

**Chapter 2.126 – Cambridge Open Data Ordinance****2.126.010 – Title and Purpose**

This Chapter shall be known as the “Cambridge Open Data Ordinance.” The purpose of this ordinance is to ensure that, in an increasingly technological age, the City of Cambridge (the “City”) is committed to providing residents with a high level of transparency, engagement and collaboration in City government.

The City anticipates that making government data available in easy to find and usable formats will create effective and meaningful opportunities for the City and members of the public to work collaboratively to generate new ideas to solve complex challenges. An open data initiative will allow a more diverse body of expertise to develop new analyses, insights and findings that will allow the City to target its efforts to provide more efficient and effective government services.

This initiative must be balanced with the City’s obligation to protect private and confidential information and to ensure public safety and security, and the need to conduct City operations in an efficient and effective manner.

**2.126.020 – Definitions**

As used in this Chapter:

- A. “API” means an application programming interface that specifies how some software components should interact with each other.
- B. “CSV” means character separated values.
- C. “Data” or “Data Sets” shall mean a collection of final versions of relevant statistical facts or datums that are:
  - 1. Collected in an alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and
  - 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.

Data or Data Sets shall not include information provided to the City by other governmental entities, nor shall it include image files, such as designs, drawings, maps, photos, or scanned copies of original documents. Nothing in this Chapter shall be deemed to prohibit the City from voluntarily disclosing information not otherwise defined in this section as “Data” or “Data Sets,” as long it is not Protected Data.

- D. “ITD” means the City’s Information Technology Department.

E. “Machine Readable” means in a format that is readily accessible via API or CSV.

F. “Massachusetts Public Records Law” shall mean M.G.L. c. 4, § 7(26) and M.G.L. c. 66, § 10.

G. “Protected Data” means any Data or Data Set:

1. that is exempt from disclosure pursuant to the Massachusetts Public Records Law; or
2. that contains a significant amount of Data and the disclosure of such Data would impose an undue financial or administrative burden on the City; or
3. 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
4. that is stored on a City-owned personal computing device or portion of a network that is assigned exclusively to a City employee; or
5. that is subject to privacy laws, student records laws or subject to copyright, patent, trademark or trade secret protection, or to a confidentiality agreement, or that are otherwise protected by law or contract; or
6. that includes or constitutes proprietary applications, computer code, software, operating systems or similar materials; or
7. that includes or constitutes employment records, internal employee-related directories or lists, facilities data, information technology, internal service-desk data or any other Data related to the internal administration of the City; or
8. which, if disclosed by the City, might in the City’s discretion, raise privacy, confidentiality or security concerns or jeopardize or have the potential to jeopardize public health, safety or welfare.

**2.126.030 – Open Data Accessibility**

A. For the purpose of identifying Data or Data Sets for inclusion on the City’s website, the City may 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. adds to the public knowledge about Cambridge, residents of the City or the City's economy.

B. The City shall make reasonable efforts to make the Data or Data Sets available in a schedule determined by the City Manager in consultation with the Open Data Review Board as established in Section 2.126.060.

C. Such efforts must be consistent with the rules and standards set forth by the Open Data Review Board as established in Section 2.126.060, and with applicable laws, including Massachusetts Public Records Law and all applicable privacy and student records laws.

D. The disclosure of Protected Data shall be prohibited.

E. Data or Data Sets must be updated as often as is feasible to preserve the integrity and usefulness of the Data or Data Sets.

F. Data or Data Sets must be published in a format that is Machine Readable as defined by Section 2.126.020(E).

**2.126.040 – Public Data Access**

A. The City shall establish and maintain a method to make Relevant Data and Data sets accessible. The website will include a catalogue of all available Relevant Data and Data Sets,

B. Relevant Data and Data sets will be accessible to external search capabilities.

C. Relevant Data or Data sets will be accessible without the use of a user account and/ or password.

**2.126.050 – Procurement**

The City's Purchasing Agent will make best efforts to ensure that relevant new software purchased by the City includes capabilities that allow the City to comply with this Chapter when fiscally and operationally attainable, as determined by the City Manager.

**2.126.060 – Open Data Review Board established -- Standards and Compliance**

An Open Data Review Board will be established by the City Manager to develop under the direction of the City Manager internal rules and standards for implementation of an open data policy, including a means by which to determine the Data or Data Sets that are appropriate for public disclosure and a timeline for policy implementation. The City Manager will report annually to the City Council on the status of the implementation of this Chapter.

**2.126.070 – Open Data Legal Policy**

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

B. The City is not 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 such Data or Data Set, provided by the City or any third party.

C. This Chapter shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this Chapter shall not result in any liability of the City or its employees.

