Open Data Consortium project

Progress Report

Current Accomplishments, Future Prospects, Geospatial Transactions, Public Records Law

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Outline

- Reason for data distribution Policy Standards
- Outline of ODC model Policy
- "10 Ways" Findings
- Digital Rights Management of On-line Geodata
- California Public Records Act - OAG Opinion
- Next Steps participation activities

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Starting a New Project

- What Data Do I Need?
- Who Has the Data?
- What Does It Contain? How Good Is It?
- How to Extract, Format, and Analyze the Data?
- How Can I Acquire It?
- What is the Cost?

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Issues Impeding Easy Access to Public Geographic Data

- Finding the relevant data
- Cost
- Copyright & Licensing
- Distribution Methods
- Liability
- Security
- Privacy

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Geographic Parcel Data in California's 58 Counties

- 51 have some portion in digital format
- 23 have data distribution policy/licenses
- 44 distribute for a fee
- 9 distribute 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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Why?

- Why are local governments selling public geodata?
  It is a "capital asset"
  It is a desired commodity
  It is expensive to create and maintain
- Why is government data sales a problem?
  It is public record
  It is "the people's information"
  It enables us to keep our government accountable

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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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Other Reasons Some Local Governments Sell Data

- **Defense by cost-sharing consortia against "free riders"**
- **Feeling a proprietary value after the long development process**
- **Desire for "control" of "our" data**
- **Resistance to profiteer windfalls from public investment**

Taxpayer concerns:

- **"Taxpayers already paid for the GIS, they shouldn't have to buy it again"**
- **"Taxpayer investment should be reimbursed"**

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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**

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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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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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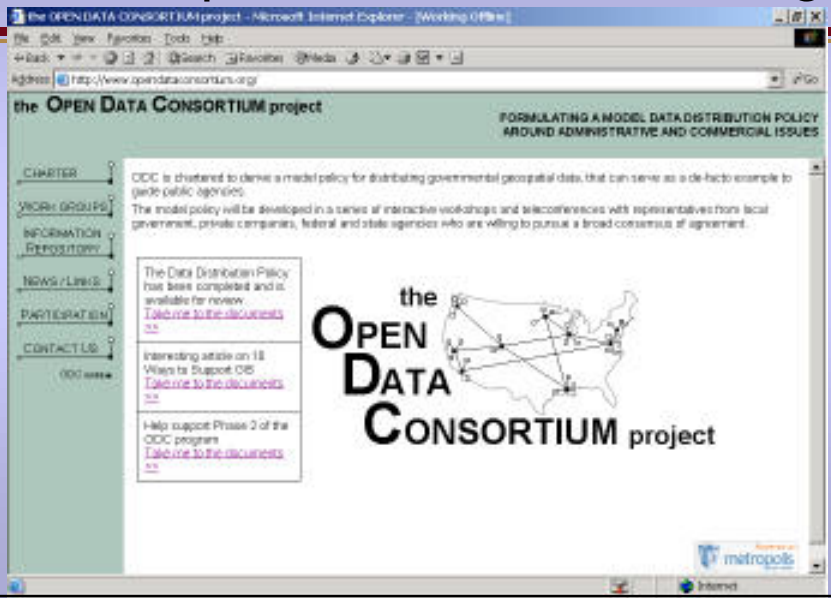
www.OpenDataConsortium.org



Major Components of the Data Distribution Policy

- Purpose of Data Distribution Policy
- Legal Authority
- Ownership of Data
- Data Distribution Services
- Data Recipients
- Data Distribution Methods
- Data Distribution Fees
- Other Terms of License Agreement

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Major Components of the Data Distribution License

- Control & security
- Copyright & notice
- Indemnify demand for data by others
- Disclaimer of liability & notice
- Privacy & security restrictions
- Positive identification
- Database dictionary
- Metadata maintenance
- Data correction & update
- Data redistribution

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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.**

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KPMG
Geospatial Data Policy Study
March, 2001

- **US agencies reporting data income had revenues equal to 2% of their operating expenses.**
- **"Cost Recovery" was having the opposite effect on its stated goals:**
  - **The consequences for businesses are higher costs, lower research and development investments, and threatened marginal products.**
  - **The results for consumers are negative: higher prices and reduced products and services.**
  - **The overall economic consequences are 23,000 fewer jobs, reduced economic output (by almost $ 2.6 Billion) and a lower gross domestic product.**

