

[City]
Local Open Government Directive

Introduction

The [City] is committed to creating an unprecedented level of openness in government. City officials will work together and with the public to ensure open and effective government as well as public trust and establish a system of transparency, public participation, collaboration, and accountability.

Comments

The model Local Open Government Directive is intended to be an executive initiated order or directive to the local government under the executive's legal authority. An executive leader, such as a mayor, should use this model to adopt a directive for the city to help institutionalize open government principles within the city government. This model may be tailored to meet the needs of the particular locality. A city's name, applicable departments, department head titles, etc. should replace bracketed language when appropriate.

This model directive has been adapted from the U.S. Open Government Directive. (White House. (2009, December 8). *Memorandum for the heads of executive departments and agencies: Open government directive*. Retrieved December 26, 2010, from http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf)

This model directive is intended to be implemented by the head of a local government to take executive action to implement open government. The model could be amended in order to be introduced as legislation by an elective local government official, such as an alderman, council member, or commissioner. However, as with the directive, any legislative effort should strive to embody the same core principles and elements of open government in order to assure the open government effort's success.

This document's "customers" are 1) Mayor or City Manager, 2) Department Directors, and 3) council members. The goal of the directive is to provide customers with a tool for prescribing change within all departments. The desired effect is that city officials will a) have a justification to put resources toward transparency projects and b) have no political excuse for not complying.

This memorandum requires [City] departments and agencies to take the following steps to achieve the goal of creating a more open government:

1. Publish Government Information Online

To increase accountability, promote informed public participation, and create economic development opportunities, each [City Department] shall expand access to information by making it available online in open formats that facilitate access to and reuse of information.

Comments

Depending on the organization of the local government, [city departments] will be replaced with the name of the city, such as the City of Castle Rock, or something like “all city departments”, such as all Castle Rock city departments.

- a. **Online Publication:** [City Departments] shall publish information (such as budget information, crime and health statistics, contracts with private firms, policies and procedures, and data or information frequently requested under [Open Records Act]) online (in addition to any other planned or mandated publication methods) and preserve and maintain electronic records. Data and records shall be preserved and maintained consistent with the [Open Records Act] and other applicable law and policy.

Comments

[State Open Record’s Act] should be replaced with the applicable open records law, such as the Colorado Open Records Act.

One of the greatest strains on government resources is compliance with open records requests. Posting data and information frequently requested under [State’s Open Records Act] can reduce the expense of staff time spent responding to these requests. As such, local governments should use the open government directive as an opportunity to preemptively publish government information before an open records request is received. Furthermore, the local government should publish information if such information is frequently requested.

- b. **Timing and Consistency:** Timely and consistent publication of information is an essential component of open government. As such, [City Departments] shall develop schedules for making information available to the public and indicating when information is updated.

Comments

The timely and consistent publication of government information is of critical importance to the use of that information. Adherence to a publication schedule is critical to the success of this open government mandate. It is not enough to simply publish information without managing that information. Therefore, it

is important that the mayor or another executive leader or leaders review the resources necessary to manage the on-going publication effort.

- c. Presumption of Openness:** With respect to information, the presumption shall be in favor of openness and publication (to the extent permitted by law and subject to valid privacy, confidentiality, security, or other restrictions). Where practicable, [City Departments] shall publish all data that is not subject to valid privacy, security, or privilege limitations.

Comments

Paragraph c is intended to embody the underlying intent of Freedom of Information/Open Records laws—that information held and maintained by the government is public information. As such, the default action must be to release information, and publication should only be withheld if a valid privacy, security, or privilege exists.

A valid privacy, security, or privilege concern includes, but is not limited to, personal identifying information, critical infrastructure information, information related to an on-going criminal investigation, or any publication that may breach an individual or group’s legal rights.

If the local government chooses to withhold information from publication, that government entity should provide the public with a reasonably detailed explanation for withholding the information. Such explanation should be created to foster trust and instill transparency in the publication process. Furthermore, in order to provide consistent application, the city council should provide detailed guidelines regarding the limited publication exemptions.

- d. Online and Open:** [City Departments] should publish information online and, when practicable, in an open format that can be retrieved, downloaded, indexed, sorted, searched, and reused by commonly used Web search applications and commonly used software.

