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
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 "

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)
Opinion 04-1105
CPRA 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 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

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.
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

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
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

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

Prepared for:
CALIFORNIA MAPPING COORDINATING COMMITTEE

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department of Forestry and Fire Protection,
1300 U Street,
Sacramento, CA 95818
How Can Public Agencies Fund GeoData Creation and Maintenance?

- State-funded Incentive Funding and Coordination

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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
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

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
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.

Capturing Geodata's Value to Local Governments

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

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
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 $ponsorship $upport

• Volunteer to Help the ODC project

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Current Legal and Legislative Prospects

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