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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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Revenue Produced from existing taxes

- **Increased revenues that come from increased economic activity and new economic development**

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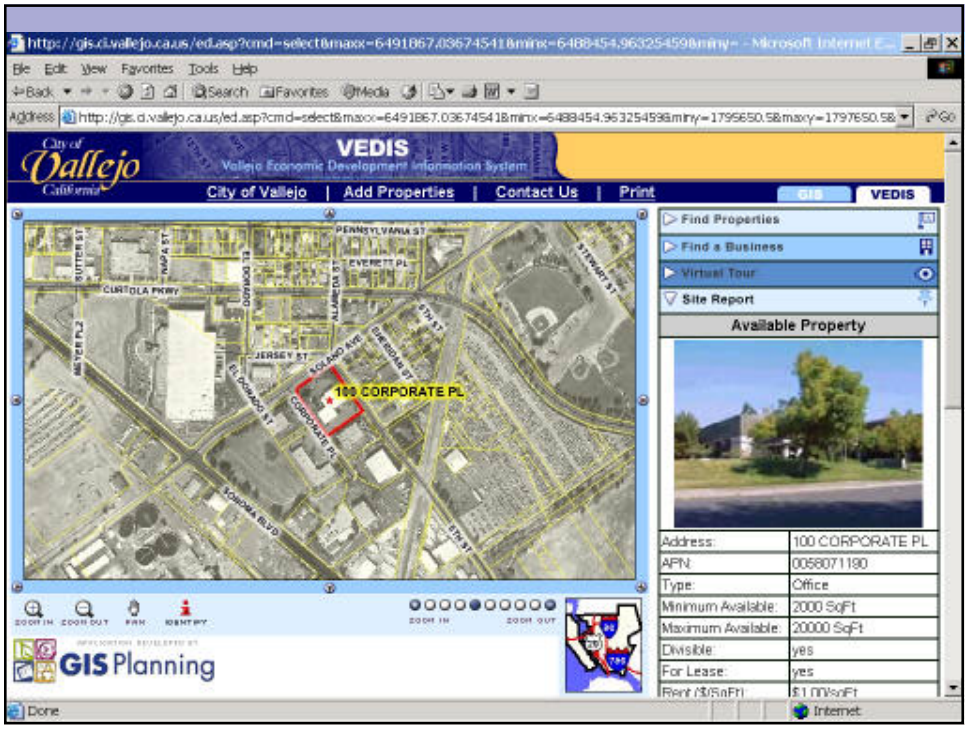

