



City of Topeka Policy

Open Data

Purpose: To provide guidelines to the City of Topeka departments and employees in the distribution of open data and the implementation of open data projects.

Applicability: To all city employees, departments and others that may work on behalf of the City who are responsible for implementing open data related activities.

Effective Date: October 3, 2016

I. POLICY

- A. The City of Topeka ("City") is committed to the spirit of open government, building upon existing open records laws, including the Kansas Open Records Act (K.S.A. 45-215 et seq.), expanding the data making it available to the public and providing resources for understanding this data.
- B. The adoption of an Open Data Policy improves provision of services, increases transparency and access to public information and enhances coordination and efficiencies among departments and partner organizations.
- C. Incorporating data that is collected by various City departments into a single location will facilitate the ability to aggregate, analyze and synthesize it to better allocate public resources.
- D. Access to public information, including access to public data, promotes a higher level of civic engagement and allows citizens to provide valuable feedback to government officials regarding local issues.
- E. One goal of an Open Data Policy is to proactively publish information currently sought through open records requests, thereby benefiting all parties involved by saving time and money.
- F. Information technologies, including web-based and other Internet applications and services, are an essential means for open government and good government generally.



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- G. The protection of privacy, confidentiality, public safety and security must be maintained as a paramount priority and must be balanced with the City's desire to enhance transparency and accountability through open data.
- H. The Open Data Policy supports the City's desire to be interconnected and fosters innovation for its residents; increases transparency, accountability and comparability; promoting economic development and research; and improves internal performance.

II. DEFINITIONS

- A. "API" shall mean an application programming interface that specifies how software components should interact with each other.
- B. "Data" or "Data Sets" shall mean a collection of final versions of relevant statistical, factual, geographical or other information:
 1. collected in an alphanumeric form reflected in a list, table, graph, chart or similar form that can be digitally transmitted or processed;
 2. regularly created or maintained by or on behalf of and owned by the City that records a measurement, transaction or determination related to the business of the City;
 3. includes metadata, if available, consistent with core metadata standards at a level of granularity recommended by the Open Data Review Board (defined below and further referenced in Section 5) and a description of the methods used in creating the Data or Data Set, including a comprehensive list of sources; and/or
 4. maintained in a manner that is Machine Readable.

Data or Data Sets shall not include Protected Data (defined below) or information provided to the City by other governmental entities. Nothing in this Open Data Policy shall be deemed to prohibit the City from voluntarily disclosing information not otherwise defined in this section as "Data" or "Data Sets,"



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including, when appropriate, narrative in machine readable text, as long as it is not Protected Data.

- C. “ITD” shall mean the City’s Information Technology Department.
- D. “Kansas Open Records Act” shall mean K.S.A. 45-215 et seq.
- E. “Machine Readable” shall mean in a format that is reasonably structured to allow automated processing.
- F. “Open Data” shall mean all Data or Data Sets that the City makes accessible to the public pursuant to this Policy.
- G. “Open Data Review Board” shall mean a group of individual selected by the City Manager and tasked with providing staff and residents a voice in the open data program by serving as a forum for discussions about open data policies and specific datasets; including the impact the open information may have on the organization. The initial committee members selected by the City Manager include:
 - 1. Deputy City Manager
 - 2. City Attorney
 - 3. City Clerk
 - 4. Director of Financial and Administrative Services
 - 5. Director of Information Technology
 - 6. Director of Public Works
 - 7. Director of Media Relations
 - 8. Deputy Director of Information Technology
 - 9. Budget and Performance Manager
 - 10. Police Department Representative
 - 11. Manager of Technical Services
- H. “Protected Data” means any Data or Data Set:
 - 1. that contains a significant amount of Data or Data Sets and where the disclosure of such Data would impose an undue financial or administrative burden on the City; or



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2. that reflects the internal deliberative or administrative process(es) of the City, including but not limited to, Data and Data Sets relating to negotiating positions, future procurements or pending or reasonably anticipated legal or administrative proceedings; or
 3. that is subject to privacy laws, student records laws, copyright, patent, trademark or trade secret protection, a confidentiality agreement, an attorney/client privileged communication or otherwise protected by law or contract; or
 4. that includes or constitutes proprietary applications, computer code, software, operating systems or similar materials; or
 5. that includes or constitutes employment records, protected health information, internal employee-related directories or lists, facilities data, information technology or internal service-desk data of the City; or
 6. that if disclosed by the City might raise privacy, confidentiality or security concerns or jeopardize, or have the potential to jeopardize, public health, safety or welfare.
 7. that is otherwise exempt from disclosure pursuant to Kansas Laws, including but not limited to the Kansas Open Records Act; or
- I. “Publishable Data” shall mean Data or Data Sets that are not Protected Data or otherwise sensitive information and that have been prepared for release on the open data web portal.