**From:** paul tammaro [ptammaro098@gmail.com]  
**Sent:** Friday, August 16, 2013 2:06 PM  
**To:** Leland Cheung; vanBeuzekom, Minka; Lopez, Donna  
**Subject:** open data ordinance  
**Attachments:** 4 MARION RESPONSE TO ENERGY EFF. Shaw.doc

Hi:  
I wanted to give your group an example of an open data set and see how you view the data.

I would like to see energy audit place on the city web site.

To date i was informed by M. Shaw their is no legal requirement to do so.

Given the fact that an energy audit is requested by a renter who is a rate payer in the city of Cambridge; looked at as an individual willing to voluntarily have the audit placed on the city web site? The info is both public & private as i see it. One, the rate payer owns the info but yet the utility is mandated by the state and subsidized by all utility companies to give back to the rate payer in the way of, thermostats, aerators, audits etc..

the open data ordinance draft i read does not fully address the above issue.

Their needs to be a way to allow people to willing post data without conflict of interest.

I believe a mandatory auditing system is needed for all of Cambridge now. see attached response from M. Shaw

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PAUL TAMMARO  
CAMBRIDGE, MA 02141  
[ptammaro098@gmail.com](mailto:ptammaro098@gmail.com)

I consider all material in this e-mail covered under the digital millennium act and it's extension.

The e-mail you are receiving is for your eyes only.

I cannot guarantee security of e-mails

Shaw, Meghan 2:44 PM (13 minutes ago)

to me

Hi Paul,

Any building over 4 units is considered Multi-family, not large commercial. Most power plants were/are built by deregulated private utility companies or merchant power providers, not the federal government. Though the federal government has been known to dabble in providing power plant builders with loan guarantees.

Yes, the ratepayers, some federal low income funding, and other sources of state funding support the efficiency programs. Many people are looking at transparency around energy, including the Federal governments Green Button Initiative.

Anyone who is going to rent in a building can access historic utility data for that particular unit, but there is no current law requiring that info to be published.

Meghan

Cambridge Energy Alliance: Save money. Save the planet.

[www.cambridgeenergyalliance.org](http://www.cambridgeenergyalliance.org)

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Meghan Shaw, Community Outreach Director  
617-349-LEAF office  
344 Broadway • Cambridge • MA • 02139

**Open Data: Initial Draft with Comments**

COUNCILLOR CHEUNG

WHEREAS: The Cambridge City Council has a long history of ensuring that all residents of the City of Cambridge have access to a transparent, honest, and accountable City government; and

WHEREAS: In the last decade, City staff, residents, and visitors have increasingly utilized electronic measures as a means through which to obtain information and communicate with one another; and

WHEREAS: In light of the increased reliance on technology as a means through which to conduct day-to-day business, it is essential that the City of Cambridge develop a means through which to provide public data via electronic means to ensure that all residents have convenient access to the data to which they are entitled; and

WHEREAS: It is in the best interest of the City for all departments and commissions to make their data available online, as it will heighten civic engagement, streamline City communications and department interoperability, make City departments more accountable, allow for the development of new analyses and insights on City operations and practices based on the data that is provided, and mobilize Cambridge's entrepreneurs to use the data to create free and useful civic tools; now therefore be it

ORDAINED: That the City Council of the City of Cambridge that the Cambridge City Code be amended to include Chapter 2.126 as attached, entitled "Cambridge Open Data Ordinance".

// CITY OF CAMBRIDGE: DRAFT OPEN DATA ORDINANCE //

**Chapter 2.126 – Cambridge Open Data Ordinance**

**2.126.010 – Title and Purpose**

This Chapter shall be known as the "Cambridge Open Data Ordinance". The purpose of this ordinance is to ensure that, in an increasingly technological age, that the City of Cambridge remains committed to ensuring that all residents receive an unprecedented level of transparency, accessibility and accountability in City government.

**Comment [r1]:** Comment Section One.

**2.126.020 - Definitions**

For the purpose of this ordinance, the term:

- (a) "agency" means any city department, commission, office, administrative unit or board.
- (b) "API" means an application programming interface that specifies how some software components should interact with each other.
- (c) "ITD" means the Information Technology Department.
- (d) "Chief information officer" means the chief information officer of the Information Technology Department or the chief information officer's designee.

## Open Data: Initial Draft with Comments

(e) "Data" means a collection of final versions of statistical or narrative facts or datums. Those data sets subject to the ordinance are those:

Comment [r2]: Comment Section Two.

- i. Collected in an alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and
- ii. Regularly created or maintained by or on behalf of and owned by an agency that records a transaction, or determination related to the mission of an agency.