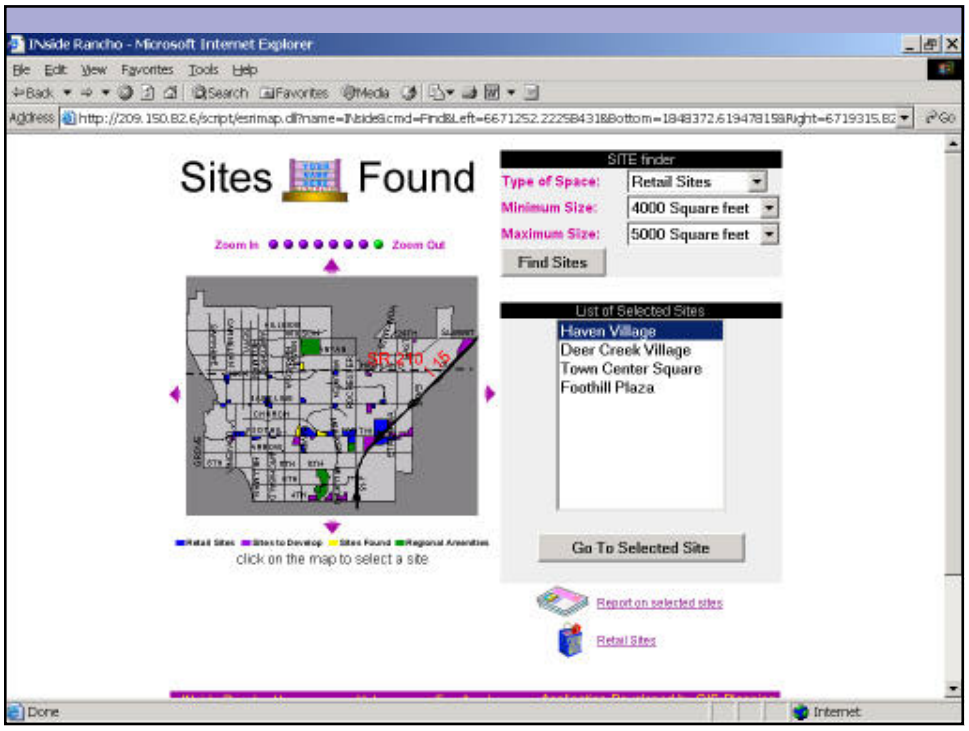
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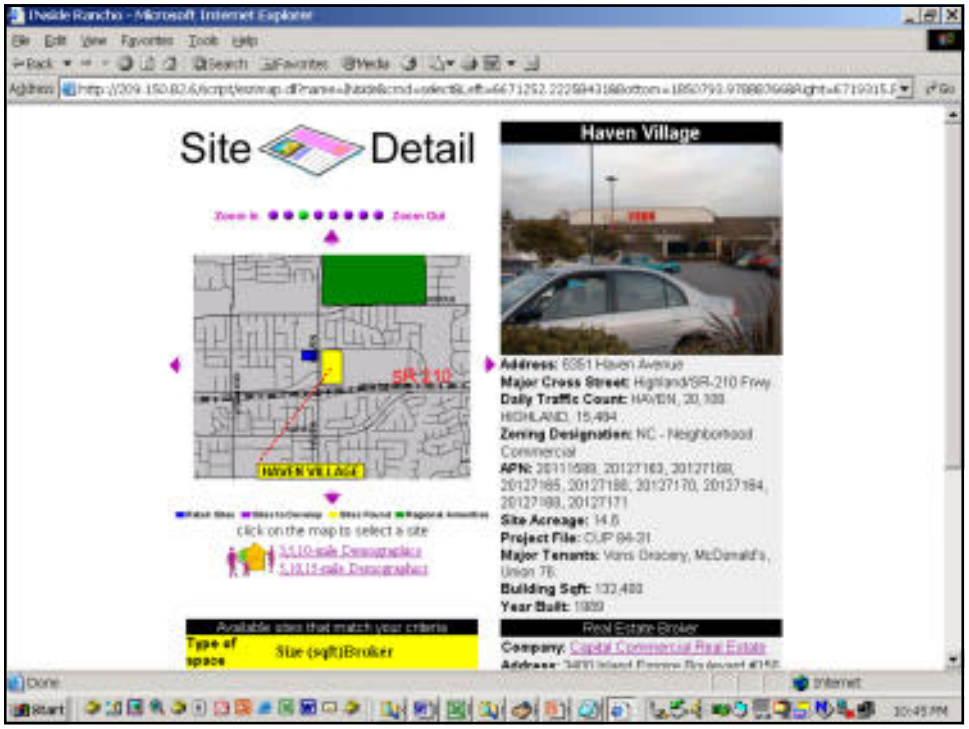
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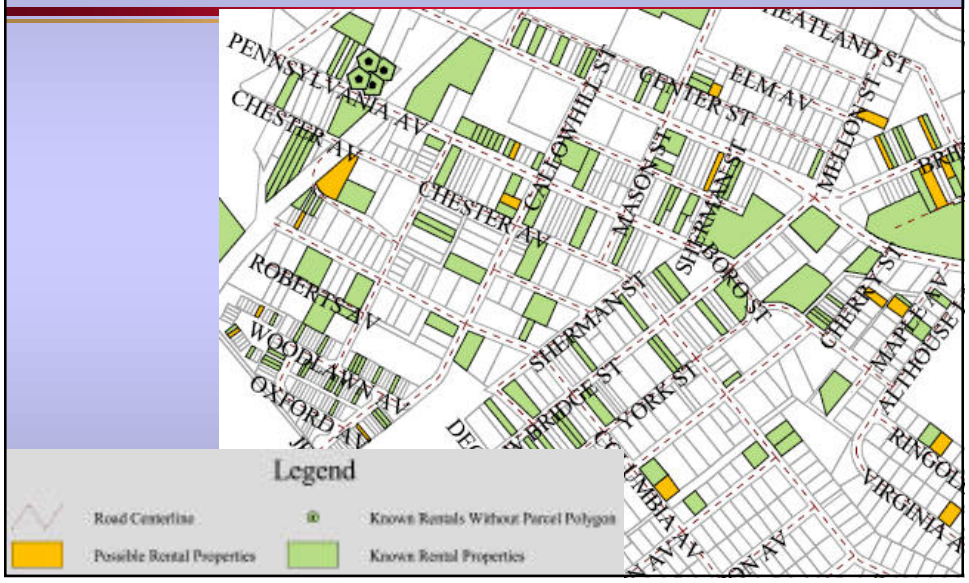
Chester County Rental Inventory



