

Open Data Consortium project

Progress Report
Current Legal and Legislative Prospects

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Geographic Parcel Data in California's 58 Counties

- 51 have some portion in digital format
- 22 have 100% coverage
- 23 have data distribution policy/licenses
- 44 distribute data for a fee
- 9 distribute data for a fee greater than cost of duplication

- "Digital Land Records Information Status, Needs, and Implementation Options"
PSOMAS for California Mapping Coordinating Committee, 2004

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Data Distribution Policy Core Issue: COST

Public's Right to Public Data
access to public information
insures government accountability

" ... the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.. " CPRA § 6250

Public Agency's Need to Fund Geodata Operations
Its ability to create, maintain, and disseminate data depends on funding through Taxes, Fees, Data Sales, or Capture of Added Value

" ... Yipes! Our department budget was cut "

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The dilemma continues: Legal Access vs Funding GIS Maintenance

- Office of Attorney General - Request for Opinions on Ca Public Records Act as applied to digital parcel data
- California Mapping Coordinating Committee options for supporting and maintaining Digital Land Records Information (DLRI)

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Your Opinion is Requested
www.caag.state.ca.us/opinions Dan.Stone@doj.ca.gov

BILL LOCKYER
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December 20, 2004

DENNIS KLEIN
 BOUNDARY SOLUTIONS

Via email: dklein@boundarysolutions.com

RE: Opinion No. 04-1105

Dear Mr. Klein:

We have received a request from Assemblyman Joe Nation for an opinion of the Attorney General on the following questions:

1. Does parcel boundary map data maintained in an electronic format by a city or county constitute a public record subject to disclosure under the Public Records Act (Gov. Code, § 6253.9)?

Opinion 04-1105
CPRRA application to DLRI

1. Does parcel boundary map data maintained in an electronic format by a city or county constitute a public record subject to disclosure under the Public Records Act (Gov. Code, §6253.9)?
2. If so, in what period of time must a city or county make the information available to the public in the electronic format in which it holds the information?
3. What costs are to be included in calculating the fee for making the information available to the public in the electronic format in which the city or county holds the information?
4. In what period of time must the city or county make the information available to the public if the requested format is one that has been used by the city or county to create copies for its own use or for provision to other agencies?
5. What costs are to be included in calculating the fee for making the information available if the requested format is one that has been used by the city or county to create copies for its own use or for provision to other agencies?
6. Where the request for a copy of an electronic record requires more than mere reproduction, what costs are to be included as direct costs to be charged for producing the record?
7. May a city or county recover previously incurred costs (or some portion thereof) in connection with the initial collection of the data and its conversion into an electronic format as part of the costs of reproduction to be charged for

Point - CounterPoint

- **Is DLRI a Public Record?**

YES - "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." CPRA § 6252(e)

NO - GIS parcel maps are not "certified" official records

NO - computer mapping system is software CPRA 6254.9

YES - difference between DBMS software and the database data

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Point - CounterPoint

- **Revenue & Taxation Codes - are Assessor's maps public record?**

NO - § 408 Maps are not public records unless Assessor is required to prepare or maintain them

YES - Public records required include: Owner's maps used in describing land for assessment pursuant to §326; County Assessor's maps used pursuant to §327; Maps maintained by Assessors in accordance with § 1254

1254. The State Board of Equalization shall prescribe the forms for the books, blanks, and maps, and may require the map books to:

(a) Be indexed by owners' names.

(b) Show improvements and assessed value.

1255. The maps shall show the private lands owned or claimed in the county so as to provide a legal description of the lands.

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Point - CounterPoint (cont.)

- **Should public funds subsidize private companies?**
NO - public costs are not subsidies for entrepreneurs
YES - benefits general economy just like public roads and public education; private distribution of public data will enable more people to use the data

"Why should a national map company have free access to our data when they sell digital tourist maps for profit"
- K.M., Nashville Metro Commission

"And when those tourists use our maps to guide their vacation, where do they go to spend their money?"
- N.W., TeleAtlas North America

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Point - CounterPoint (cont.)

- **Financial Arguments**
Data Fees pay for public agency creation and maintenance of digital data
Data Fees prevent private citizens, non-profits, NGOs and policy advocates from affordable access to data
Digital data was created by public agencies to conduct their mandated duties more efficiently and effectively

Commerce is NOT the reason for the CPRA; the reason is public scrutiny of government activities

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How Can Public Agencies Fund GeoData Creation and Maintenance?

- **State-funded Incentive Funding and Coordination**
DLRI - Digital Land Records Initiative
- **Better Tracking and Allocation of GeoData Benefits**
ODC - Open Data Consortium

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California Digital Land Records Information *Status, Needs and Implementation Options* June 2004

Prepared for:

CALIFORNIA MAPPING COORDINATING COMMITTEE

Prepared by:

PSOMAS

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the California Department of Forestry and Fire Protection,
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How Can Public Agencies Fund GeoData Creation and Maintenance?

- **State-funded Incentive Funding and Coordination**

Initial Implementation	Option 2	Option 3	Option 4	Option 5
Advocacy and Coordination	\$ 8,000	\$ 181,000	\$ 270,000	\$ 270,000
Data Development and Maintenance	\$ -	\$ 1,455,000	\$ 9,391,000	\$ 9,391,000
Data Aggregation	\$ 259,000	\$ 459,000	\$ 75,000	\$ 75,000
Data Provision	\$ 6,000	\$ 6,000	\$ 804,000	\$ 50,000
Total	\$ 273,000	\$ 2,101,000	\$ 10,540,000	\$ 9,786,000
% to Local Government	0%	69%	89%	96%

Ongoing	Option 2	Option 3	Option 4	Option 5
Advocacy and Coordination	\$ -	\$ 9,000	\$ 110,000	\$ 110,000
Data Development and Maintenance	\$ -	\$ -	\$ -	\$ -
Data Aggregation	\$ 119,000	\$ 319,000	\$ 25,000	\$ 25,000
Data Provision	\$ 6,000	\$ 6,000	\$ 260,000	\$ 150,000
Annual Local Government Support			\$ 5,400,000	\$ 5,400,000
Annual	\$ 125,000	\$ 334,000	\$ 5,795,000	\$ 5,685,000

ODC Open Data Consortium

The Open Data Consortium project was initiated to formulate a model data distribution policy, **derived from** consensus-building collaboration, **engaging** national, state, and local governments, **as well as** private enterprises, non-profits, and universities.

