

# City of Cambridge

*Richard C. Rossi • City Manager*



# Executive Department

*Lisa C. Peterson • Deputy City Manager*

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May 18, 2015

To the Honorable, the City Council:

I am submitting the proposed Open Data Ordinance for your consideration.

The proposed ordinance is borne out of the work of the 2013/2014 City Council's Cable TV, Telecommunications, and Public Utilities Committee chaired by Councillor Cheung and the City Council's 2014/2015 Neighborhood and Long Term Planning, Public Facilities, Arts and Celebration Committee chaired by Councillor Mazen.

The purpose of this proposed ordinance is to ensure that, in an increasingly technological age, the City of Cambridge remains committed to providing the public with a high level of transparency, engagement and collaboration in City government.

The City has made its Geographic Information Systems (GIS) data available to the public for years and my administration launched the City's Open Data Portal in July 2014. By making data available in easy to find and usable formats, the City and members of the public can work collaboratively to generate new ideas and solve complex challenges.

The proposed ordinance balances the City's obligation to protect private and confidential information and to ensure public safety and security, with the goal of making the City's data open to the public. Additionally, the proposed ordinance will create an Open Data Review Board, which will include a member of the public, that will recommend to the City Manager 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 accessibility and a timeline for policy implementation. A one page summary of the draft ordinance is attached.

Should the Council approve this ordinance, Cambridge will join the growing list of municipal governments with open data ordinances or local legislation including: New York City, NY; Minneapolis, MN; Salt Lake City, UT; Portland, OR; San Francisco, CA; and Houston, TX.

Very truly yours,

Richard C. Rossi  
City Manager

***Roll Call Vote for May 18, 2015***

RCR/mec  
Attachment

## Proposed Open Data Ordinance: A Brief Summary

**Overview:** Government entities are generators and stewards of huge amounts of public data. However, often times this information is stored within a government office and is not readily accessible to the public online. Cambridge is committed to using technology to increase accessibility to and transparency of information owned by the City. By providing information through our open data initiative, the City can foster engagement and collaboration with its citizenry.

**Goals:** The overall goal of the proposed open data ordinance is to make government data available in easy to find and usable formats, therefore creating meaningful opportunities for the public to help solve complex challenges.

Potential outcomes of the City’s open data initiative are:

- **Providing Greater Access.** The City is committed to providing to the public greater access to City data by instituting an Open Data Initiative to provide the City and the public with opportunities to work collaboratively on complex challenges facing our community.
- **Creating Greater Transparency.** The City is committed to sharing information through this Open Data Initiative to create opportunities for greater transparency.
- **Improving Delivery of City Services.** The City is committed to accessing Cambridge’s diverse body of expertise to develop new analyses, insights, and findings which potentially could assist the City’s efforts in providing efficient and effective government services.
- **Realizing Social and Commercial Value.** Because data is a key resource for social and commercial activities, the large amount of data generated by the City can be a resource in creating innovative business and services solutions that deliver social and commercial value.

**Open Data and Privacy:** Published open data will be the final versions of relevant statistical, factual, geographical, or other information that can be digitally transmitted or processed. Data could represent records of measurements, transactions, or any information related to the business of the City.

The City has an obligation to protect private and confidential information, to ensure public safety and security, and to conduct City operations in an efficient and effective manner. Open data as defined in this draft ordinance will not include information that: is exempt from disclosure pursuant to Massachusetts Laws; reflects the internal deliberative or administrative processes of the City; is subject to privacy laws, student records laws or subject to copyright; constitutes proprietary information or systems; or raises privacy, confidentiality or security concerns that could jeopardize public health, safety or welfare.

**Accountability:** The City Manager will report periodically to the City Council on the status of the implementation of this ordinance. Additionally, the Open Data Review Board membership will include a public member appointed by the City Manager.

**Staffing:** The Information Technology Department is in the process of hiring a full time employee to oversee the day-to-day operations of the Open Data Initiative.