Revenue Produced from existing taxes

- **Increased revenues that come from increased economic activity and new economic development**
- **Increased revenues from more accurate determination of facility locations for taxation purposes … GeoAuditing**

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What is GeoAuditing?

- Geographic-based analysis of taxable parcels and entities
- Use GIS capabilities to more accurately locate **under-taxed** entities in tax rate areas
- Compile lists of taxable entity addresses and accurately locate them on the GIS map

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GeoAuditing Successes

- Orange Co., FL - cell phone franchise fees
  $ 650,000 per year
- L.A. Co. - point-of-sale location
  $ 375,000 per year
- State of TX Medicaid - fraud reduction
  $ 1 million per year
- State of VA Dept of Taxation - on-line business registration and tax filing
  $ 30 million per year

"Pay IT Forward", Center for Digital Government
www.centerdigitalgov.com, 2003

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Revenue Produced from existing taxes

1) Increased revenues that come from increased economic activity and new economic development

2) Increased revenues from more accurate determination of facility locations for taxation purposes … **GeoAuditing**

3) Revenues from specific taxes and fees

4) Funding for specific programs

Allocate a portion of these revenues to support ongoing geodata maintenance and GIS operation

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Revenue Produced from service fees

- Fees for customer-specific on-line applications

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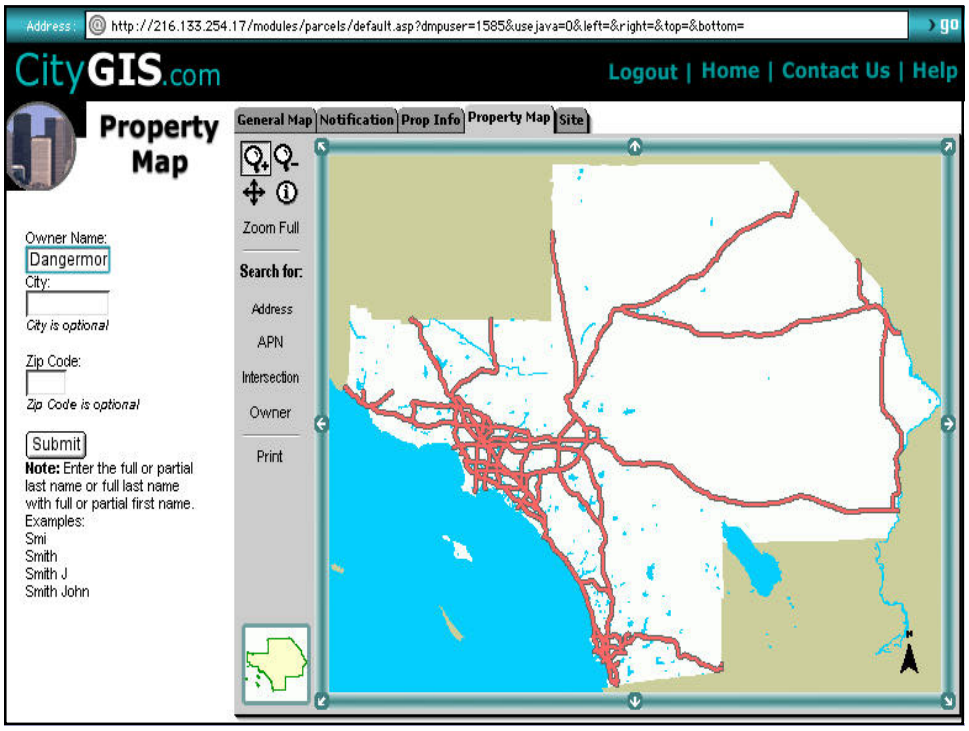
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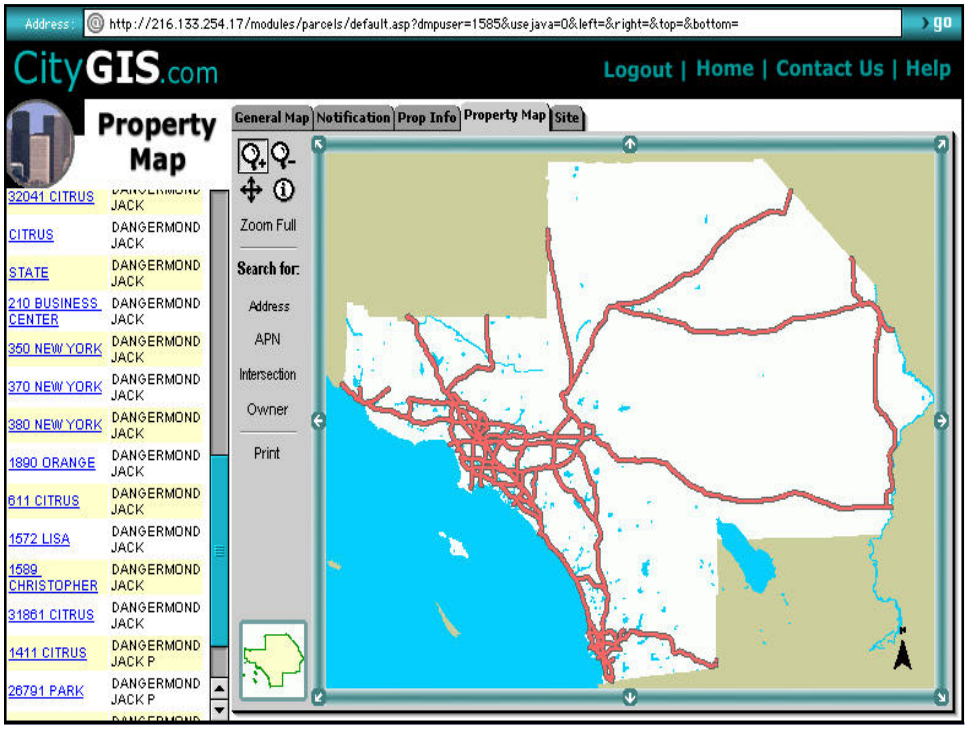
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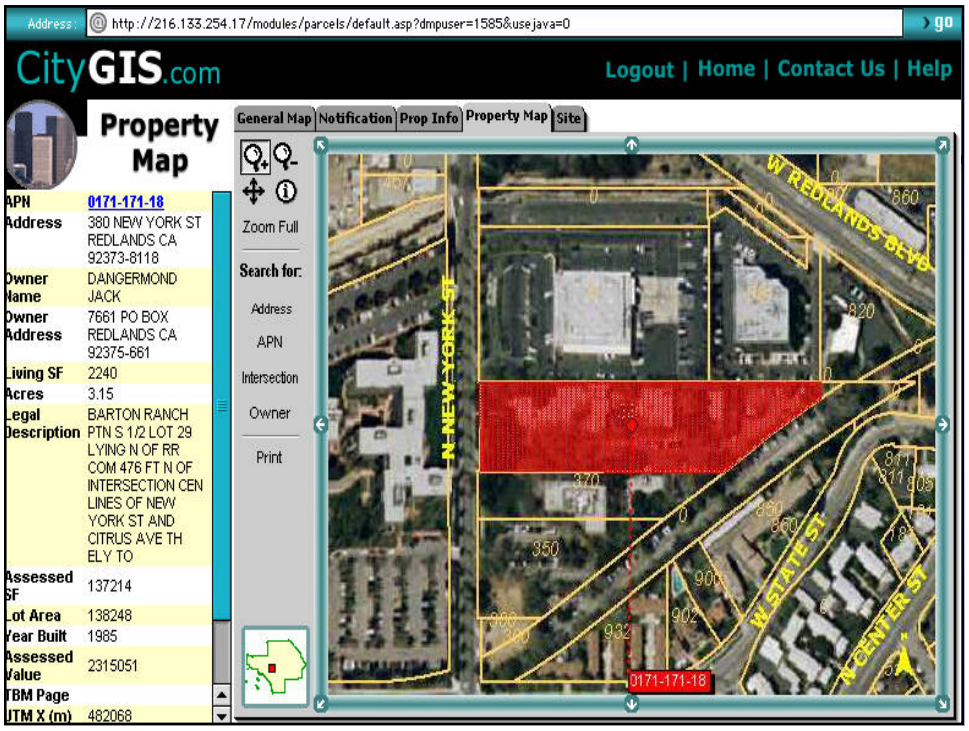

