invest more resources in the expansion of open data across the civic realm. More integration between DOITT's open data team and community groups, and an expansion of the volunteer Code Corps project beyond disaster response are good places to start. In addition to contests, we should invest governmental and philanthropic resources into embedding civic technology experts directly in our city's community boards, city council staffs, and agency rosters.

Finally, the City Council and new Administration should look for ways to create and track ambitious performance indicators, such as early indicators for risks of foreclosure, gentrification, disinvestment, climate vulnerability, and the like. If open data can support the creation of these kinds of early warning systems, the economic (and social!) impact will be profound.

Sincerely,
Nathan Storey
Product Manager
PediaCities.com



Testimony of the Children's Defense Fund – New York

Given by:
Patti Banghart
Director of Early Childhood Policy

Before the
New York City Council
November 20, 2013

Regarding
New York City Open Data Law
as it concerns
NYC Children and Families

Children's Defense Fund – New York
15 Maiden Lane, Suite 1200, New York, NY 10038
(212) 697-2323 / www.cdfny.org

The Children's Defense Fund (CDF) Leave No Child Behind® mission is to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective voice for all the children of America who cannot vote, lobby or speak for themselves. CDF educates the nation about the needs of children and encourages preventive investments before they get sick, into trouble, drop out of school or suffer family breakdown. As part of our advocacy efforts, we launched the CDF Cradle to Prison Pipeline® Campaign, a national call to action to stop the funneling of thousands of children, especially poor children and children of color, down life paths that often lead to arrest, conviction, incarceration and even death.

The Children's Defense Fund – New York office currently engages in policy analysis and advocacy with regard to early childhood education, health care, education justice, and youth justice. We work closely with a number of community-based organizations, as well as with faith leaders, youth groups and parent groups to ensure that our advocacy is shaped by the everyday realities of our most vulnerable New Yorkers.

This testimony will address how the New York City Open Data Law can help further social change and progress for our city's children and families. Following are some ways that the law can further effective policy analysis and advocacy in the interest of serving and protecting New York's children and families.

- With respect to early childhood education and programming services in New York City, the Administration for Children's Services (ACS) currently does not publicize data on the child care subsidy and *Early Learn* programs. Therefore, little is known about who is being served, the type of care chosen, and the quality of service being provided. Having public data that can speak to these areas, at minimum, would be extremely helpful for determining: (1) program access, and (2) program quality. For instance, while the *Early Learn* program posts data on overall program enrollment, there is no breakdown to identify the demographics of enrollees and the specific catchment areas where enrollment is happening. Additionally, any classroom observation data that can provide insight on program service and quality has not been made public. As child advocates, it is the hope that this data and other information on program-related outcomes that will be collected in the future will be made public. Making data collected on early care and education services more transparent and accountable to achieving specific measures for the well-being of children in their earliest years of development is a necessary step to ensuring that all children have a *Head Start* in life.
- With regard to the tracking and monitoring of disciplines used in New York City schools by the Department of Education (DoE) and the New York Police Department (NYPD), while the Student Safety Act requires data releases on school safety and disciplinary issues, there is a significant portion of data that is redacted and incomplete – including incidents involving arrests and suspensions of students. While the data currently provided has allowed child advocates to shed light on how students of color are disproportionately being fed into the school-to-prison

pipeline, there is more that needs to be revealed. Both the DoE and NYPD need to be held accountable by the community to ensure that all data released is complete and accurate.

- Concerning measuring the public health of New York City's children and families, data detailing health outcomes of city residents is highly important in determining the need for resources and the effectiveness of specific interventions. For example, openly providing data that measures health outcomes for children and youth who receive health services in schools by school nurses or school-based health center providers allows for determinations to be made about treatment and program efficacy when it comes to measuring impact and outcomes.
- With regard to youth justice, data currently collected on children placed in secure facilities have clearly demonstrated that children are regularly restrained, injured, and confined to their rooms in these settings. This is a significant finding that requires action. Access to data that can show such a trend is key to demonstrating the need for system reform. If we are to have any hope of reducing these harms, we must not allow such harmful practices to proliferate in the dark, hidden from the public. Implementation of the Open Data Law supports this transparency, allowing for accountability and reform.

Finally, in closing, I will point to an example of how the intent of the Open Data Law has been recognized as necessary by the New York City Council. In 2013, new legislation was passed regarding reporting requirements for The Administration for Children's Services (ACS) with regard to youth detention and placement. The new legislation replaced previous legislation, requiring ACS to report on demographic and incident-related data in secure and non-secure detention (NSD) facilities housing children. The new legislation added in the inclusion of non-secure placement (NSP) and limited secure placement (LSP) facilities. Demographic data collected now includes all four categories: secure detention, NSD, NSPs, and LSPs. Additionally, for most categories, it encompasses a comprehensive spectrum, including age, gender, race, zip code, and charge data. Expansion of data collection to include all juvenile facilities under ACS jurisdiction is a necessary step to monitoring systems and determining how to provide optimal intervention to youth who are being detained and placed. The intent of Open Data Law calls for such comprehensiveness. Ultimately, comprehensive data is essential to providing evidence on how to serve the profound needs of youth who enter the justice system.