III. OPEN DATA INITIATIVE

- A. The City will develop and implement practices that allow it to:
1. Proactively release Publishable Data, making it readily available in open formats, with no restrictions on lawful, noncommercial use or reuse, and fully accessible to the broadest range of users to use for varying purposes;



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2. Publish high quality, updated Data and Data Sets with documentation (metadata) and permanence to encourage maximum use;
 3. Establish and maintain an Open Data portal that provides a central location for published City Data and Data Sets;
 4. Encourage innovative uses of the City's Publishable Data by agencies, the public and other partners.
- B. The development and implementation of these practices shall be overseen by the City Manager.
- C. The requirements of this Open Data Policy shall apply to all City departments, offices, administrative units, commissions, boards, advisory committees or other divisions of City government ("department").

IV. DATA ACCESSIBILITY

- A. For the purpose of identifying which Data or Data Sets shall be made accessible as Open Data, the City shall consider whether the information in the Data or Data Set:
1. improves public knowledge of the operations of the City or furthers the goals of the City; or
 2. increases City accountability, efficiency, responsiveness or delivery of services; or
 3. makes available Data or Data Sets frequently requested by the public or City departments.
- B. Such efforts shall be consistent with the rules and standards established by the City Manager and with applicable laws, including the Kansas Open Records Act and all applicable privacy, confidentiality, security, accessibility and student records laws, and otherwise legally confidential and/or privileged information.



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- C. The disclosure of Protected Data shall be discretionary. When appropriate the City may elect to publish data beyond that required by the Kansas Open Records Act while ensuring published data does not impose a breach of privacy laws, confidentiality, privileged information or information otherwise protected by law.
- D. Data or Data Sets shall be updated in a reasonable manner, using automated processes to update Data when possible, including real-time Data when appropriate, to preserve the integrity and usefulness of the Data or Data Sets.

V. PUBLIC DATA ACCESS

- A. The ITD shall provide and manage a website to make Open Data and Data Sets accessible to the public. The website will include information of all available Open Data and Data Sets. This information shall also be available in a Machine Readable format.
- B. Open Data and Data Sets will be accessible to external search capabilities.
- C. Any user of Open Data or Data Sets distributed by the City may modify, use and publish such Open Data or Data Sets without charge.
- D. Open Data or Data Sets will be accessible without the use of a user account or password.

VI. GOVERNANCE

- A. Implementation of the Open Data Initiative will be overseen by the Data Governance Committee, which will work with the City's departments and agencies to:
 - 1. Identify a lead Open Data coordinator for each City department who will be responsible for managing that department's participation in the Open Data initiative;



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2. Oversee the creation of a comprehensive inventory of Data or Data Sets held by each City department that are published to the Open Data portal and regularly update this inventory;
 3. The Data Governance Committee will develop and implement a process for determining the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;
 4. Develop and implement a process for prioritizing the release of Data or Data Sets to the Open Data portal, which takes into account new and existing signals of interest from the public (such as the frequency of open records requests), the City's programmatic priorities, existing opportunities for Data use in the public interest and cost;
 5. Establish processes for publishing Data and Data Sets to the Open Data portal, including processes for ensuring that Data and Data Sets reviewed for use-appropriate formats, quality, timeliness and exclusion of protected and sensitive information.
 6. Develop and oversee a routinely updated, public timeline for new Data and Data Set publication; and
 7. Ensure that publishable Data and Data Sets are available for bulk download.
- B. In order to increase and improve use of the City's Open Data and Data Sets, the Communications Office will actively encourage department and public participation through providing regular opportunities for feedback and collaboration.

VII. OPEN DATA LEGALITIES

- A. Data or Data Sets made available on the website are provided for informational purposes only. The City does not warranty the completeness, accuracy, content or fitness for any particular purpose or use of any Data or Data Set made



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accessible on the website, nor are any such warranties to be implied or inferred with respect to any such Data or Data Sets.

- B. The City shall not be liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any Data or Data Set, or application utilizing any such Data or Data Set, provided by the City or any third party.
- C. This Policy shall not create any private rights, or any private right of action to enforce its provisions. Failure to comply with this Open Data Policy shall not result in any liability on the part of the City or its employees.
- D. No user shall have intellectual property rights or proprietary interests in the Open Data or Data Sets, including without limitation, any written materials, logos, trademarks, trade names, copyrights, patent applications, patents, know-how, trade secrets or moral rights. No use of this Open Data or Data Sets shall be deemed to constitute a partnership or joint venture between the user and the City, or between a third party and the City.

VIII. OPEN DATA REPORT AND REVIEW

- A. Within one year of the effective date of this Open Data Policy, during the fourth quarter of each year, the City will publish an Open Data Report.
- B. During the review and reporting period, the Data Governance Committee should also make suggestions for improving the City's Open Data management processes in order to ensure that the City continues to move towards the achievement of the goals contained within the Open Data Policy.

THIS POLICY SPECIFICALLY REPEALS AND REPLACES CITY POLICIES RELATIVE TO OPEN AND/OR PUBLIC DATA ACCESS TO PUBLIC INFORMATION.

Approved:

Jim Colson
City Manager