Revenue Produced from service fees

- **Fees for customer-specific on-line applications**
- **Fees for geoprocessing management services to other agencies**

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Cost Savings

- **Increased savings from geospatial analysis of public service programs**
- **Increased savings from coordinated management of public works infrastructure**

Allocate a portion of these savings back to the GIS department for ongoing operations and geodata maintenance

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Budgeting for Internal Support

- **Allocate a portion of each department's operating budget to support GIS services**
  - **Ventura County, CA**
  - **King County, WA**
- **Allocate a portion of the Agency's general fund to enterprise-wide GIS operations**
  - **King County, WA**
  - **San Francisco, CA**

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Support for GIS from Free Data vs Fee Data?

The resolution is in
Capturing the Value of the Geodata

The value of geodata is realized when it is used

- The more it is used, the more value is created by geodata
- Value accrues to governmental stewards of geodata through tax revenues and fees from successful citizen enterprises
- Internal accounting mechanisms must identify and track revenues and cost savings accrued from using accessible public geodata

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Accounting Procedures vs Tracking, Reporting, Crediting

Public agency accounting governed by State Auditor and Generally Accepted Accounting Practices

- Not "fair" and "reasonable" for GIS technology to be accounted for (valuated) differently than any other technology
- How to "objectively" allocate a consistent portion of new revenue or cost savings to GIS
- Different counties can not use different accounting procedures

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GIS Performance Analysis: Tracking, Reporting, Crediting

- **Lead by GIO, CAO, or City Manager**
- **Information fueled by departmental managers and end users**
- **Document the value of geospatial analysis and usage of geodata**
- **Standardized, Best Practice Report on:**
  - **money saved (efficiency)**
  - **money earned (revenues recovered)**
  - **budgetary costs unspent (not needed)**
  - **improved customer service**
  - **better decision making**

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The Road Ahead - next steps

Phase 2:

- Adoption **- Consensus on data policy reached, but policy not yet adopted in local governments**
- Licensing **- Data Policy requires corresponding Data License**
- Benefit Reporting Procedures **- Needed to identify and track revenues and cost savings from GIS**

Phase 3 (jointly with GeoData Alliance and Open GIS Consortium):

- Formulated Data Portal Transaction **Requirements**
  - **User Types**
  - **Access Rights**
  - **Distribution Methods**

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Phase 3: Managing Geodata Digital Rights

- Providing the owner a means to issue and manage rights while distributing geodata
- Geodata owners may grant different different rights depending upon:
  - Type of Geodata
  - Class of User
- Use Rights can include:
  - Viewing, Downloading, Updating
  - Graphic images, Associated attributes
  - Geoactive data,
  - Method of transmitting geodata
  - Cost to User, and other restrictions

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Simple Example of Usage Rights by User Type

Emergency Service Provider	A 1	A 2	A 3	A 4
(B) Government Agencies or their delegated agents	B 1	B 2	B 3	B 4
(C) Other Public or EducationalInstitutions	C 1	C 2	C 3	C 4
(D) Data Contributors	D 1	D 2	D 3	D 4
(E) Public Domain	E 1	E 2	E 3	E 4

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GeoDRM Requirements Definition

- **Project Goal:**
  - **Manage delivery of data and services according to the intersection of characteristics about user, data type and usage**
- **Cooperative effort**
  - **GeoData Alliance**
  - **Open GIS Consortium**
  - **FGDC**
  - **Open Data Consortium**

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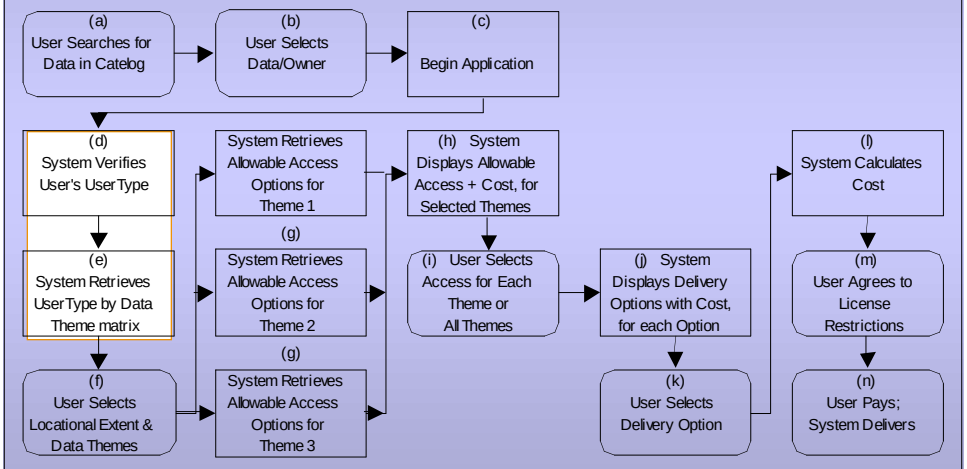
Data Transaction Component Diagram



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User Type by Data Theme

	Data Theme / UserType	Geodetic Control	Orthoimagery	Elevation	Transportation	Hydrography	Admin. Boundaries	Cadastral (parcels)	Land Use/Zoning	Land Cover	Geology/Soils
3.1 a.	All subcategories of Value Provider 3.1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3.1 b.	Emergency Service Providers										
3.1 c.	Government Agencies or agents										
3.1 d.	Data Contributors										
3.1 e.	Members										
3.2	Data Redistributor	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
3.3 a.	All subcategories of Data User 3.3										
3.3 f.	News Media	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3.3 g	Educational and Research Institutions	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3.3 h	Users within Owner's legal jurisdiction	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3.3 i	Trusted Users (verified identity)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3.3 j	Unknown Users	N	A	A	A	A	A	A	A	A	N

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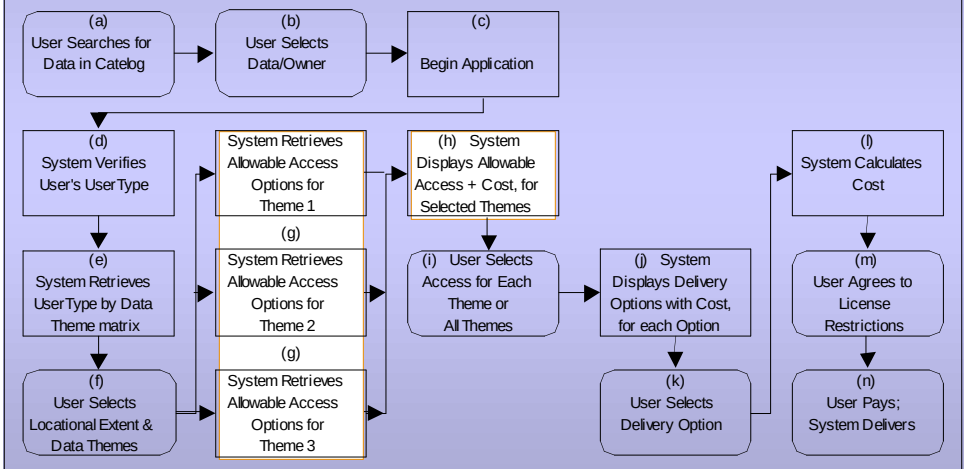
Data Transaction Component Diagram



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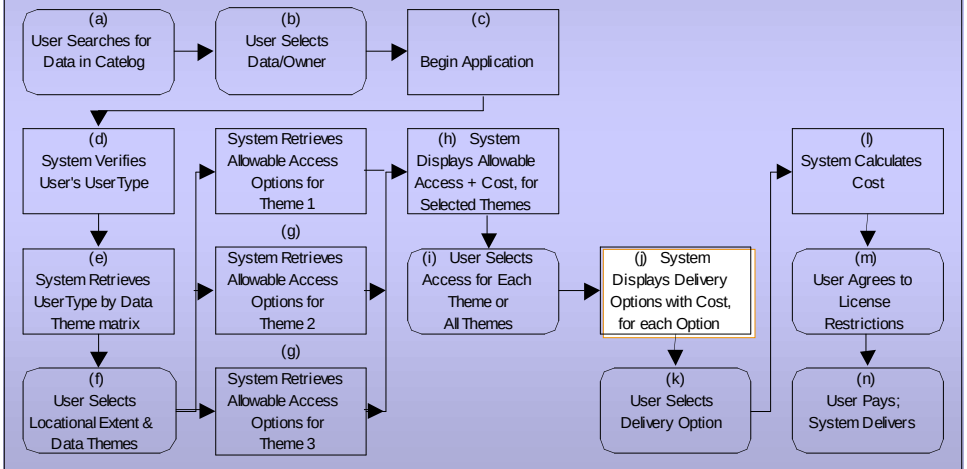
User Type by Access Rights