I want to thank the members of City Council for hosting today's hearing. CDF-NY remains steadfast in working to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start in life. The Open Data Law supports this movement by creating clear provisions for the tracking of data that will foster accountability for providers and systems that touch New York's children and families.

Testimony presented by Lourdes Cintron for The Citywide Mental Health Project

New York City Council
Public Hearing on Oversight:
DoITT's Administration of New York City's Open Data
November 20, 2013

Good afternoon. My name is Lourdes Cintron, the founder of The Citywide Mental Health Project, a grassroots group of recipients of mental health services, their friends and relatives striving to empower consumers to learn to monitor the quality of services they receive in their community mental health programs, among other goals.

We appreciate this opportunity you grant us to contribute our feedback on the topic of the NY City's Open Data 'initiative'. **There is no data on mental health issues.**

Technical aspects:

The website is confusing and, in my view, (as it is now) useless for the purpose stated in the law. For example:

- a) The icons for selecting data-format presentation are not 'user friendly', meaning they are 'not enjoyable'. It requires high levels of computer and research skills to figure out which one to select, and once selected, the format is still confusing. I could not use it, even though I do have computer skills.
- b) As it is now, most of the members in my group do not have the skills to navigate this website's *graphical user interfaces* if they needed to access the information supposedly available. This website was designed for researchers, not for the general public.

Transparency issues:

Searching in the "Data catalog" box for mental health data is an exercise in futility. The search for either "mental health" or "department of health and mental hygiene" gives you, both of them, "NYC's famous Baby names" and "food vendors without permit"

Also, a search on “311” shows *not a single call* requesting information about mental health services or a single incident related to it. Almost *all* 311 reports since 2010 are related to vermin and rats. A researcher could easily conclude that rat infestation has no impact in the city’s mental health. *This could matter for policy and budget purposes.*

Finally, how is transparency achieved by publishing the names and addresses of citizens who committed minor infractions, e.g. names street vendors without permit, but neglecting to publish the names of big companies CEOs who have defrauded the city in the millions of dollars, like Mark Mazer’s of City Times, for example?

If ‘transparency’ is going to be dependent on reported meaningless data, and if (quoting from the law) “the city does not warrant” the “**completeness, accuracy, content or fitness for any particular purpose**” of the data published, then this new law is nothing but a...let me just call it a *mistake*.

Let’s be realistic: there has been not a single government agency in this nation history which welcomes ‘transparency’, especially since 9/11. This website, as it is now, is the latest addition to that historical fact.

Thank you for your attention.

Respectfully,

Lourdes Cintron

Citywide Mental Health Project

Email: citywidementalhealthproject@live.com

Phone: 718-561-8415

Address: 480 East 188th Street, Apt. 7M

Bronx, New York 10458

Testimony
of
John Kaehny
Executive Director
Reinvent Albany
before the
New York City Council Committee on Technology
Oversight Hearing on
Local Law 11 of 2012
(NYC Open Data Law)

November 20, 2013

Good afternoon. I'm John Kaehny, executive director of Reinvent Albany, and co-Chair of the New York City Transparency Working Group. In that role I worked closely with Council, the Mayor's Office and DOITT to win passage of the NYC Open Data Law. My non-profit group works with both city and state government to promote the use of everyday technology to make government more open and accountable.

We've handed out copies of the Transparency Working Group's report "*NYC Open Data Law Progress and Challenges*" which my testimony partially summarizes.

1. We strongly support the NYC Open Data Law and its intent. It's a smart-phone era tool for opening up the valuable government information that has been gathered at great public expense. It makes that information vastly easier for everyone, in and out of government to use. The NYC Open Data Law is widely considered one of the best in the world, and we urge the council and the next administration to fully fund and support its implementation.
2. The Open Data Law is working. It has led to the release of long sought datasets like the PLUTO and ACRIS tax lot and real estate databases, and 311 complaints. The City's open data portal is being used by the public, advocates, apps developers and journalists. The NY Times and National Public Radio regularly cite and credit the open data portal. NYC Big Apps has given open data in NYC a big push, and apps like Roadify, Yelp and NYC Building Violations make government information more easily accessible. Government agencies are starting to use the city's Open Data Portal for their own, easy, data retrieval. TLC has published data on medallion vehicles and drivers.

3. Implementation of the Open Data Law needs improvement. Many city agencies did not submit the mandated Agency Compliance Plans. Of those that did, many gave themselves a multi-year extension on releasing data that was supposed to have been released on March 13, 2013. (That was the deadline for publishing data currently on city websites in a non-open format.) At that time, agencies released about half of the datasets they should have. Additionally, the data portal itself needs improvement, especially the search function.