Comments

Paragraph d is intended to result in the maximum use of government information. Governments must publish information that is machine-readable as well as human-readable. Many government entities will or may be tempted to publish information in Portable Document Format (PDF). Although PDF is one of the most flexible and useful document formats available, it is only useful if the PDF is created in a specific and well structured manner. If care is not taken, the PDF may not be readable by a machine without significant effort. Therefore, local government entities should refrain from using PDF as the sole means of publishing information. The publication of information in multiple open formats is strongly recommended in order to maximize the use of government information.

Examples of open format are HTML, XML, CSV, JSON, RDF or XHTML.

The distinction between documents and data is an important one, and it is likely that far more people see and read government documents than download government data sets. With documents, it would seem that human readability should be the central concern, and a bookmarked PDF document can be much easier to read and digest than an HTML version, and a PDF document provides for formatting and pagination consistent with print versions of the document.

When documents are published in PDF, they should include detailed bookmarks and be configured to open with bookmarks displayed for enhanced reading and navigating on-screen; this practice also substantially reduces the need for costly and material-intensive printing, particularly when the document incorporates color and graphics.

- e. **Open Government Web Page:** Within [45] days, the [City] shall establish a common Web page that will serve as the source for citywide and departmental activities related to this Local Open Government Directive.
- f. **Open Government Catalog;** Within [60] days, each [City Department] shall create a catalog of its public information. The catalog will be accessible through the city's Open Government Web page. The catalog will indicate:
 - i. If the information is publicly-accessible;
 - ii. The date of when the information was made publicly-accessible;
 - iii. The date the information was last updated;
 - iv. If the information is from a primary source or has been aggregated or modified; and
 - v. If the information is restricted by any license or privacy restrictions.
- g. **High-Value Data Sets:** Within [75] days, each [City Department] shall identify and publish online, in an open format, at least three high-value data sets or other types of previously non-publicly accessible information.

Comments

Government information includes data sets collected and maintained by the local government. Dissemination of these data sets is as important as all other forms of publication. Therefore, local government should actively release this data to the public for use and re-use.

The value of the data sets may be based, in part, on the number of requests for the data.

- h. **Public Feedback:** The Open Government Web page will include a mechanism for the public to:
 - i. Give feedback on and assess the quality of published information; and
 - ii. Provide input about which information to prioritize for publication.

Comments

A conventional interpretation of a public feedback mechanism would be an e-mail address a person could write to with responses sent only to the inquirer.

An open, public forum is best. For example, an online, open, public forum is one which allows the public to participate in bidirectional, many-to-many communication where all communication is archived for the public to view. This could be a mailing list, or it could be a purely Web based forum with optional e-mail notifications, like many blog commenting systems.

There doesn't necessarily need to be a separate forum for each individual website/webpage. A central forum for a whole government body might make the most sense. For a specific issue like data quality/availability, the forum should be consolidated, but for broader participation/feedback use cases, it might be more appropriate to have a forum for each department.

- i. Response to Public Feedback:** Each [City Department] shall respond to public feedback received through the Open Government Web page on a regular, timely basis. Responses shall include descriptions of actions taken or reasons for not taking action based on public input.

- j. Publication of Open Records Requests:** Each [City Department] shall publish each [Open Records Act] request in an open format on the Open Government Web page, unless the request is subject to valid privacy, security, or privilege limitations. The name of the requester will remain anonymous unless otherwise indicated by the requester. If a request is subject to limitation, the [City Department] should release a redacted version of the request that also discloses the nature of the request. Each open records request shall be listed in conjunction with the status of the request and whether such request has been fulfilled. Where practicable, the requested information should be released to the public in an open format and published on the Open Government Web page.

Comments

Government information includes data sets collected and maintained by the local government. Dissemination of these data sets is as important as all other forms of publication. Therefore, local government should actively release this data to the public for use and re-use.

One of the greatest strains on government resources is compliance with open records requests. As such, local governments should use the open government directive as an opportunity to preemptively publish government information before an open records request is received. Furthermore, the local government should publish information if such information is frequently requested or if the information is a data set.

It is again critical that information be released in an open format that is machine readable and accessible.

- k. Licenses:** The city shall not assert any copyright, patent, trademark, or other restriction on government information. However, such restrictions may be applied to information shared by the city that was compiled or modified by non-governmental entities or individuals.