## **Chapter 2.126 – Open Data Ordinance**

### **2.126.010 – Title and Purpose**

A. This Chapter shall be known as the “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 the public with a high level of transparency, engagement and collaboration in City government.

B. The City anticipates that making government data open 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 provide more efficient and effective government services.

C. 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” 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 a description of the methods used in creating the Data or Data Set, including a comprehensive list of sources;
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, nor shall it include image files, such

as designs, drawings, maps, photos, narrative 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,” including, when appropriate, narrative in machine readable text, as long it is not Protected Data.

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

D. “Machine Readable” means in a format that is reasonably structured to allow automated processing.

E. “Massachusetts Public Records Law” shall mean M.G.L. c. 4, § 7(26), M.G.L. c. 66, § 10, and 950 CMR 32.

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

1. that is exempt from disclosure pursuant to Massachusetts Laws, including but not limited to the Massachusetts Public Records Law; or

2. that contains a significant amount of Data and where 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 subject to privacy laws, student records laws or subject to copyright, patent, trademark or trade secret protection, or to a confidentiality agreement, attorney/client privilege or that are otherwise protected by law or contract; or

5. that includes or constitutes proprietary applications, computer code, software, operating systems or similar materials; or

6. that includes or constitutes employment records, internal employee-related directories or lists, facilities data, information technology, or internal service-desk data of the City; or

7. 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.

G. “Open Data Review Board” refers to a board established by the City Manager to develop, under the direction of the City Manager, rules and standards for implementation of an Open Data policy.

H. "Open Data" shall mean all Data or Data Sets that the City makes accessible to the public pursuant to this Ordinance.

#### **2.126.030 –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 frequently requested by the public or City departments; or
4. adds to the public knowledge about Cambridge.

B. The City shall make reasonable efforts to make the Data or Data Sets available in a schedule determined by the City Manager.

C. Such efforts shall be consistent with the rules and standards established by the City Manager and with applicable laws, including Massachusetts Public Records Law and all applicable privacy, confidentiality, security, accessibility and student records laws and otherwise legally confidentially and/or privileged information.

D. The disclosure of Protected Data shall be prohibited.

E. 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.

#### **2.126.040 – 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 additionally shall be available in a Machine Readable format.

B. Open Data and Data Sets will be accessible to external search capabilities.

C. Open Data or Data Sets shall be free of charge. Open Data or Data Sets will be accessible without the use of a user account or password. The Open Data Review

Board shall recommend to the City Manager whether alternative methods of accessing the Open Data or Data sets [such as API] should require authentication.

#### **2.126.050 – Procurement**

The City Manager 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. The City shall stipulate in contracts and agreements with external vendors, where appropriate, provisions to ensure that the City retains ownership of all City data, and that all data, except Protected Data produced by vendors, meet the definition of Open Data.

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

A. An Open Data Review Board will be established by the City Manager within one hundred and twenty (120) days from the Effective Date of this Chapter, to recommend to the City Manager 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 accessibility and a timeline for policy implementation. When reviewing which Data or Data Sets are suitable for accessibility, the Open Data Review Board shall make recommendations to the City Manager about what Data or Data Sets are appropriate to be made accessible. The Open Data Review Board will be comprised of no fewer than five (5) members selected by the City Manager, including at least one (1) member of the public selected by the City Manager on an annual basis and at least one (1) representative from the ITD. The City Manager shall solicit nominations for members of the Review Board and shall make public member appointments from the public, private, academic, or nonprofit sectors. The Open Data Review Board shall meet regularly at such times as determined by the City Manager.

B. The City Manager will report periodically to the City Council and the public on the status of the implementation of this Chapter. This report shall be made available in an open format.

#### **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 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 such Data or Data Set provided by the City or any third party.

C. This Chapter shall not create any private rights or any 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.

D. Any user of Open Data or Data Set distributed by the City may modify, use and publish such Open Data or Data Set without charge.

E. No user shall have intellectual property rights or proprietary interests in the Open Data or Data Set, 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 Set shall be deemed to constitute a partnership or joint venture between the user and the City or between a third party and the City.