4. Despite much progress, there is an overall mismatch between what's on the portal and what the public wants to see. Many agencies have dragged their feet on releasing data they know the public is interested in. For example, the NYPD, has not made data on crimes and traffic crashes available in usable, open formats --- though most major American cities already do this. Also, important city data, especially rules and reports, are still only available in closed formats, or are being sold in an open format in apparent contradiction of the law.

5. We have two recommendations for getting the data the public is most interested in published. First, the city should be using 311, FOIL and website usage to identify common requests for data, and making those common requests public. Second, the council should pass a new "One Strike You're In" law which requires that data sets released through FOIL be published in the open data portal.

Thank you,



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the
Committee on Technology in Government of the New York City Council
Oversight Hearing Regarding Administration of the Open Data Law
Wednesday, November 20, 2013

Good afternoon, Chair Cabrera, and members of the Committee on Technology in Government. My name is Rachael Fauss, and I am the Policy and Research Manager of Citizens Union of the City of New York. Citizens Union is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform. We work to ensure fair and open elections, honest and efficient government, and a civically-engaged public.

Citizens Union is a longtime supporter of the city's landmark Open Data Law, having participated in shaping the provisions of the bill and ultimately supporting its passage in 2012. We welcome the City Council's continued engagement on this issue in holding this important oversight hearing today. As government becomes increasingly data-driven, it is important that the wealth of public data be made readily available to the public in a timely manner, as well as in a form that is accessible and allows for independent analysis. Doing so will ensure the public are active participants in informing data-driven governmental decision-making

Before turning to Citizens Union's evaluation of needed next steps on implementation of the city's Open Data Law, I would like to highlight some of the positive effects the Law has already had in New York City.

Importance and Value of Open Data

Open Data is revolutionizing the way that government shares information with the public, and with the passage of the Open Data Law, city government is on its way toward fully modernizing public access to information.

The passage of the law has set an important new standard for public access to data: instead of the public needing to request information through the Freedom of Information Law (FOIL), data is now being pushed out to the public proactively. This paradigm shift has started to have important benefits for New Yorkers, which are described in greater detail in the Transparency Working Group report that has been submitted to the committee. Among these benefits and positive steps are the following:

- 1. Release of high-value data sets**, like 311 complaints, Automated City Register Information System (ACRIS) and Primary Land Use Tax Lot Output (PLUTO) data, which was previously available with a paywall, among others;

2. **Widespread use of the open data portal** by agency staff, the public, journalists, academics, and council staffers; and
3. **Commercial use of the portal** to create web-based and mobile apps, supporting the Open Data Law's goals to spur innovative uses of data and align with the city's efforts to grow the tech industry.

Needed Next Steps on Open Data

In order to ensure the continued success of the city's Open Data Law, Citizens Union recommends first that the City Council lead by example in publishing important data to the public. Similar to the City Council's efforts to webcast its meetings prior to passage of legislation earlier this month to require all city agencies to webcast their meetings, we urge the City Council to engage in the following actions to ensure the release of city data under its purview:

City Council

1. **Publish all of the City Council's data on the open data portal.** This should include the following priority datasets, which are not currently in the compliance plan submitted to the Department of Information Technology and Telecommunications (DoITT):
 - a. **City Council Expenditure Reports** – This should include detailed and up to date information about its expenditures on items such as mailings, rent and other district office costs for members, staffing, stipends received by members, and other relevant expenditures. This data should be broken down by member to the extent that the information is available. The state legislature currently provides this information to the public, though in pdf form¹, and the Council can be a leader in this area by providing its own expenditure data in a much more transparent form. It should be noted that this was supported by 31 incoming members of the Council in the October 30th Rules Reform Agenda issued by the Progressive Caucus and other members.² This information should also be provided on an annual basis as part of the budget process.
 - b. **Legislative Service (LS) Requests** – We were pleased to see the City Council include in its open data compliance plan that it will be publishing data on legislation, as provided in its Legistar portal. We believe that this data should extend, however, to requests by members for bills to be introduced, including any relevant data regarding sponsor, status, days/months since the bill has been drafted, topic and committee to which the bill will be referred.
2. **The Council should also work with city agencies that it appoints to ensure their compliance with the Open Data Law, including the following:**

¹ The New York State Assembly's expenditure reports can be found online at:
<http://assembly.state.ny.us/expenditure/>

² Available at: <http://bradlander.com/news/updates/city-council-rules-reform-for-2014-council-session>

