



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 120141

Introduced March 1, 2012

**Councilmembers Green, O'Brien, Reynolds Brown, Jones, Goode, Oh,
Quiñones Sánchez and Blackwell**

**Referred to the
Committee on Law and Government**

AN ORDINANCE

Amending Title 21 of The Philadelphia Code, entitled "Miscellaneous," by adding a new Chapter, entitled "Open Government Policy," requiring the development and implementation of plans to increase public access to certain City records; to require the creation of a World Wide Web address through which City data in open data formats are accessible by the public through commonly used Web search applications and commonly used open format software; and to require periodic reports on progress toward achieving the goals of an Open Government Policy, all under certain terms and conditions.

WHEREAS, Open government policies are a hallmark of transparency and accountability in government and such policies are being enacted nationally and internationally, including by the United States and Canadian governments; Maryland and Washington states; and cities including San Francisco, California, Baltimore, Maryland, Austin, Texas, and London, England; and

WHEREAS, For example, in 2009, new guidelines were issued pursuant to the Freedom of Information Act to require federal agencies to presume their records are open and to publish agency information in electronic, open formats that can be retrieved, downloaded, indexed, and searched by commonly used web search applications; and

WHEREAS, The General Assembly of Pennsylvania recently enacted Act 18 of 2011, the "Pennsylvania Web Accountability and Transparency (PennWATCH) Act," establishing an open government policy by creating a searchable database that provides public access to state government financial information and fiscal operations, and details taxpayer expenditures; and

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WHEREAS, The Pennsylvania “Open Records Law,” Act 3 of 2008, 65 P.S. §§ 67.101 et seq., commonly known as the “Right to Know Law” creates a strong presumption in favor of transparency and public access to governmental documents; and

WHEREAS, Under § 5-1104 of the Home Rule Charter, the City of Philadelphia is required to provide the public the right to inspect City records that are not subject to valid privacy, confidentiality, security, or other restrictions authorized by law; and

WHEREAS, Pursuant to § 2-305 of the Home Rule Charter, City Council is authorized “by ordinance [to] add new powers and new duties, not inconsistent with the scheme of this charter, to the powers and duties of the offices, departments, boards and commissions which are herein designated as the agencies of the executive and administrative branch of the City government”; and

WHEREAS, Adopting an Open Government policy will bring Philadelphia in line with best practices for government transparency and accountability and will increase coordination between public and private sectors by opening up to public view the way City departments work; and

WHEREAS, Moreover, the increased transparency created through an Open Government policy will facilitate civic collaboration and public participation in the work of government by providing timely access to relevant information in a less costly manner; and

WHEREAS, Open Government policies can also spur economic development, entrepreneurship, and commerce by providing opportunities for raw data to be assembled in innovative and meaningful ways for consumers; and

WHEREAS, Disclosure of City records and data pursuant to an Open Government policy is consistent with citizens’ right to public information, will promote public engagement, and may further result in the development of applications that improve City service delivery through expanded and innovative applications; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 21 of The Philadelphia Code is hereby amended to read as follows:

TITLE 21. MISCELLANEOUS

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CHAPTER 21-2600. OPEN GOVERNMENT POLICY.

§ 21-2601. Definitions.

(1) *City Department(s).* All agencies, departments, offices, boards, and commissions of the City of Philadelphia.

(2) *City-related Agency.* All authorities and quasi-public corporations that receive appropriations from the City, have entered into continuing contractual or cooperative relationships with the City, or operate under legal authority granted to them by City ordinance.

(3) *City Record.* Any record that must be accessible for inspection by the public in accordance with any provision of law, and such other records as a City Department shall decide to make accessible, excluding any records or portions thereof that a City Department may redact or deny access to pursuant to any valid privacy, confidentiality, security, or other restriction authorized by law or contract. Such term shall refer specifically to the entire document, database, or collection or system of information, reports, files, accounts, or other records.

(4) *Data set.* A collection of related sets of information that is composed of separate elements but can be manipulated as a unit by a computer.

(5) *High-value information.* Information, whether a City Record or not, that can be used to increase City department and City-related agency accountability and responsiveness; improve public understanding of the organization and its operations; further the core mission of the organization; create economic opportunity; or respond to a public need for service.

§ 21-2602. Open Government Policy.

(1) *Purpose.* To increase transparency, accountability, and informed public participation, and to create economic development opportunities, City departments and City-related agencies shall provide public access to City records and high-value information by providing for the publication of data sets in a machine-readable, open format that can be visualized, retrieved, downloaded, indexed, sorted, searched, and reused by commonly used Web search applications and commonly used open format software that facilitate access to, and the reuse of, such public information by any user.

(2) *Open Data.* With respect to City records and, in particular, high-value information, there shall be a presumption of openness to the extent permitted by law and subject to valid privacy, confidentiality, security, or other restrictions by law or contract.

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To constitute publication as open data, the publication of City records and high-value information shall meet the following minimum requirements:

(a) All City records and high-value information shall be published containing an electronic field for every field on any correlating non-electronic document including, but not limited to, all applications, licenses, certifications, approvals, permits, service requests, invoices, complaint forms, citations, fees, fines, and all other documents.

(b) All published data shall be in primary forms as collected at the source, with a level of granularity consistent with law, privacy, and public safety. Only minimal necessary filtering and aggregation may be used to mitigate identified legal, privacy, or public safety issues.

(c) All published data shall be made available and updated as contemporaneously as possible.

(d) To the extent feasible, published data shall be presented and structured in a format that permits automated processing.

(e) To the maximum extent allowed by law, published data shall be made available without any registration requirement, license requirement, or restrictions on use.

(f) All published data shall be made available with the descriptive information for what the data are, and how and when they were collected.

(g) To the extent feasible, all published data shall provide for interaction and accessibility through mobile applications.

(3) Single Web Portal. A common website shall serve as the single portal for all City departments and City-related agency records, high-value information, and data sets pursuant to this Chapter. City records and high-value information shall be published on a website designated by the Managing Director, or such other officer as may be designated by the Mayor, consistent with standards developed pursuant to Section 21-2603. Such website shall be user-friendly, searchable, compatible with all commonly available technology, easily adapted to new technology, and shall include the following minimum capabilities:

(a) A mechanism for public feedback and assessment of the quality of published data;

(b) Provisions for the submission of recommendations to publish other information not yet available on the website;

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(c) *System tracking of user website behavior; and*

(d) *A notification system to allow users to subscribe, request, or otherwise designate receipt of specific information such as private requests for city action and other government activity that a City department undertakes and for which the user may receive real-time notification or alerts. For example, users may request and receive notification of activity occurring within a specified distance of an address for such activity as the filing of a liquor license application or building permit, issuance of citations, violations or traffic tickets, or the report of a crime, power outage or a water main break.*

§21-2603. *Strategic Plan to Implement an Open Government Policy.*

(1) *The Managing Director, or such other officer as may be designated by the Mayor, shall prepare a Strategic Plan to implement an Open Government Policy consistent with the requirements of § 21-2602 that shall apply to all City departments and to City-related agencies, to the extent practicable. The Strategic Plan shall be distributed to all City departments and City-related agencies, and shall be published on the City's website, within 180 days.*

(2) *The Strategic Plan shall include the following provisions:*

(a) *Technical requirements for the publication of City Records, high-value information, and data sets;*

(b) *A date not later than _____ by which public access to City records, high-value information, and data sets will be available on a single web portal consistent with the provisions of § 21-2602;*

(c) *Standards to determine what City records, high-value information, and data sets are appropriate for public disclosure. Such standards shall balance the presumption of public disclosure with the need to protect information that is subject to any valid privacy, confidentiality, security, or other restriction by law or contract;*

(d) *Guidelines for City department to follow in developing Department Plans to provide City records and high-value information under their control for publication, and to establish priority schedules for publication and updating of data sets;*

(e) *Instructions for technological requirements for the publication of City records, high-value information, and data sets consistent with the Open Government Policy;*

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(f) *Rules for City-related Agencies to provide high-value information and data sets to the Managing Director, or such other officer or designee as determined by the Mayor, for the publication consistent with the Open Government Policy;*

(g) *Rules for the inclusion of open data requirements in applicable City contracts;*

(h) *Terms and conditions of the use for published data, which shall grant any user the right to copy, distribute, display, and create derivative works at no cost and with minimum conditions placed upon the use for published data.*

(h) *Innovative methods, such as prizes and competitions, to engage the public and private sectors and increase collaboration related to the Open Government Policy;*

(i) *Such additional information as may be necessary to carry out the provisions of this Chapter.*

§ 21-2604 *City Department Plans.*

(1) *Each City department shall prepare an initial Department Plan for publication pursuant to the provision of this Chapter of City records, high-value information, and data sets under its control within 90 days of release of the Strategic Plan set forth in § 21-2603. Thereafter, each Department Plan shall be updated annually and submitted to City Council at the time of the transmission of the Mayor's proposed annual operating budget ordinance. Each Department Plan shall be further distributed to the Office of Innovation and Technology, filed with the President and Chief Clerk of Council, and posted on the City department website and published on the Single Web Portal.*

(2) *Each Department Plan shall include the following provisions:*

(a) *A narrative description of efforts to improve public access to the department's City records and to high-value information under the department's control;*

(b) *An inventory of all City records under the department's control including, but not limited to, applications, licenses, certifications, approvals, permits, service requests, invoices, complaint forms, citations, fees, fines, and all other documents consistent with the provisions of this Chapter;*

(c) *A catalog of department records that have been published pursuant to the provisions of this Chapter. Such catalog shall include: the department information that is publicly accessible; whether such information is from a primary source or has been*

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aggregated or modified; the date such information was made publicly accessible; the date that such information was last updated; and whether the information is restricted by any license or privacy restrictions; and

(d) A summary of City records and high-value information not yet available for publication in open data formats, an explanation of why such information has not yet been published, and a plan and timeline for overcoming any barriers to publication of the same.

SECTION 2. The provisions of this Ordinance shall become effective immediately.

Explanation:

Italics indicate new matter added.

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