F. Nothing herein shall limit or restrict the City's authority to regulate any conduct or activities associated with any Open Data or Data Sets made available pursuant to this Chapter.

# ATTACHMENT B

Dear Mayor Maher, Vice Mayor Benzan and City Councillors,

My name is Kent Johnson, I live at 18 Harrington Road.

I'm pleased to see a draft Open Data Ordinance presented to the Cambridge City Council. City data is a valuable resource and the data already released to the Open Data portal is useful in many ways.

As the City Manager anticipates in his summary, the City and the public will make use of City data "to develop new analyses [and] insights" and to create "innovative business and services solutions". It's difficult to predict what particular data or data sets might lead to these outcomes. Therefore ~~I would like~~ <sup>should</sup> the ordinance to clearly state that data should be "open by default", that there is a presumption that open data is useful and that restrictions are for cause.

An earlier draft of the ordinance said, "It shall be the policy of the City of Cambridge that, limited only by statutory requirements of privacy, confidentiality and security, all [data] created, collected, acquired, or curated by the City be openly accessible." Please add such a strong statement to the current draft.

*I have* Some specific suggestions:

Definition F. 1 says that Protected Data includes any Data Set "that is exempt from disclosure pursuant to Massachusetts Laws." This ~~seems to say~~ <sup>and not open</sup> that if the City is not required to disclose the data, then it is protected. ~~The earlier draft defines protected data as "any data set or portion thereof to which a city agency may legitimately deny access."~~ This is ~~more~~ <sup>not</sup> consistent with a policy of "open by default". *please change this section.*

The Data Accessibility section sets out criteria by which City staff will determine whether data should be Open Data. Again, this is contrary to a policy of "open by default" and presumes that City staff can know what will be useful. Because one purpose of open data is to foster innovation, new ideas and insights, it is not realistic to expect anyone to anticipate the uses of a data set. The earlier draft gives criteria similar to these as a guide to prioritizing the release of data, rather than deciding whether it should be open. Please consider that formulation for this section.

Again, thank you for considering this important ordinance.

# ATTACHMENT C4

From: John A Hawkinson [<mailto:jhawk@mit.edu>]  
Sent: Wednesday, July 15, 2015 12:20 PM  
To: City Council  
Subject: Open Data ordinance

Councillors:

I wanted to offer some preliminary thoughts on the Open Data Ordinance before tonight's committee meeting, where I will have some longer remarks.

An open data ordinance is important to citizens, journalists, and data consumers/programmers alike. The City needs it in the 21st century world.

It's important not to be confused about open data vs. the public records law. None of the drafts of the ordinance make anything public that wasn't public before. The Open Data movement is about affirmatively publishing data that's of interest before it is requested by citizens, so that it's out there and ready to be used, and so it's not necessary to go through weeks or months of administrative red tape to get access to data.

The last round of changes to the draft ordinance added a number of constraints (against the 2013 committee draft), indicating that open data could not be things like narrative data or image data, I think out of a concern that the ordinance could force disclosure of some internal City documents. But it cannot do that -- choice of data released is up to the City. It would be a shame if the ordinance could be read to exclude the release of pictures from the Assessor's Database, or narrative paragraphs explaining the reason why citizens applied for a zoning variance, just because of language here. The current language that gives the Manager broad discretion to choose what is released is enough.

I hope you can amend the ordinance on the floor to remove the constraints barring narrative and image data while retaining discretionary provisions.

Lastly, a big issue. The earlier draft of this ordinance offered a pretty high and grand statement of policy in the first section:

It shall be the policy of the City of Cambridge that, subject to the definitions and limitations enumerated below, all public government data be open and accessible to the public.

That is now gone. Instead, you have to read down pretty far into the ordinance ((2.126.030(B)) to find a much weaker statement:

The City shall make reasonable efforts to make the Data or Data Sets available in a schedule determined by the City Manager.

At a minimum, that statement should move up to the top of the ordinance -- it's really what the ordinance is about.

