

ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE CREATING A NEW CHAPTER OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES CREATING AN OPEN DATA POLICY AND REVIEW. (AMENDMENT BY SUBSTITUTION)(AS AMENDED).

SPONSORED BY: COUNCIL MEMBERS ARTHUR, WINKLER, CHAMBERS ARMSTRONG, PIAGENTINI, DORSEY, AND PRESIDENT JAMES

WHEREAS, Metro Government is the catalyst for creating a world-class city that provides its citizens with safe and vibrant neighborhoods, great jobs, a strong system of education and innovation and a high quality of life;

WHEREAS, it should be easy to do business with Metro Government. Online government interactions mean more convenient services for citizens and businesses and online government interactions improve the cost effectiveness and accuracy of government operations;

WHEREAS, an open government also makes certain that every aspect of the built environment also has reliable digital descriptions available to citizens and entrepreneurs for deep engagement mediated by smart devices;

WHEREAS, every citizen has the right to prompt, efficient service from Metro Government;

WHEREAS, the adoption of open standards improves transparency, access to public information and improved coordination and efficiencies among Departments and partner organizations across the public, non-profit and private sectors;

WHEREAS, by publishing structured standardized data in machine readable formats, Metro Government seeks to encourage the local technology community to

develop software applications and tools to display, organize, analyze, and share public record data in new and innovative ways;

WHEREAS, Metro Government's ability to review data and datasets will facilitate a better understanding of the obstacles the city faces with regard to equity;

WHEREAS, Metro Government's understanding of inequities, through data and datasets, will assist in creating better policies to tackle inequities in the city;

WHEREAS, through this Ordinance, Metro Government desires to maintain its continuous improvement in open data and transparency that it initiated via Mayoral Executive Order No. 1, Series 2013;

WHEREAS, Metro Government's open data work has repeatedly been recognized as evidenced by its achieving What Works Cities Silver (2018), Gold (2019), and Platinum (2020) certifications. What Works Cities recognizes and celebrates local governments for their exceptional use of data to inform policy and funding decisions, improve services, create operational efficiencies, and engage residents. The Certification program assesses cities on their data-driven decision-making practices, such as whether they are using data to set goals and track progress, allocate funding, evaluate the effectiveness of programs, and achieve desired outcomes. These data-informed strategies enable Certified Cities to be more resilient, respond in crisis situations, increase economic mobility, protect public health, and increase resident satisfaction; and

WHEREAS, in commitment to the spirit of Open Government, Metro Government will consider public information to be open by default and will proactively publish data and data containing information, consistent with the Kentucky Open Meetings and Open Records Act.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: A new chapter of the Louisville Metro Code of Ordinances (“LMCO”) mandating an Open Data Policy and review process is hereby created as follows:

§ XXX.01 DEFINITIONS. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OPEN DATA. Any public record as defined by the Kentucky Open Records Act, which could be made available online using Open Format data, as well as best practice Open Data structures and formats when possible, that is not Protected Information or Sensitive Information, with no legal restrictions on use or reuse. Open Data is not information that is treated as exempt under KRS 61.878 by Metro Government.

OPEN DATA REPORT. The annual report of the Open Data Management Team, which shall (i) summarize and comment on the state of Open Data availability in Metro Government Departments from the previous year, including, but not limited to, the progress toward achieving the goals of Metro Government’s Open Data portal, an assessment of the current scope of compliance, a list of datasets currently available on the Open Data portal and a description and publication timeline for datasets envisioned to be published on the portal in the following year; and (ii) provide a plan for the next year to improve online public access to Open Data and maintain data quality.

OPEN DATA MANAGEMENT TEAM. A group consisting of representatives from each Department within Metro Government and chaired by the Data Officer who is responsible for coordinating implementation of an Open Data Policy and creating the Open Data Report.

DATA COORDINATORS. The members of an Open Data Management Team facilitated by the Data Officer and the Office of Civic Innovation and Technology.

DEPARTMENT. Any Metro Government department, office, administrative unit, commission, board, advisory committee, or other division of Metro Government.

DATA OFFICER. The staff person designated by the city to coordinate and implement the city's open data program and policy.

DATA. The statistical, factual, quantitative or qualitative information that is maintained or created by or on behalf of Metro Government.

DATASET. A named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way.

METADATA. Contextual information that makes the Open Data easier to understand and use.

OPEN DATA PORTAL. The internet site established and maintained by or on behalf of Metro Government located at <https://data.louisvilleky.gov/> or its successor website.

OPEN FORMAT. Any widely accepted, nonproprietary, searchable, platform-independent, machine-readable method for formatting data which permits automated processes.

PROTECTED INFORMATION. Any Dataset or portion thereof to which the Department may deny access pursuant to any law, rule or regulation.

SENSITIVE INFORMATION. Any Data which, if published on the Open Data Portal, could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that data.

§ XXX.02 OPEN DATA PORTAL

(A) The Open Data Portal shall serve as the authoritative source for Open Data provided by Metro Government.

(B) Any Open Data made accessible on Metro Government's Open Data Portal shall use an Open Format.

(C) In the event a successor website is used, the Data Officer shall notify the Metro Council and shall provide notice to the public on the main city website.

§ XXX.03 OPEN DATA MANAGEMENT TEAM

(A) The Data Officer of Metro Government will work with the head of each Department to identify a Data Coordinator in each Department. The Open Data Management Team will work to establish a robust, nationally recognized, platform that addresses digital infrastructure and Open Data.

(B) The Open Data Management Team will develop an Open Data Policy that will adopt prevailing Open Format standards for Open Data and develop agreements with regional partners to publish and maintain Open Data that is open and freely available while respecting exemptions allowed by the Kentucky Open Records Act or other federal or state law.

§ XXX.04 DEPARTMENT OPEN DATA CATALOGUE

(A) Each Department shall retain ownership over the Datasets they submit to the Open Data Portal. The Departments shall also be responsible for all aspects of the quality, integrity and security of the Dataset contents, including updating its Data and associated Metadata.

(B) Each Department shall be responsible for creating an Open Data catalogue which shall include comprehensive inventories of information possessed and/or managed by the Department.

(C) Each Department's Open Data catalogue will classify information holdings as currently "public" or "not yet public;" Departments will work with the Office of Civic Innovation and Technology to develop strategies and timelines for publishing Open Data containing information in a way that is complete, reliable and has a high level of detail.

§ XXX.05 OPEN DATA REPORT AND POLICY REVIEW

(A) Within one year of the effective date of this Ordinance, and thereafter no later than September 1 of each year, the Open Data Management Team shall submit to the Mayor and Metro Council an annual Open Data Report.

(B) Metro Council may request a specific Department to report on any data or dataset that may be beneficial or pertinent in implementing policy and legislation.

(C) In acknowledgment that technology changes rapidly, in the future, the Open Data Policy ~~should~~ shall be reviewed annually and considered for revisions or additions that will continue to position Metro Government as a leader on issues of openness, efficiency, and technical best practices.

SECTION II: This Ordinance shall be effective upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

David James
Metro Council President

Greg Fisher
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-243-22 As amended 8-25-22