- a. **Office of the City Clerk** – The City Clerk, who is appointed by the City Council, maintains a database of city lobbying activity. While it is currently searchable online, it does not include much of the underlying, detailed data that lobbyists file, and is not exportable. The complete data should be provided via the open data portal, and updated automatically. This data set is particularly important given that the Clerk’s Office and DoITT have yet to complete a more advanced database to reveal more lobbying activity that was first explored and recognized as important by the City Lobbying Commission more than two years ago. It should also be noted that the Office of the City Clerk did not provide information regarding its intended compliance with the Open Data Law in the recently released open data plan. We request that you ensure that this information is provided prior to release of the July 2014 updated plan.
- b. **Campaign Finance Board (CFB)** – As the Campaign Finance Board is currently jointly appointed by the City Council and Mayor, we request that you ensure that the wealth of data collected by the CFB which is already provided online for expenditures and contributions is integrated into the open data portal. It should also be noted that the Campaign Finance Board did not provide information regarding its intended compliance with the Open Data Law in the recently released open data plan. We request that you ensure that this information is provided prior to the release of the July 2014 updated plan.

The Council should also continue to play an important oversight role with regarding to agencies under the purview of the mayor to ensure compliance with the Open Data Law. We recommend that the Administration, with the support of the Council, ensure that the following steps are taken to ensure greater compliance with the law:

Administration

1. **The Administration should release to the City Council and the public a list of which agencies are subject to the Open Data Law.** This list will clarify whether the Administration believes certain agencies, such as the Board of Elections, are subject to the Open Data Law. It should be noted that agencies could also voluntarily provide data, even if they are not technically subject to the law.
2. **The Council and Administration should ensure that additional agencies submit compliance plans regarding their release of data to the public.** Among the agencies that failed to submit compliance plans are the following: Board of Standards and Appeals, Campaign Finance Board, Civilian Complaint Review Board, Office of the City Clerk, and the Commission to Combat Police Corruption, possibly among others. Again, having the list of agencies subject to the Open Data Law would facilitate this effort.
3. **The City Council should examine legislative changes to strengthen the law, including a public right of action.** As part of the negotiation over the Open Data Law, the Law Department had a public right of action removed from proposed legislation. Citizens Union supported its inclusion at that time, and believes that going forward, giving the public this tool will ensure compliance with the law.

- 4. The City Council and Administration should work with civic partners to ensure that priority data sets are put on a “fast track” for inclusion in the open data portal. To this end, the Transparency Working Group has submitted a “wish list” of open data requests, which includes many of Citizens Union’s recommended data sets for publishing.**

Thank you again for holding this hearing and allowing Citizens Union to present its views and recommendations. I am available to answer any questions you have.



Testimony
of
Gene Russianoff
Senior Attorney
New York Public Interest Research Group
before the
New York City Council Committee on Technology
Oversight Hearing on
Local Law 11 of 2012
(NYC Open Data Law)
November 20, 2013

Good afternoon. My name is Gene Russianoff and I am staff attorney for the New York Public Interest Research Group, a student-directed state-wide advocacy organization.

I want to start by recounting a brief story to give you an idea of how far we have come in making City databases available to the public.

It was back in 1980 and NYPIRG wanted to do a study of the fairness of City property tax assessments for homeowners. But the Finance Department told us the selling price of the property could not be made public, as it was derived from tax forms. NYPIRG was on the verge of giving up when we learned that what is called the "sales file" was available for purchase through the NYC Planning Commission.

In our haste to get this supposedly unavailable database, we bought a print out version of some 23,000 home sales and assessments. As a result, we had to key punch many thousands of IBM cards, which were very unforgiving if you made a mistake. Although it was more than 30 years ago, I can still call up all the bad memories, such as the metallic feel of the IBM machine key punch machines and page after page after page after page of stacked IBM cards, with the rejects stacked up on the floor.

With dogged persistence to turn out a report called City of Unequal Neighbors that documented dramatic disparities, with very high assessments in low-income neighborhoods. We convinced the Finance Department under Mayor Ed Koch to reassess more than 50,000 homes.

Out of these experiences, groups convinced the 1989 NYC Charter Revision Commission to create a Commission on Public Information and Communication (COPIC). One of its key tasks was to create a Public Data Directory of databases.

Unfortunately, with the exception of its first year, COPIC was not funded. Despite earnest attempts by the Office of Public Advocate to devote some of its very limited resources to these issues, COPIC has gone without funding for most its 23 years.

My point: For many years, it has been a severe challenge to obtain City databases. The New York City Open Data Law should change that.

In conclusion, I would like to highlight what I see as the key goals to be achieved by and the key questions to be answered by the Open Data Law.

NYPIRG sees as central goals for the Open Data Law:

First, to make the City's massive amount of data publically available.

Second, to compel the City to inventory and assess its data in a methodical and timely way.

Of the questions listed in the Transparency Working Group's report, I would highlight two as critical:

- Does the administration look at website analytics, FOIL requests, and 311 requests when deciding which data sets to prioritize for release?
- Has the administration used the Open Data Law to reduce the number of FOIL requests City agencies receive? Does the City know the nature of FOIL requests agencies are receiving? Are some of these requests for tabular data suitable for publication on the Open Data Portal?

Our groups are committed to watching how well the Open Data Law performs in achieving these aims.



NYCLU

NEW YORK CIVIL LIBERTIES UNION

125 Broad Street
New York, NY 10004
212.607.3300
212.607.3318
www.nyclu.org

**TESTIMONY OF SARA LAPLANTE
ON BEHALF OF THE NEW YORK CIVIL LIBERTIES UNION¹**

before

**THE NEW YORK CITY COUNCIL
COMMITTEE ON TECHNOLOGY**

on

DoITT'S ADMINISTRATION OF THE OPEN DATA LAW (LOCAL LAW 11, 2012)

November 20, 2013

The New York Civil Liberties Union respectfully submits the following testimony regarding our recommendations for DoITT's administration of Local Law 11 of 2012,² the New York City open data law.

With 50,000 members and supporters, the New York Civil Liberties Union (NYCLU) is the foremost defender of civil liberties and civil rights in New York State and a longstanding advocate for government transparency. Open and accessible government is essential to a functioning democracy.

In advocating for the rights of New Yorkers, we often rely on publically-available data and records provided under the Freedom of Information Law. Access to information such as the NYPD "stop and frisk" database, Department of Education data on student suspensions and others has lead to major policy changes; for example, in the most recent reporting periods, 80,000 fewer individuals were stopped and frisked by the NYPD, and nearly 20,000 fewer school suspensions were issued. Public debate about these practices was fueled by data

¹ We would like to thank Pamela Schwartz (New York Law School, '14) and members of the New York City Transparency Working Group for their assistance with this testimony.

² N.Y.C. Code §23-501, et seq. (2012)

demonstrating their ineffectiveness and unbalanced racial impact. The real-world effects of broad access to government data are hard to overstate.

Making these data available in an open format is vital, as the law states, to “make the operation of city government more transparent, effective and accountable to the public.” In this age of increasingly sophisticated database technology, it is incumbent upon the government to streamline access to computerized records. Freedom of Information requests are an important tool, but are cumbersome to file and to answer; government agencies can better serve a transparency goal by proactively making datasets available. We wholeheartedly support the open data law and would like to see DoITT improve implementation and effectiveness of the law.

Failures of FOIL Compliance

Open records and publically-reported data are crucial to the work of the NYCLU and the transparency of our city. The web portal established by Local Law 11 could revolutionize how we access and use these data. The city council must continue to fund implementation of Local Law 11 and must work with DoITT to audit compliance by city agencies.

The NYCLU supports the open data law in part because of our negative experiences in receiving timely and substantive information from city agencies under the Freedom of Information Law (FOIL). These experiences are common to many advocates and members of the public as agencies struggle to timely respond to requests for large datasets. We anticipate that, when implemented fully, Local Law 11 will proactively address the transparency and accountability concerns central to FOIL by reducing paperwork and wait times associated with requesting records.

As an example, our efforts to obtain information about NYPD policies have often been met with refusals or outrageous delays. In 2007, after the NYPD neglected quarterly reporting required under local law, the NYCLU submitted a FOIL request to the department for access to its electronic stop-and-frisk database.³ The NYPD refused to provide the database, which forced the NYCLU to sue for the data. The ultimate release of these data, pursuant to a court order, has resulted in an explosion of public reporting about the large impact of stop-and-frisk on innocent

³ N.Y.C. Code §14-150 (2001)

New Yorkers and has fueled a citywide debate about civil rights and public safety. Organizations or individuals with fewer resources may never have obtained these data.

Importance of a Broad Reading of the Law

The NYCLU encourages the Council, DoITT, and city agencies to adopt a broad reading of Local Law 11 to ensure its goals are met.

The declared legislative intent of the open data law is to increase government transparency, streamline communication both within government and with constituents, allow the public to identify efficient solutions for the government, promote strategies for social progress between the public and the government, and to create economic opportunities.⁴ These goals are best served by a broad and inclusive interpretation of the law, reaching all agencies and all public datasets.

Because technology perpetually outpaces the law, a broad interpretation of Local Law 11 will allow the law to continue to achieve its purpose as innovation changes the way government collects, analyzes, and stores data. An expansive reading of the agencies, offices, and types of information covered by the law will permit flexibility and transparency as digital data evolves.

Missing Datasets

DoITT has failed to compel city agencies' full compliance in reporting all data mandated by the law. This is particularly evident with city agencies known to shirk compliance with open records laws, such as the New York Police Department and the Department of Education.

The New York Police Department

On September 22 of this year, DoITT released its *NYC Open Data Plan* that included a list of all datasets to be published pursuant to the law. The NYPD, an agency with the fifth largest budget in the city⁵ and perhaps the most public attention and interest of all government offices, submitted the names of only six data sources, shown below, that it deemed "public" as defined by the law.

⁴ §1, Local Law 11 (2012).

⁵ FY2014, Checkbook NYC 2.0

Agency	Dataset	Dataset Description	Update Frequency	Planned Release Date
New York Police Department (NYPD)	Reasonable Suspicion Stops	Precinct based comparison by stop and suspect description. 87 page report with tables and charts	Annually	11/1/2014
New York Police Department (NYPD)	Crime Enforcement Activity	Breakdown of enforcement by crime and select indicators (shootings, firearms, juveniles)	Annually	2/1/2016
New York Police Department (NYPD)	Murder in NYC	Written 11 page report	Annually	8/1/2015
New York Police Department (NYPD)	Stop, Question and Frisk Reports	Statistical breakdown by citywide, borough, and precinct	Annually	7/1/2014
New York Police Department (NYPD)	Firearms Discharge Report	Report detailing NYPD occurrence of firearm discharge	Annually	9/1/2014
New York Police Department (NYPD)	Citywide Crime Statistics	Statistical breakdown by citywide, borough, and precinct	Weekly	3/1/2017

These six data sources are image- and text-heavy reports published by the NYPD. While they contain important data summaries in graphs and tables, submitting entire reports to the *Open Data Plan* misses the mark of the law, which requires data to be reported in an “alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed... Such term shall not include...image files, such as designs, drawings, maps, photos...” PDF files are not easily machine-readable, and the use of the NYPD data within these reports would require intensive labor from anyone hoping to analyze these data in a way different than presented in the department’s reports.

Further, these reports are not raw data—they come pre-packaged, with a public relations angle from the NYPD. Researchers using them are left to deconstruct messages from the provided narratives and reconstruct their own conclusions. This is seen best in the *Reasonable Suspicion Stops* report, a precinct-by-precinct summary of selected variables from the *Stop, Question and Frisk Database*, which itself is raw data that the NYPD excluded from the *Open Data Plan*. This report appears to be a document designed for the news media in response to the NYCLU’s analysis of NYPD stop, question and frisk data.

Perhaps in an attempt to validate the need for and constitutionality of stops, the NYPD report includes the top crime suspected that lead to the stop. Yet, the report excludes the percentage of those stops that actually resulted in an arrest or summons. So while it may be valuable to know that a third of the people in East New York (Precinct 75) were stopped on suspicion of weapons possession, it is as important to know that less than one percent of stops

resulted in a weapon found – lower than the 3.88 percent recovery rate for Murray Hill and Kipps Bay (Precinct 17). That statistic, easily gleaned from the raw data, is omitted from this report.

Finally, even if the reports the NYPD plans to provide under the open data law were raw data provided in a machine-readable format, the list they proffer is far from exhaustive of datasets “available for inspection by the public in accordance with any provision of law.” For example, the *Stop, Question and Frisk Database*, a database reporting information on each *Terry* stop made by an NYPD officer (not to be confused with the statistical summaries of the *Stop, Question and Frisk Reports* included above), is the one dataset that the NYPD already publishes that actually *is* a dataset and not a PDF of compiled narratives interspersed with tables of data summaries. Even though the NYPD reports these data on its website, the department excludes them from reporting under Local Law 11, perhaps to avoid publishing this controversial dataset in an open format. Currently, this database exists on the NYPD website as an SPSS file, which requires advanced coding skills or expensive software to open; it is not accessible to members of the public.

There are a number of other NYPD datasets excluded from the *Open Data Plan* that can and should be published, including the *Stop, Question and Frisk Database*, locations of crime incidents and reports, buildings enrolled in Operation Clean Halls, information on summonses issued for non-criminal violations, and operations of the school safety division. We list those we would like to see below.

- 1. Stop, Question and Frisk Database**

As mentioned above, this database is already published on the NYPD website. It easily fits the law’s definition of public data and if put into a machine-readable format, could easily be included on the law’s web portal.

- 2. Data reported to the city council under the police reporting law**

There are several datasets required by §14-149 and §14-150 of the Administrative Code of the City of New York. These include, for example, the number of calls, incidents, crime reports in the city; average response time by police unit; 911 operational time

analysis and the number of police officers by precinct. The NYPD already compiles these data for the city council and should include them under Local Law 11 reporting.

3. School-based arrests

Currently, the Student Safety Act (§14-152 of the Administrative Code of the City of New York) requires reporting on “the number of individuals arrests and/or issued a summons by school safety agents or police officers assigned to the school safety division of the New York city police department.” This reporting has helped advocates and community members better understand what is happening in New York City schools, but the NYCLU hears many stories of students facing an arrest in school by a fully-uniformed officer outside of the School Safety Division of the NYPD. We expect that the Student Safety Act reporting may drastically undercount school-based arrests. These data are public and vital to holding the NYPD accountable in public schools. The NYPD should report these data by a total count and disaggregated by borough, race, gender, IEP status, ELL status and school.