But also, we need to think about what an ordinance *is*. To be meaningful, an ordinance has to constrain either the City or the Citizens (e.g. zoning limits how you can build your house).

The current draft no longer binds the City to do anything at all. In the prior draft, the City was asked to try to release all of its data subject to many limitations and constraints. But in the draft, it's merely that the City will try to release some data on its own schedule.

That's not nearly good enough. The City has made great strides releasing data to its Open Data portal, but if you look at it, there's not much there that is useful.

After the Council asked for data on zoning variances in February, and got back a 100 page stack of hand-annotated BZA agenda printouts in March, I spent the next five months trying to get the data from the City myself. This is data that the City has in electronic form already.

At first the City told me it would cost \$864 dollars of their time, but we managed to get it down to \$77. Of course, we're still going (5th month) because the City only provided 95% of the useful data, and the remaining 5% is apparently taking additional weeks.

I'll tell this story in more detail, but it is a great example of what an open data ordinance would solve. In fact, another Cambridge Citizen had asked for this dataset on the Open Data portal in June of 2014, and it's the most popular item on the list of suggestion list. But the City has not acted. That's why we need an open data ordinance that is stronger than just a commitment from the Manager to release some stuff at some time.

Thanks.

[--jhawk@mit.edu](mailto:--jhawk@mit.edu)

John Hawkinson

Freelance Journalist

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## ATTACHMENT C-2

Thank you.

JOHN HAWKINSON, 84 Massachusetts Avenue.

I think many of you know, I'm a journalist as well as a computer programmer, so I kind of live at the intersection that defines Open Data.

And I have quite a number of comments, and a story to tell.

I sent the Council email earlier today, but I want to remind you that the State has a public records law, and that public records law does a really good job of defining what's public and what isn't.

And the open data ordinance as drafted spends a lot of time defining what can and can't be Open Data and what's protected data. And I think most of that is redundant. The state law makes clear what is and what isn't public, and the open data ordinance isn't going to force anything to be public that is not already. And it's also not going to make things that private that won't be. So, I think a lot of that is unimportant. It's probably too late to remove it now. But it's in there and redundant.

Like Ken said, I'm a little concerned about the overall policy statement.

The earlier draft made the policy really really clear, and it said:

"It shall be the policy of the City of Cambridge that subject to the definitions and limitations enumerated below, all public government data shall be open and accessible to the public."

And the current draft removes that language, and the closest thing to it, the operative principal, is buried way far down. It's in section 2.126.030B, and it says: "The City shall make reasonable efforts to make the data or datasets available in a scheduled determined by the City Manager."

So I would ask you to move that section up.

I would also love if you could strengthen it. To make it as strong as it was before. But I know that's hard. But at least move it up, so that someone who picks up the ordinance and reads it can understand in the first few paragraphs what it's getting at. That's very hard to do right now.

In the comments, or questions to City Staff, Ms. Peterson said that the language in the ordinance about image files and narrative would not preclude including those. And, respectfully, that's not my reading of the ordinance. The definitions section, 020(4), says, "data or datasets shall not include protected data, nor shall it include image files, such as designs, drawings, maps, narrative or scanned copies."

I think...it's really important to preserve the flexibility of the City to release that kind of information, and it's not appropriate to exclude it from that section. I understand that maybe the City isn't there yet with the Open Data Portal, the software having the ability to do images, and that's fine.

But don't rule it out.

Don't include a section that says, "this must not be there," requiring the Council to come back a few years later and revise the ordinance. Just leave out that exclusion. It's all discretionary on the part of the City anyway, the City can decide they're going to include this dataset, not this dataset. So please don't exclude those

-- Can you hear me, Councillor Simmons, you're looking puzzled? --

Please don't exclude those sections, 20(4) end of the first sentence  
-- end of the second sentence, I guess.

Lastly, my story, about why Open Data is important.