Comments

Unlike U.S. federal government information, state and local government information is not in public domain as a matter of law, unless the state or local law dictates otherwise. Some local governments can and do exercise copyright, trademark, and other intellectual property rights over government information. This practice significantly impacts the use of government information by the public and hinders open government efforts. Local governments should, therefore, release all government information free of any

such rights and should not exercise these rights after release. However, the city may reserve the right to enforce reasonable privacy, security, and privilege rights on government information. Finally, if a license or restriction is asserted then the license or restriction should be minimally restrictive so that it does not significantly impede the use of the information.

2. Create and Institutionalize a Culture of Open Government

To support open government and government accountability the [City] will expand and create opportunities for citizen participation and collaboration.

Comments

This section is intended to institutionalize open government within city government. As such, the city should take substantial steps to create a detailed open government plan that will help the public understand how the city will implement and operate a more transparent, participatory, collaborative, and accountable government.

To create an unprecedented and sustained level of openness and accountability in every department, senior leaders should strive to incorporate the values of transparency, participation, and collaboration into the ongoing work of their department. Integrating various disciplines will facilitate organization-wide and lasting change in the way that government works

Each paragraph of this section creates a firm timetable for development and implementation of the open government plan. A timetable is of critical importance and will allow the public and senior leadership to track the progress of the open government plan. Although the model directive sets forth a specific timeline, the city should create a timetable that is feasible for the city. However, the timeline must be included in the directive in order to be successful.

- a. **Open Government Plans:** Within 120 days, each the [City] shall develop and publish an Open Government Plan that will describe how the each department will enhance and develop transparency, public participation, and collaboration.

Comments

Subparagraphs i-iii of paragraph a set forth the key core principles of open government: transparency, participation, and collaboration. These principles are viewed as the cornerstone of sound open government policy.

“Participation” “refers to different mechanisms for the public to express opinions - and ideally exert influence - regarding political, economic, management or other social decisions.” (Wikipedia. Participation (decision making). Retrieved January 9, 2011, from [http://en.wikipedia.org/wiki/Participation_\(decision_making\)](http://en.wikipedia.org/wiki/Participation_(decision_making)))

“Collaborate” “means to work jointly with others or together especially in an intellectual endeavor.” (Merriam-Webster. Collaborate. Retrieved January 9, 2011, from <http://www.merriam-webster.com/dictionary/collaboration?show=0&t=1294605905>)

i. Transparency: The Open Government Plan will describe steps the city will take to conduct its work more openly and publish its information online. The plan will describe how the city is currently meeting its legal information dissemination obligations under [Open Records Act] and [State Sunshine Act] and how the city plans to create more access to information and opportunities for public participation. This information should include ordinances and regulations, policies, legislative records, budget information, geographic data, crime statistics, public health statistics, and other public records and data.

ii. Participation: To create more informed and effective policies, the [City] shall enhance and expand opportunities for the public to participate throughout [City Departments’] decision-making processes. The Open Government Plan will include descriptions of:

1. Online access to proposed rules, ordinances, and other regulations;
2. Online access to information and resources for the public to be properly informed (such as frequently asked questions, city officials’ and department contact information, and other supportive content);
3. Opportunities for the public to comment through the Web on any proposed rule, ordinance, or other regulation;
4. Methods of identifying stakeholders and other affected parties and inviting their participation;
5. Proposed changes to internal management and administrative policies to improve participation;
6. Links to appropriate websites where the public can engage in the city’s existing participatory processes; and
7. Proposals for new feedback mechanisms, including innovative tools and practices that create new and more accessible methods for public participation.

To the goal of encouraging public participation, rules, ordinances, and other regulations shall be based, to the extent feasible and consistent with law, on the open exchange of information and perspectives among other government officials, experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole.

iii. Collaboration: The Open Government Plan will describe steps the [City] will take to enhance and expand its practices to further cooperation among city departments, other governmental agencies, the public, and non-profit and private entities in fulfilling the city’s obligations. The plan will include specific details about:

1. Proposed changes to internal management and administrative policies to improve collaboration;

2. Proposals to use technology platforms to improve collaboration among city employees and the public;
3. Descriptions of and links to appropriate websites where the public can learn about existing collaboration efforts; and
4. Innovative methods, such as prizes and competitions, to obtain ideas from and to increase collaboration with those in the private sector, non-profit, and academic communities.

b. Evaluation: The [City's] progress towards meeting this Open Government Directive will be evaluated six (6) months after implementation, one (1) year after implementation, and each subsequent year. The city shall release the evaluation on the Open Government Web page or create an Open Government Dashboard that will provide the public with both graphic and narrative evaluation information. The evaluation will indicate if the city has not satisfied, partially satisfied, or fully satisfied the following criteria:

- i. Experts and other stakeholders were consulted when creating the Open Government Plan;
- ii. The public was involved in developing the Open Government Plan;
- iii. The Open Government Plan includes all of the elements required in the Open Government Directive;
- iv. The city has established processes and a timeline for publishing information and data sets online;
- v. The city has established processes and a timeline for making underlying, raw data available online;
- vi. The city has effectively promoted its open government efforts to the public;
- vii. The city has effectively promoted its open government efforts to private sector stakeholders;
- viii. The city has established efficient public feedback mechanisms;
- ix. The city has reviewed, responded to, and incorporated public feedback; and
- x. The city has established processes to revise its Open Government Plan to reflect changing public needs and new technologies.

Comments

As an alternative to the evaluation standards described, a 5-star rating system could be established to evaluate the city's progress:

- ★ Make your stuff available on the web (whatever format)
- ★ ★ Make it available as structured data (e.g. excel instead of image scan of a table)
- ★ ★ ★ Non-proprietary format (e.g. csv instead of excel)
- ★ ★ ★ ★ Use URLs to identify things, so that people can point at your stuff
- ★ ★ ★ ★ ★ Link your data to other people's data to provide context

An example of the Open Government Dashboard called for in this section is the White House's dashboard for evaluating the federal Open Government Directive, <http://www.whitehouse.gov/open/around>.

Ideally, an evaluation of each city department would be conducted and made available online.

- c. **Working Group:** Within 45 days, the [Mayor] and [City Auditor] shall establish a working group that focuses on transparency, accountability, public participation, and collaboration within the [City] government. This group, with senior level representation from program and management offices throughout the [City], will serve several critical functions, including:
 - i. **Transparency Forum:** The working group will provide a forum to share best practices on innovative ideas to promote transparency, including system and process solutions for information collection, aggregation, validation, and dissemination; and
 - ii. **Participation and Collaboration Forum:** The working group will provide a forum to share best practices on innovative ideas to promote participation and collaboration, including how to experiment with new technologies, take advantage of the expertise and insight of people both inside and outside the [City] government, and form high impact collaborations with researchers, the private sector, and the public.
 - iii. **Public Input Forum:** The working group will provide a forum for developing resolutions to issues described through the public feedback mechanisms of the Open Government Web page.
- d. **Incentives:** Within 90 days, the [City Treasurer] will issue, through separate guidance or as part of any planned comprehensive management guidance, a framework for how the [City] can use challenges, prizes, and other incentive-backed strategies to find innovative or cost-effective solutions to improving open government.

Comments

Examples of incentive efforts include, <http://www.appsfordemocracy.org/>, <http://nycbigapps.com/challenges/81/>, <http://sunlightlabs.com/contests/appsforamerica/>.

3. Create an Enabling Policy Framework for Open Government

Emerging technologies open new forms of communication between government and the public. Achieving a more open government will require the various professional disciplines within the government (such as policy, legal, procurement, finance, and technology operations) to work together to define and develop open government solutions. Policies should be regularly reviewed and revised to realize the potential of technology for open government.

- a. **Identification of Barriers, Guidance, and Revisions:** Within 120 days, the [City Attorney], in consultation with the [City's] [Chief Information Officer], will review existing [City] policies to identify impediments to open government and to

the use of new technologies and, where necessary, issue clarifying guidance and/or propose revisions to such policies, to promote greater openness in government.

Comments

While legal and policy barriers will hinder progress unless addressed, cultural change will also be necessary to encourage greater openness and innovation in government. City leaders should also take steps to promote and encourage cultural change in government.

- b. Publication of Guidance and Proposed Policy Changes:** Any clarifying guidance and/or proposed policies related to this Open Government Directive will be available through the city's Open Government Web page.