4. School-based incident data

Each year, hundreds of students are exposed to law enforcement actions but are not formally arrested by the NYPD. The Student Safety Act data does not account for these interactions – which may include handcuffing, use of alternative restraints or prolonged detention – even though the NYPD and the schools collect this information. Specifically, the NYPD School Safety Division’s *Criminal Incident Report* (CIR) captures information on whether an incident involved a weapon, a gang, or drugs. The CIR further states whether an incident occurred at scanning, whether a student was arrested or received a summons, and whether a student was issued a juvenile report. Similarly, the Department of Education captures information through Occurrence Reports that provides details on incidents and whether NYPD was contacted. These data should be reported in aggregate and broken down by incidents involving weapons, gangs, scanning and any other category recorded on the CIR.

5. Locations of impact zones

The NYPD designates areas of the city where they believe a targeted dose of heavy police enforcement could help improve high crime rates. These zones, identified using Compstat, are subject to increased police presence, and perhaps, harassment. The NYPD can reveal what neighborhoods within precincts are targeted by Operation Impact without revealing details of enforcement that might compromise police activity.

6. Criminal court summonses

The NYPD should report aggregate totals of criminal court summonses issued in the city, broken down by precinct, offense, year and race, gender and age of the recipient. The NYPD claims that they do not keep information on the race of people receiving summonses, and these data are nowhere publically available. But the NYCLU has strong reason to believe that summonses, much like low-level misdemeanor arrests, such as for marijuana possession, are disproportionately impacting young men of color. Publishing these data would be an important check on NYPD abuses in neighborhoods of color.

7. Location of serious crime incidents

If I am considering moving to a new neighborhood or opening a business, it is nearly impossible to find out where crime is happening in New York City. If I hear a gunshot outside of my apartment, I can rarely find out if someone nearby has been hurt. The NYPD publishes weekly Compstat reports by precinct, but these are unable to capture neither a historical trend nor pointed locations for crime occurrences. Other cities, such as Chicago, post these data without compromising the safety of the city.⁶ The NYPD should make these data available including x- and y-coordinates and a historical trend.

8. Location of serious crime reports

Similarly, the NYPD should report the locations where crime is reported to have occurred by x- and y-coordinates.

9. Information on early warning system for officers reported through the CCRB

The public should know

10. Costs to the city for bias-based policing practices

⁶ <http://gis.chicagopolice.org/CLEARMap/startPage.htm>

The department should report the money it spends on policing practices, such as stop-and-frisk. For example, the department should report what it pays out for civil lawsuit resolutions.

11. Arrests made in and near public housing

The department should report the number of arrests made in or around public housing units, for example, during top-to-bottom sweeps. These arrest data should be disaggregated by race, gender, age and charging offense.

12. List of clean halls buildings

The NYPD should publish a list of buildings enrolled in Operation Clean Halls.

13. Information on surveillance activities

The department should report how it spends the city's resources on surveillance activities. These data should include total staff time spent, officers involved in surveillance operations, money spent, equipment bought and used for surveillance operations. These data should also include the number of open files the NYPD chooses to surveil each year.

14. Number of bench arrest warrants for criminal court summonses and number of arrests made based on executing bench arrest warrants for criminal court summonses

These data should be reported by total number and disaggregated by precinct, charging offense, year and race, gender and age of the person arrested or issued a warrant.

15. Complaints made against School Safety Officers

While the Civilian Complaint Review Board publishes information on the number of complaints received from the public, similar information is not available regarding complaints filed against School Safety Agents. The School Safety Division Investigations Unit, the first-line agency responsible for processing complaints against School Safety Agents, receives complaints regarding the use of excessive force, unlawful arrest, and other complaints that fall into the FADO category (Force, Abuse of Authority, Discourtesy, Offensive Language). Data on these complaints, including total number of complaints received, by category and geographic jurisdiction, is a necessary tool for the public to monitor the NYPD.

The Department of Education

The DOE is the city agency with the largest budget⁷ and the responsibility of educating over one million of the city's children. They keep records on numerous student data points ranging from attendance records to school surveys to school discipline. In fact, the DOE is currently engaged in uploading all student records into a cloud maintained by the state in order to build a complex longitudinal dataset on student progress. The capacity and willingness to think expansively about data is obviously part of the culture at DOE. Yet, the department includes a mere 12 datasets in the *NYC Open Data Plan*.

1. Summer school enrollment

The DOE includes in the *Open Data Plan* the audited register data, which details student enrollment on October 31 of the intended school year. These data do not include, however, enrollment for each summer school term. The DOE should report these numbers in the same way they report audited register data: disaggregated by demographic characteristics, such as gender, grade level, race, IEP status, as well as borough.

2. Graduation rates

The DOE reports on its website graduation rates by cohort, gender, race and IEP status. It should include these data in Local Law 11 reporting.