In February, the Council asked the City to provide a report on the use of variances in the City. And, you may recall, a month later, the Manager's Office came back with a 100-page document that was BZA agendas endorsed "granted" and "denied."

It turns out that information *\*IS\** available electronically, and I guess wires were crossed and it was difficult for the Manager's office to get it. And I decided to try to get that data, kind of as an experiment.

It's been a painful experiment.

It's taken me five months.

Initially, I was presented -- oh, I'm sorry.

This data is in the City's new Energov database.

So it's all online and electronic. It's not online to the PUBLIC, but it's online to the City. And initially I was presented with a bill for

\$864 to get this information. Met with the City, spent an awful lot of time going back and forth.

Ultimately, it went down to \$77. Which I paid, for data that's an experiment -- it's not data that's critically important to me.

It would have been great if that data was out there. It includes narrative components, because when somebody fills out a Board of Zoning Appeals application, they include a paragraph for why they want to get a variance, and what gets excluded, and what the ordinance is, and what's the hardship.

Including the text that bars narrative data maybe would bar that. I don't think it should. I don't think there's good reason for it.

Another aspect of this is the procurement question. Early in my request I asked for a list of all the fields in the database, so I could figure out how to craft my request. I was told by the City

that the fields were "confidential" and "trade secrets" and "proprietary," and the City are litigating whether that's really true. But if it is true, the City should never have signed a contract and bought a database where they couldn't disclose what the names of the fields are.

I mean, that's entirely ridiculous.

The columns in the spreadsheet so you know what's what?

So the procurement aspect, which is in the current ordinance, and I think it appropriate there. Needs to be...the City should be mindful of it, and I trust will be mindful of it. But that section is important.

Ultimately I was told that, as long I didn't ask for "field names" but I asked for "label names," then I could get the names of the columns. And...the distinction is kind of immaterial. I was really troubled I needed to know the magic words, and it took me an extra \$25 and four weeks to learn that, but there we are. Ultimately I have almost all of that data, though I'm missing a critical component which is the "Reason for the variance."

Apparently that wasn't included, and I'm waiting still to find out why.

That data was originally requested on the Open Data portal in June of 2014.

The request for variances and special permits is the most, highest ranked suggestion -- I think there are only about ten suggestions -- but that was there. Someone asked for it, not me, in June of 2014. Nothing has happened.

To me that says we do need the ordinance, because the City isn't just doing it all on their own. They need a little bit of help, a little bit of encouragement, to publish this data, and maybe a little more transparency in how they make decisions about the Portal. How they decide what to get published. Hopefully the Open Data Review Board will help with that.

I'm still puzzled about a lot of things about this variance data and why it takes five months, and why the request from a year ago -- the most popular request -- seems to have been ignored.

But I urge you to pass the ordinance, to remove the restrictions on narrative data and image data, and leave that to the discretion of the City Manager.

And lastly, I do agree having more than one member of the public would be very wise. As Councillor Simmons pointed out, you really don't want to be the one member of the public on a board, you can't bounce something off a colleague, you can only say, Gosh, did the City Staff all said that? Are they right? Could it be me against them. That's not a good situation. It's very helpful to have someone else from the public. Thank you very much.

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**From:** Saul Tannenbaum <saul@tannenbaum.org>  
**Sent:** Wednesday, July 15, 2015 1:37 PM  
**To:** Carlone, Dennis; Benzan, Dennis; Cheung, Leland; Kelley, Craig; Mazen, Nadeem; McGovern, Marc; Simmons, Denise; Toomey, Tim  
**Cc:** Peterson, Lisa; Gianetti, Lee; Lopez, Donna  
**Subject:** To the Ordinance Committee, Re: Open Data Ordinance

Chairman Carlone, Vice Mayor Benzan, Members of the Ordinance Committee:

I write regarding the Open Data ordinance coming before you Wednesday and to urge you to amend it significantly prior to its ultimate passage.

As some of you no doubt recall, I've been agitating around municipal technology issues since 2010. During the winter of 2010/2011, with the support of then DPW Commissioner Peterson and the Council, I used public records requests to obtain and then analyze unshoveled sidewalk complaints. This past winter, one could simply go to the City's web site and do the same. This is extraordinary progress, for which the City is to be commended. The City now has an open data portal which contains vital City information. The recent addition of the Development Log allows new analyses of a key issue, providing actual data to supplant subjective anecdotes.

That is why this Ordinance, as drafted, is a disappointment.

When this Ordinance was originally conceived - a process of which I was a part - it was intended to make a clear policy: The data generated as part of the City's work should, unless legally required otherwise, be made available to the public. This shouldn't be controversial. The City operates on behalf of its residents and taxpayers. Data shouldn't be hidden and shouldn't require public record requests to obtain.

I would urge the Council to restore the following, or similar, language:

It shall be the policy of the City of Cambridge that, subject to the definitions and limitations enumerated below, all public government data be open and accessible to the public.

I want to be clear that I believe that City staff is operating in good faith and that this language is not a response to any City obstruction. Instead, it is to give this, and future administrations, clear policy guidance and enable and support them in their continuing efforts to release City data.

I would also urge the Council to consider the provisions that establish an "Open Data Review Board," and whether a single citizen provides an appropriate balance between public and City interests. At a minimum, the Council should amend this section to make the citizen term two years, aligning it with other advisory bodies. A one year term is really insufficient for someone to come up to speed and provide useful feedback.

I would also urge the Council to set time bounds on the reports required of the City regarding open data. I would suggest that every six months for the first few years of this ordinance, and then every year.

It is important to recognize that this Ordinance was carefully drafted to create no new rights to data and preserves all the confidentiality and privacy protections that exist today. What it does is regularize the release of data. Instead of responding in an ad hoc manner to Public Records requests, as the City did with mine, the City is establishing a data release framework and policy, making the process more efficient and cost effective.

With these changes, the City will have a robust Open Data policy and implementation, one that meets the Ordinance's goal of "providing the public with a high level of transparency, engagement, and collaboration."

Thank you in advance for your consideration.

- Saul Tannenbaum  
16 Cottage St.

cc: Donna Lopez, City Clerk, for inclusion in the Ordinance Committee record  
Lisa Peterson, Deputy City Manager  
Lee Giannetti, Director of Communications and Community Relations

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Saul Tannenbaum [saul@tannenbaum.org](mailto:saul@tannenbaum.org) [blog:saultannenbaum.org](http://blog:saultannenbaum.org)  
Read [CambridgeHappenings.org](http://CambridgeHappenings.org), a daily Cambridge news summary, curated from fresh, local sources.

**Lopez, Donna**

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**From:** Seamus Kraft <seamus@opengovfoundation.org>  
**Sent:** Tuesday, July 14, 2015 5:40 PM  
**To:** Lopez, Donna  
**Cc:** City Council  
**Subject:** [FLF] Letter Regarding the Cambridge (MA) Draft Proposed Open Data Ordinance  
**Attachments:** 150714FreeLawFoundersLETTERtoCambridgeCityCouncilonUpdatestoCityOpenDataPolicy.pdf

Dear Clerk Lopez,

On behalf of the [Free Law Founders](#) coalition, I am pleased to submit the attached letter regarding the draft proposed open data ordinance to be considered tomorrow by the Council. The letter is also viewable via this link: <http://bit.ly/CambridgeOpenData>

The following members of the Free Law Founders joined the letter:

Ben Kallos District 5 Council Member New York, NY <a href="mailto:3Kallos@Council.NYC.gov">3Kallos@Council.NYC.gov</a>	Nadeem Mazen Councillor Cambridge, MA <a href="mailto:NMazen@cambridgema.gov">NMazen@cambridgema.gov</a>	David Grosso Council Member Washington, D.C. <a href="mailto:DGrosso@dccouncil.us">DGrosso@dccouncil.us</a>
Jason Murphey District 31 Representative Oklahoma <a href="mailto:son.Murphey@okhouse.gov">son.Murphey@okhouse.gov</a>	Hans Riemer Council Member Montgomery County, MD <a href="mailto:Councilmember.Riemer@montgomerycountymd.gov">Councilmember.Riemer@montgomerycountymd.gov</a>	

I am happy to answer any questions you may have or connect you to the signatories. Please feel free to call any time: 202-699-1902.