Such term shall not include information provided to an agency by other governmental entities, nor shall it include image files, such as designs, drawings, maps, photos, or scanned copies of original documents. Nothing in this ordinance shall be deemed to prohibit an agency from voluntarily disclosing information not otherwise defined as "data" in this subdivision.

Comment [r3]: Comment Section Three.

(f) "Protected data" means:

- i. any data set or portion thereof to which a city agency may deny access pursuant to FOIA or any other law or rule or regulation promulgated thereunder;
- ii. any data set that contains a significant amount of data to which a city agency may deny access pursuant to FOIA or any other law or rule or regulation promulgated thereunder, if the removal of such protected data from the data set would impose an undue financial or administrative burden on the city agency;
- iii. any data or data set that reflects the internal deliberative or administrative process(es) of any city agency, including, but not limited to, data on negotiating positions, future procurements or pending or reasonably anticipated legal or administrative proceedings;
- iv. any data stored on an agency-owned personal computing device or portion of a network that is assigned exclusively to a single agency employee;
- v. any data subject to privacy laws, or to copyright, patent, trademark or trade secret protection, or to a confidentiality agreement, or that are otherwise protected by law or contract;
- vi. proprietary applications, computer code, software, operating systems or similar materials;
- vii. employment records, internal employee-related directories or lists, facilities data, information technology, internal service-desk data or other data related to the internal administration of a city agency; or
- viii. any data which, if disclosed on the City of Cambridge's website, raise privacy, confidentiality or security concerns or jeopardize or have the potential to jeopardize public health, safety or welfare.

Comment [r4]: Comment Section Four.

(f) "Machine readable" means in a format that is readily accessible via API.

Comment [r5]: Comment Section Five.

(g) "FOIA" refers to either the federal Freedom of Information Act (5 USC 522) or the Massachusetts Public Records Act( § 66-10)

### 2.126.030 - Open Data Accessibility

(a) For the purpose of identifying data sets for inclusion on the City of Cambridge's website, agencies may consider whether the information in the data set:

- i. is frequently the subject of a written request for public records;
- ii. improves public knowledge of the operations of the agency or furthers the mission of the agency;
- iii. increases agency accountability, efficiency, responsiveness or delivery of services; or
- iv. adds to the public knowledge about Cambridge, residents of the City or the City's economy.

## Open Data: Initial Draft with Comments

- (b) All agencies shall make reasonable efforts to make the aforementioned data sets available in a schedule determined by the Open Data Review Board as ordained in Chapter 2.126.060.
- (c) Such disclosure must be consistent with the rules and standards set forth by the Open Data Review Board as ordained in Chapter 2.126.060, and with applicable laws, including FOIA and privacy law. Online disclosure of agency data will exclude protected data as defined by Chapter 2.126.020d.
- (d) All public data sets must be updated as often as is necessary to preserve the integrity and usefulness of the data set.
- (e) All public data sets must be published in a format that is machine readable as defined by Chapter 2.126.020g.

### 2.126.040 – Public Data Access

- (a) The City of Cambridge will establish and maintain a method to make public data accessible, administered by the ITD and located on [www.cambridgema.gov](http://www.cambridgema.gov).
- (b) All data sets will be accessible to external search capabilities.
- (c) The ITD will catalogue and post on the web a list of all data sets available.

Comment [r6]: Comment Section Six.

Comment [r7]: Comment Section Seven.

Comment [r8]: Comment Section Eight.

### 2.126.050 – Procurement

- (a) The Purchasing Agent will make best effort to ensure that relevant new software purchased by the City of Cambridge includes capabilities that allow agencies to comply with the open data ordinance when fiscally attainable.

Comment [r9]: Comment Section Nine.

### 2.126.060 – Standards and Compliance

An Open Data Review Board will be established as a subcommittee of the E-Gov Committee, to include the City Manager or designee, to develop internal rules and standards for implementation of the open data policy, including a means through which to determine which data is appropriate for public disclosure and an agency-specific timeline for policy implementation.

Comment [r10]: Comment Section Ten.

### **Comment Section One**

TEXT: "The purpose of this ordinance is to ensure that, in an increasingly technological age, that the City of Cambridge remains committed to ensuring that all residents receive an unprecedented level of transparency, accessibility and accountability in City government."

Saul Tannenbaum:

I think the marketing spin ("unprecedented level of transparency") is inappropriate in an Ordinance. How about: "The purpose of this ordinance is to ensure that the data the City collects and creates on behalf of its residents is easily accessible, in order to provide transparency and accountability."

### **Comment Section Two**

TEXT: "Data" means a collection of final versions of statistical or narrative facts or datums. Those data sets subject to the ordinance are those:"

John Hawkinson:

Why would we say "final"? Part of Open Data is continuously evolving data, and realtime accessible (APIs, etc.). We don't want to discourage custodians from providing realtime data. Periodic publication is not a good model.