- Organized through GeoData Alliance, a 501 (c) (3) non-profit professional association
- Initial seed-money grant from USGS and sponsorship donations
- Purpose: to formulate a **model data distribution policy**

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Consensus-building Collaborative Effort

- ✓ Formed a group of committed participants
- ✓ Conducted a series of resolution workshops
- ✓ Created a draft Model Policy

67 active participants from local, regional, state & Federal government
+ universities, consultants, and data resellers

- 117 reviewing participants
- 12 bi-weekly teleconference sessions (24 telephone conferences)
- 267 person-hours of deliberation

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Open Data Consortium project Model Data Distribution Policy a guide for local government

Business Terms and Conditions for data distribution

- data ownership, copyright, data licensing
- data content & services, costs, distribution methods
- data update schedules, metadata maintenance
- liability, security, and privacy protections
- Acceptable standard developed by representative peers
- Predictable data costs; guaranteed data update cycles
- Increase the number of data resellers and value-added service providers in the data marketplace
- Wider distribution of public geodata at competitive market-driven prices

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FINDINGS:
Do Data Sales Support GIS ?

- **Most government agencies that sell public data have not realized significant revenues; in many cases, they have actually lost revenues.**

- **There are better ways of raising funds to support GIS operations.**

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**Capturing Geodata's Value
to Local Governments**

- **Revenue Produced**
from existing taxes - GeoAuditing
from service fees
- **Cost Savings**
- **Support from Internal Budgeting**

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Supporting GIS What Is Needed?

- **Recognize that the value of geodata is realized through its usage; the more it is distributed, the more it is used; the more usage, the more value**
- **Change governmental "tracking" practices to identify and measure the revenues that come from GIS-based information and analysis**
- **Change governmental "tracking" practices to identify and measure the savings that result from NOT spending money, due to geospatial analysis**
- **Allocate a portion of these benefits back to support the GIS operations that made them possible**

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ODC Project - next steps

Phase 2:

- **Adoption - Educate and Support local government adoption of model data policy as their own policy**
- **Licensing - Assist local development of corresponding Data License**
- **Benefit Reporting Procedures - Recommend methods to identify and track revenues and cost savings from GIS/geodata**

Phase 3 COMPLETED: (jointly with GDA and OGC)

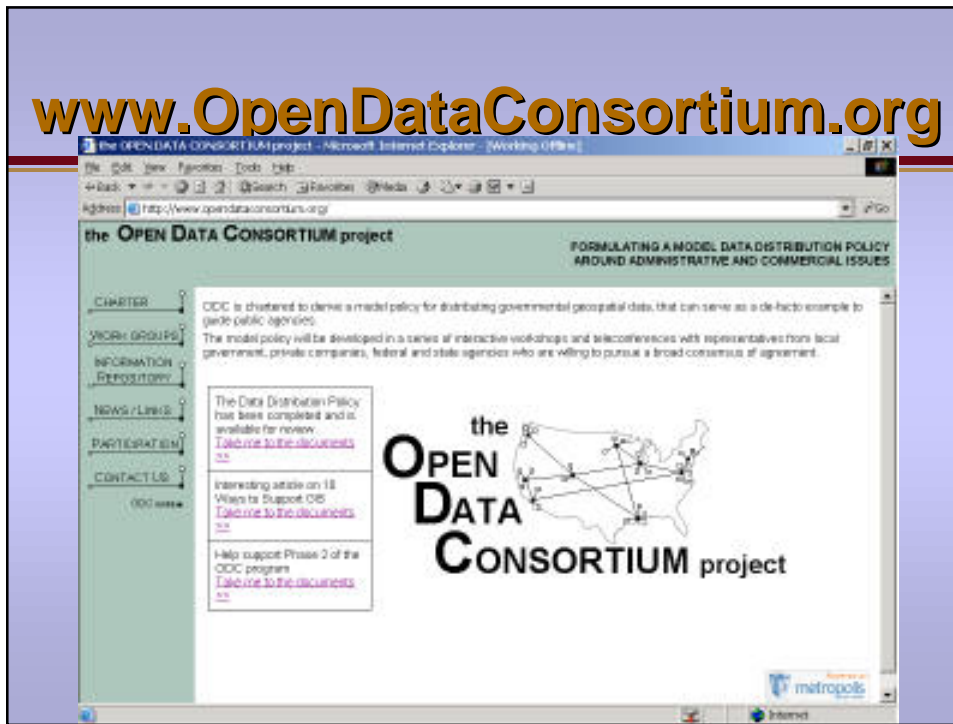
- **Formulate Data Portal Transaction Requirements**

Phase 4: (jointly with GDA and OGC)

- **Develop Data Portal Transaction Specifications**

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ODC Open Data Consortium Next Steps YOU Can Do

- **Inform people & organizations** about the ODC model data distribution policy
www.OpenDataConsortium.org
- **Formulate or modify** your agency's data policy and distribution license following the ODC Model
- **Suggest sources of \$sponsorship \$support**
- **Volunteer to Help** the ODC project

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