3. School repair requests

School repairs can be a political game and it's important that students are not attending school in dilapidated buildings. The public should have access to aggregate numbers of requests for building and grounds requests by school.

4. Money spent on repairs

Similarly, the DOE should report how much of its budget is spent on repairs by school.

5. List of impact schools

⁷ FY2014, Checkbook NYC 2.0

The DOE selects certain schools as “impact schools” based on an evaluation of NYPD and DOE data, such as violent incidents at school, suspensions and attendance.⁸ The DOE should report the list of schools on this list each school year.

6. List of schools with permanent metal detectors

The NYCLU estimates that there are permanent metal detectors in 232 schools housed within 76 school buildings across the city. We cannot provide an exact number, because the Department of Education refuses to respond to FOIL requests addressing this issue. Parents, researchers and advocates have a right to know where thousands of students are asked to enter metal detectors every day before school. The DOE should publish an annual list of these schools on the web portal.

7. Student Safety Act data

The Student Safety Act (§8-1102 and §8-1103 of the Administrative Code of the City of New York) requires annual and biannual reporting on student suspensions to the city council. The *Open Data Plan* should include these data.

Recommendations

The NYCLU has the following recommendations for the Council today:

1. Continue to fund the open data law.

The city council must continue to fund Local Law 11. Without funding, DoITT will not be able to maintain the web portal established by the law, and without the web portal, the law loses its best tool for sharing data from city agencies.

2. Interpret the law broadly.

To ensure the transparency and accountability at the heart of the law, city agencies should report any public dataset they maintain. The default should be to include more data rather than reporting only the minimum datasets required by a narrow interpretation of the law. City agencies that comply fully and broadly with the law will save resources used in responding to FOIL requests by proactively promoting transparency.

3. Hold agencies accountable for reporting.

⁸ http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2008-2009/20080805_crime_drop.htm

DoITT and the city council must hold city agencies accountable for the datasets they plan to report. DoITT should review more closely the datasets in the *Open Data Plan* and reach out to underreporting agencies to encourage a broad inclusion of public datasets. This may require additional follow-up with agencies that are known to obfuscate open records requirements, such as the NYPD and the DOE. DoITT and the Council should conduct compliance audits, and work with the new administration to usher in a new era of transparency for New York City.

**THE COUNCIL
THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MIKE FLOWERS

Address: 1 CENTRE ST, 1012 N

I represent: OFFICE OF THE MAYOR

Address: CITY HALL

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Name: John Kachung

Address: 148 Lafayette St NY

I represent: Remnant Albany/Transparency Working

Address: 148 Lafayette St NY 6007

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Name: Dominic Mauro

Address: 159 27th St. Apt 2F Brooklyn NY 11232

I represent: NY Tech Meetup

Address: _____

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(PLEASE PRINT)

Name: NOEL HIDALGO

Address: 85 DRIGGS AVE, BROOKLYN

I represent: CODE FOR AMERICA/BETA ¹¹²²²

Address: 150 COURT ST, BROOKLYN NY ^{NYC}

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I represent: ONTODIA

Address: _____

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Name: Don Swaderland

Address: 513 W. 152nd St, NY 10031

I represent: DOT IT

Address: 255 Greenwich St, NYC 10013

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Name: Nicholas O'Brien

Address: City Hall, NYC 10007

I represent: Office of the Mayor

Address: City Hall, NYC 10007

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Name: Ellen McDermott

Address: 7148 Lafayette St, 10013

I represent: Open Plans, Inc.

Address: 122 E 35th St, 10016

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Name: Lourdes Cintrano

Address: 480 E. 188 ST APT 7M BX

I represent: Citywide Mental Health Project

Address: same

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Date: _____

Name: Rachael Fauss (PLEASE PRINT)

Address: 299 Broadway

I represent: Citizen's Union

Address: _____

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in favor in opposition

Date: _____

Name: Matthew Bishop (PLEASE PRINT)

Address: 25-15 Crescent St, Astoria, NY 11002

I represent: iGiveMore.org

Address: _____

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in favor in opposition

LOCAL LAW 11 Date: ✓

Name: GENE RUSSIANOFF (PLEASE PRINT)

Address: 9 MURRAY ST

I represent: NYPIRG

Address: _____

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Local Law 11 of 2012

in favor in opposition

Date: 11-20-2013

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Name: SARA LAPLANTE

Address: 21 E. 118th St

I represent: New York Civil Liberties Union

Address: 125 Broad St.

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in favor in opposition

Date: 11/20/13

(PLEASE PRINT)

Name: Patti Bronghart

Address: _____

I represent: Children's Defense Fund - NY

Address: 15 Maiden Lane, New York, NY 10038

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Juan Martinez

Address: 127 W 26 NYC 10001

I represent: Transportation Alternatives

Address: _____

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