Yuki Yamada:

Possibly to mean 'publishable' versions of data collection? If there is any data validation, e.g. human verification of GPS-stamped reports, it might be to ensure that any dataset available is OK to be seen by the public. If that's the case, this language could be more clear.

John Hawkinson:

This feels somewhat restrictive. For instance, are minutes and voting records OpenData? There's no reason they should not be structured. And while it may be hard to, say, make voting data structured from day one, should the definition of opendata preclude it? I would think not.

### **Comment Section Three**

TEXT: "Such term shall not include information provided to an agency by other governmental entities, nor shall it include image files, such as designs, drawings, maps, photos, or scanned copies of original documents"

John Hawkinson:

More on the rationale for this? It's quite reasonable for there to be image files (and these other things) as part of a package of a dataset. E.g. a dataset of planning board special permits, various metadata about each permit, and then copies of the plans and text of the permit app.

### **Comment Section Four**

TEXT: Protected data" means:

- i. any data set or portion thereof to which a city agency may deny access pursuant to FOIA or any other law or rule or regulation promulgated thereunder;
- ii. any data set that contains a significant amount of data to which a city agency may deny access pursuant to FOIA or any other law or rule or regulation promulgated thereunder, if the removal of such protected data from the data set would impose an undue financial or administrative burden on the city agency;
- iii. any data or data set that reflects the internal deliberative or administrative process(es) of any city agency, including, but not limited to, data on negotiating positions, future procurements or pending or reasonably anticipated legal or administrative proceedings;
- iv. any data stored on an agency-owned personal computing device or portion of a network that is assigned exclusively to a single agency employee;

- v. any data subject to privacy laws, or to copyright, patent, trademark or trade secret protection, or to a confidentiality agreement, or that are otherwise protected by law or contract;
  - vi. proprietary applications, computer code, software, operating systems or similar materials;
  - vii. employment records, internal employee-related directories or lists, facilities data, information technology, internal service-desk data or other data related to the internal administration of a city agency;
- or
- viii. any data which, if disclosed on the City of Cambridge's website, raise privacy, confidentiality or security concerns or jeopardize or have the potential to jeopardize public health, safety or welfare.

John Hawkinson:

I suppose it's a silly technicality, but FOIA doesn't apply to Mass government entities, it's the Mass. Public Records Law embodied in 4 MGL §7(26), 66 MGL §§1,10, and 950 CMR §32. Some people say FOIA when making a Mass Public Records request and everybody knows what they mean, but if we're going to pick out one example, it's probably best to pick out Mass Public Records Law and not FOIA.

Dazza Greenwood:

In this privacy/security catch-all section it may not be wise to apply the standard to "data...disclosed on the City... website". Hopefully, that on "day one" after the ordinance is enacted or very soon thereafter the open data will be shared in part or primarily through web services, REST interfaces and other methods that are barely related or fully unconnected to the concept of a vintage "web site". Consider systems that are more akin to automated transactions and device or script level protocols and interactions - all of which could result in release of data that comprises serious privacy or security risks but would not necessarily be deemed or characterized as a "website". To the extent such data is hosted and served via automated services at external platforms (thing Rackspace or Amazon) even when the City of Cambridge is the Custodian of Record it would be hard to consider such data as existing "on" a city "website". Keying the ordinance to applications, services and other information or communication channels of the City of Cambridge or words to that effect might be more accurate, better future-proofed and less likely to cause anomalous legal and technical results.

Dazza Greenwood:

The use of a general subjective standard for privacy and security sensitive data is generally a good idea but the wording is currently in need of some tightening up because whether data might "raise...concerns" (especially in a city inhabited by so many individuals who are very concerned about so many things) will be difficult to apply and will predictably lead needless confusion or competing interpretations and instead could be tied to something like "would constitute undue risks to privacy or security under all the relevant circumstances"

Dazza Greenwood:

It's very good to include reference to "protected records" but this section needs some work... as John Hawkinson notes, the appropriate rule to apply is Mass public records and related law not the federal freedom of information act. The purpose of referencing protected data is to treat it differently from open data when and how required, and so it is too broad to exclude as "protected" all material just because it is also subject "to copyright, patent, trademark"... or because it is "computer code" because frequently such material is deliberately licensed under open source, creative commons or similar grants of permission and intended to be freely and broadly disclosed.

#### **Comment Section Five**

TEXT: f) "Machine readable" means in a format that is readily accessible via API.

Nicholas Doiron:

It would be a best practice to choose an open format or industry standard to release data. This saves the city the difficulty of documenting their format, and saves the developer time understanding it.

John Hawkinson: