

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0615

Introduced by: Councilmembers Scott, Costello, Henry, Clarke, President Young,
Councilmembers Curran, Middleton, Stokes, Kraft, Holton, Welch, Mosby, Branch,
Reisinger, Spector

Introduced and read first time: January 11, 2016

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: March 14, 2016

AN ORDINANCE CONCERNING

Baltimore City Open Data Program

FOR the purpose of enacting an Open Data Program for Baltimore City; providing for the implementation and governance of this Program; providing for the continued maintenance of the “Open Baltimore” Web Portal; specifying the nature of the datasets to be published on this open data portal; stating certain disclaimers; requiring certain reports; defining certain terms; and providing for a special effective date.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Sections 9-1 through 9-15, to be under the new subtitle,
“Subtitle 9. Open Data Program”
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

SUBTITLE 9. OPEN DATA PROGRAM

§ 9-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 (B) *AGENCY*.

2 “AGENCY” MEANS:

3 (1) ANY DEPARTMENT, AUTHORITY, OFFICE, BOARD, COMMISSION, COUNCIL,
4 COMMITTEE, OR OTHER UNIT OF THE CITY GOVERNMENT; AND

5 (2) ANY INDIVIDUAL NOT EMBRACED IN A UNIT OF CITY GOVERNMENT WHO
6 EXERCISES AUTHORITY COMPARABLE TO THAT OF THE HEAD OF A UNIT OF CITY
7 GOVERNMENT.

8 (C) *CITY DATA; DATA*.

9 “CITY DATA” OR “DATA” MEANS STATISTICAL, FACTUAL, QUANTITATIVE, OR QUALITATIVE
10 INFORMATION THAT IS REGULARLY MAINTAINED OR CREATED BY OR ON BEHALF OF:

11 (1) A CITY AGENCY; OR

12 (2) A THIRD-PARTY CONTRACTOR THAT CREATES OR ACQUIRES INFORMATION,
13 RECORDS, OR OTHER DATA FOR AND ON BEHALF OF A CITY AGENCY.

14 (D) *OPEN DATA*.

15 “OPEN DATA” MEANS DATA MADE AVAILABLE ONLINE:

16 (1) IN OPEN FORMAT; AND

17 (2) WITH NO LEGAL ENCUMBRANCES ON USE OR REUSE.

18 (E) *OPEN DATA PORTAL; WEB PORTAL*.

19 “OPEN DATA PORTAL” MEANS THE “OPEN BALTIMORE” WEB PORTAL AS MAINTAINED
20 UNDER THIS SUBTITLE.

21 (F) *OPEN FORMAT*.

22 “OPEN FORMAT” MEANS ANY WIDELY ACCEPTED, NONPROPRIETARY, PLATFORM-
23 INDEPENDENT, MACHINE-READABLE METHOD FOR FORMATTING DATA THAT:

24 (1) PERMITS AUTOMATED PROCESSING OF THAT DATA; AND

25 (2) FACILITATES SEARCH CAPABILITIES.

26 (G) *DATASET*.

27 “DATASET” MEANS A NAMED COLLECTION OF RELATED RECORDS THAT CONTAINS DATA
28 ORGANIZED OR FORMATTED IN A SPECIFIC OR PRESCRIBED WAY, OFTEN IN TABULAR FORM.

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1 (H) *PROTECTED INFORMATION.*

2 “PROTECTED INFORMATION” MEANS ANY DATASET OR PART OF A DATASET TO WHICH AN
3 AGENCY IS REQUIRED OR AUTHORIZED TO DENY ACCESS PURSUANT TO THE MARYLAND
4 PUBLIC INFORMATION ACT (TITLE 4 OF THE STATE CODE GENERAL PROVISIONS ARTICLE)
5 OR ANY OTHER APPLICABLE LAW.

6 (I) *SENSITIVE INFORMATION.*

7 “SENSITIVE INFORMATION” MEANS ANY DATA THAT, IF PUBLISHED IN OPEN FORMAT,
8 COULD RAISE PRIVACY, CONFIDENTIALITY, OR SECURITY CONCERNS, OR COULD HAVE THE
9 POTENTIAL TO JEOPARDIZE PUBLIC HEALTH, SAFETY, OR WELFARE, TO AN EXTENT THAT IS
10 EXCEEDS THE POTENTIAL PUBLIC BENEFIT OF PUBLISHING THAT DATA.

11 (J) *PUBLISHABLE DATA.*

12 “PUBLISHABLE DATA” MEANS DATA THAT IS NEITHER PROTECTED INFORMATION NOR
13 SENSITIVE INFORMATION.

14 **§ 9-2. RULES AND REGULATIONS.**

15 THE CITY’S CHIEF DATA OFFICER MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS
16 SUBTITLE.

17 **§ 9-3. SHORT TITLE.**

18 THIS SUBTITLE MAY BE CITED AS THE “BALTIMORE CITY OPEN DATA PROGRAM”.

19 **§§ 9-4 TO 9-5. {RESERVED}**

20 **§ 9-6. PROGRAM INITIATIVE.**

21 THE CHIEF DATA OFFICER SHALL OVERSEE THE DEVELOPMENT AND ADOPTION BY THE CITY
22 OF A PROGRAM THAT ALLOWS THE CITY TO:

- 23 (1) PROACTIVELY RELEASE ALL PUBLISHABLE DATA, MAKING IT FREELY AVAILABLE IN
24 OPEN FORMATS, WITH NO RESTRICTONS ON USE OR REUSE, AND FULLY ACCESSIBLE TO
25 THE BROADEST RANGE OF USERS FOR VARYING PURPOSES;
- 26 (2) PUBLISH HIGH QUALITY, UPDATED DATA, WITH DOCUMENTATION (~~METADATA~~) AND
27 PERMANENCE TO ENCOURAGE MAXIMAL USE;
- 28 (3) CONTINUE AND MAINTAIN THE “OPEN BALTIMORE” WEB PORTAL AS THE CENTRAL
29 LOCATION FOR PUBLISHABLE OPEN DATA;
- 30 (4) MINIMIZE LIMITATIONS ON THE DISCLOSURE OF PUBLIC INFORMATION, WHILE
31 APPROPRIATELY SAFEGUARDING PROTECTED AND SENSITIVE INFORMATION; AND
- 32 (5) ENCOURAGE INNOVATIVE USES OF THE CITY'S PUBLISHABLE DATA BY AGENCIES, THE
33 PUBLIC, AND OTHER PARTNERS.

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1 **§ 9-7. PROGRAM IMPLEMENTATION AND GOVERNANCE.**

2 (A) *IN GENERAL.*

3 THE CHIEF DATA OFFICER SHALL WORK WITH THE CITY'S AGENCIES AND OFFICIALS TO:

4 (1) IDENTIFY FOR EACH AGENCY A LEAD OPEN DATA COORDINATOR WHO WILL BE
5 RESPONSIBLE FOR MANAGING THAT AGENCY'S PARTICIPATION IN THE OPEN DATA
6 PROGRAM;

7 (2) ESTABLISH A COMPREHENSIVE INVENTORY OF DATASETS HELD BY EACH AGENCY
8 AND TO BE PUBLISHED ON THE OPEN DATA PORTAL AND REGULARLY UPDATED;

9 (3) DEVELOP AND IMPLEMENT A PROCESS FOR DETERMINING THE RELATIVE LEVEL OF
10 RISK AND PUBLIC BENEFIT ASSOCIATED WITH POTENTIALLY SENSITIVE, NON-
11 PROTECTED INFORMATION, SO AS TO MAKE A DETERMINATION ABOUT WHETHER
12 AND HOW TO PUBLISH THAT INFORMATION;

13 (4) DEVELOP AND IMPLEMENT A PROCESS FOR PRIORITIZING THE PUBLICATION OF
14 DATASETS ON THE OPEN DATA PORTAL, TAKING INTO ACCOUNT:

15 (I) NEW AND EXISTING SIGNALS OF INTEREST FROM THE PUBLIC (SUCH AS THE
16 FREQUENCY OF PUBLIC INFORMATION ACT REQUESTS);

17 (II) THE CITY'S PROGRAMMATIC PRIORITIES;

18 (III) EXISTING OPPORTUNITIES FOR DATA USE IN THE PUBLIC INTEREST; AND

19 (IV) COST;

20 (5) ESTABLISH PROCESSES FOR PUBLISHING DATASETS ON THE OPEN DATA PORTAL,
21 INCLUDING PROCESSES FOR ENSURING THAT DATASETS ARE REVIEWED FOR USE-
22 APPROPRIATE FORMATS, QUALITY, TIMELINESS, AND EXCLUSION OF PROTECTED
23 AND SENSITIVE INFORMATION;

24 (6) DEVELOP AND ROUTINELY UPDATE A PUBLIC TIMELINE FOR NEW DATASET
25 PUBLICATION; AND

26 (7) ENSURE THAT PUBLISHED DATASETS ARE AVAILABLE FOR BULK DOWNLOAD.