All the best, and thank you for your consideration.

ATTACHMENT E

- Seamus

Seamus Kraft  
Executive Director & Co-Founder  
[The OpenGov Foundation](#)  
Ph: +1-760-659-0631  
Tweet Us [@FoundOpenGov](#)

July 14, 2015

Donna P. Lopez  
City Clerk  
City of Cambridge  
795 Massachusetts Avenue  
Cambridge, MA 02139

Dear Clerk Lopez,

We are writing on behalf of the nation-wide Free Law Founders Coalition (<http://FreeLawFounders.org>)—of which Council Councillor Nadeem Mazen is a member—to share our views on the proposed Open Data Ordinance scheduled to be considered by the Cambridge City Council on July 15, 2015.

As elected officials and civil society organizations deeply committed to making government more efficient, effective and open, we applaud the City's efforts to open up its data to the people of Cambridge. As City Manager Richard Rossi wrote in a May 18, 2015 letter accompanying introduction:

*"The purpose of this proposed ordinance is to ensure that, in an increasingly technological age, the City of Cambridge remains committed to providing the public with a high level of transparency, engagement and collaboration in City government."*

We agree. Citizens have a fundamental right to know, to access and to speak out on how their hard-earned tax dollars are being spent. And government workers have an equally fundamental right to the ability to serve the public with the best tools and resources possible. In the year 2015, that means governments must transition from paper-based processes and formats to a fully digital, open data way of doing business.

Proposed changes to the Open Data Ordinance draft made during the drafting process related to the most important data in the City of Cambridge—the laws, legal codes, rules and regulations—appear to significantly undermine the City's commitment to true "transparency, engagement and collaboration."

We strongly urge you to reconsider these changes, and stand ready to assist in both strengthening the legislation and, should it pass, implementing its mandates. We respectfully recommend the following enhancements to the Open Data Ordinance:

- **Section 2.126.020, Subsection B:** The definition of "Data" and "Data Sets" no longer includes "textual" or "narrative" information like "law, legal code, regulation, legislative act." We believe that this is a serious omission and urge the re-inclusion of "textual" in the definition. Textual information like laws, legislation and regulations *are* data; they are the most important data in the City. We believe that the City's key textual data sets, such as the Cambridge Municipal Code, clearly surpass the four thresholds for considering which data sets to release as stipulated in Section 2.126.030, Subsection A. Delivering citizens and job creators access to this textual data in open formats certainly "improves public knowledge of the operations of the City," "increases City accountability, efficiency, responsiveness," and most definitely "adds to the public knowledge about Cambridge."

These suggested improvements to the City's proposed Open Data Ordinance are not without precedent. In fact, City Manager Rossi's May 18 letter cites New York City, NY and San Francisco, CA as government open data models to follow. Led by Free Law Founders—New York City Council Member Ben Kallos and San Francisco Supervisor Mark Farrell—both cities have updated their policies to mandate textual data, like the municipal code, be published in open, machine-readable formats. We stand ready support a similar effort in Cambridge.

As municipal elected officials, we are very aware of—and sensitive to—the current budget and staffing challenges faced by governments across America. But we can attest to the fact that cost is no longer an insurmountable barrier to publishing textual data in open formats. And having worked with data from the codifier of the Cambridge Municipal Code to open the code of Miami-Dade County, FL at \$0 cost to taxpayers, we have no reason to believe it would be any different in your City. You can see this example, which has yet to be released to the public, by visiting <http://miamidadecode.org/>.

Thank you for your consideration, and for your hard work on this important issue. Should you have any questions, or would like to speak with us directly, please feel free to reach us via email or phone. Our individual contact information is below our signatures.

Respectfully,

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