27 (B) *FEEDBACK AND COLLABORATION.*

28 IN ORDER TO INCREASE AND IMPROVE USE OF THE CITY'S OPEN DATA, THE CHIEF DATA
29 OFFICER SHALL ACTIVELY ENCOURAGE AGENCY AND PUBLIC PARTICIPATION BY
30 PROVIDING REGULAR OPPORTUNITIES FOR FEEDBACK AND COLLABORATION.

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1 **§ 9-8. OPEN DATA PORTAL.**

2 (A) *CITY TO MAINTAIN.*

3 THE CITY SHALL MAINTAIN THE “OPEN BALTIMORE” WEB PORTAL AS THE OPEN DATA
4 PORTAL WHERE THE CITY’S PUBLISHABLE DATA WILL BE PUBLICLY AVAILABLE.

5 (B) *DATASET TO BE ON OPEN LICENSE.*

6 DATASETS PUBLISHED ON THE OPEN DATA PORTAL SHALL BE AVAILABLE TO THE PUBLIC
7 ON AN OPEN LICENSE BASIS, WITH NO RESTRICTIONS ON COPYING, PUBLISHING, FURTHER
8 DISTRIBUTING, MODIFYING, OR USING THE DATA FOR ANY NON-COMMERCIAL OR
9 COMMERCIAL PURPOSE.

10 **§ 9-9. ANNUAL REPORT.**

11 (A) *IN GENERAL.*

12 ON OR BEFORE JUNE 30 OF EACH YEAR, THE CHIEF DATA OFFICER SHALL PREPARE AND
13 SUBMIT TO THE MAYOR AND THE CITY COUNCIL AN ANNUAL OPEN DATA REPORT.

14 (B) *CONTENTS.*

15 THE REPORT SHALL INCLUDE:

16 (1) AN ASSESSMENT OF PROGRESS TOWARDS ACHIEVEMENT OF THE GOALS OF THE
17 OPEN DATA PROGRAM;

18 (2) AN ASSESSMENT OF THE CURRENT SCOPE OF AGENCY COMPLIANCE;

19 (3) A LIST OF DATASETS CURRENTLY AVAILABLE ON THE OPEN DATA PORTAL; AND

20 (4) A DESCRIPTION OF AND PUBLICATION TIMELINE FOR DATASETS ENVISIONED TO BE
21 PUBLISHED ON THE OPEN DATA PORTAL IN THE ENDUING YEAR.

22 **§§ 9-10 TO 9-15. {RESERVED}**

23 **§ 9-15. OPEN DATA PROGRAM DISCLAIMERS.**

24 (A) *DATA PROVIDED FOR INFORMATIONAL PURPOSES.*

25 DATA IS MADE AVAILABLE ON THE OPEN DATA PORTAL FOR INFORMATIONAL PURPOSES
26 ONLY.

27 (B) *NO WARRANTIES.*

28 (1) THE CITY MAKES NO EXPRESS OR IMPLIED WARRANTY AS TO THE COMPLETENESS,
29 ACCURACY, CONTENT, MERCHANTABILITY, OR FITNESS FOR ANY PARTICULAR USE OR
30 PURPOSE OF ANY DATASET MADE AVAILABLE ON THE OPEN DATA PORTAL

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1 (2) THE CITY IS NOT LIABLE FOR ANY DEFICIENCY IN THE COMPLETENESS, ACCURACY,
2 CONTENT, MERCHANTABILITY, OR FITNESS FOR ANY PARTICULAR USE OR PURPOSE OF
3 ANY DATASET OR OF ANY THIRD-PARTY APPLICATION USING A DATASET.

4 (C) *NO PRIVATE CAUSE OF ACTION.*

5 (1) NEITHER THIS SUBTITLE NOR ANY OPEN DATA PROGRAM PLAN OR PRACTICE CREATE A
6 PRIVATE RIGHT OF ACTION TO ENFORCE THEIR PROVISIONS.

7 (2) FAILURE TO COMPLY WITH THIS SUBTITLE OR ANY OPEN DATA PROGRAM PLAN OR
8 PRACTICE DOES NOT RESULT IN ANY LIABILITY BY THE CITY.

9 (D) *DISPLAY OF DISCLAIMERS.*

10 THE CITY SHALL CONSPICUOUSLY PUBLISH ON THE OPEN DATA PORTAL THE DISCLAIMERS
11 CONTAINED IN SUBSECTIONS (A) THROUGH (C) OF THIS SECTION.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
13 are not law and may not be considered to have been enacted as a part of this or any prior
14 Ordinance.

15 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 60th day
16 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20____

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20____

Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City