for **Parcel GeoData**

	UserType	3.1 All subcategories of Value Provider	Emergency Service Providers	Government Agencies or agents	Data Contributors	Members	Data Redistributor	3.3 All subcategories of Data User	News Media	Educational and Research Institutions	Users within Owner's legal jurisdiction	Trusted Users (verified identity)	Unknown Users
	Access Rights	3.1 a	3.1 b	3.1 c	3.1 d	3.1 e	3.20	3.3 a	3.3 f	3.3 g	3.3 h	3.3 i	3.3 j
5.1 a	View Only through Application		0	0	0	M	0	0					0
5.20	Internal Use Only												
5.2 b	Receive results from Application:												
5.2 b 0.1	bitmap image (.pdf)		0	0	0	M	0	0					0
5.2 b 0.2	vector graphics + flat file		0	0	0	M	0	0					N
5.2 c	Receive geodata as:												
5.2 c 0.1	bitmap image of map and data		0	0	0	M	0	0					N
5.2 c 0.2	vector graphics or native GIS		0	0	0	M	0.01	0.01					N
5.2 c 0.3	vector graphics or GIS, + attributes:												
5.2 c 0.3a)	flat file format (csv or Excel)		0	0	0	M	0.03	D					N
5.2 c 0.3b)	relational table format,+ schema		0	0	0	M	0.03	D					N
5.30	Create Derivative Products:												
5.3 d	for internal use		0	0	0	M	0.03	0.03					N
5.3 e	for external use		0	N	N	N	0.03	N					N
5.40	Data Update		N	0	N	N	N	N					N
5.50	Data Redistribution												
5.5 g	to Members or to Trusted Users		N	N	N	N	0.03	N					N
5.5 h	to unknown users.		N	N	N	N	N	N					N

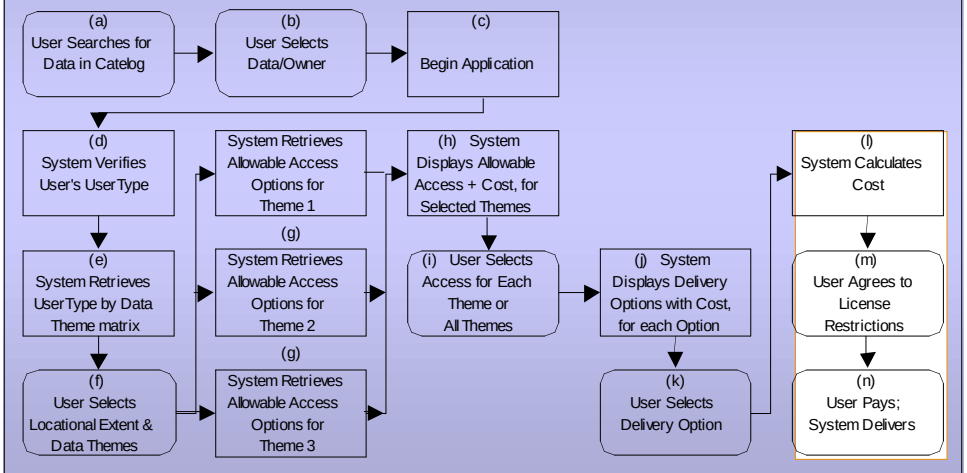
Data Transaction Component Diagram



User Type by Distribution Method

UserType	All subcategories of Value Provider 3.1	Emergency Service Providers	Government Agencies or agents	Data Contributors	Members	Data Redistributor	All subcategories of Data User 3.3	News Media	Educational and Research Institutions	Users within Owner's legal jurisdiction	Trusted Users (verified identity)	Unknown Users
Distribution Method	3.1 a	3.1 b	3.1 c	3.1 d	3.1 e	3.20	3.3 a	3.3 f	3.3 g	3.3 h	3.3 i	3.3 j
View the data (no download)												
as a bitmap image	0	0	0	0	0	0	0	0	0	0	0	0
vector graphics or native GIS format	0	0	0	0	0	0	0	0	0	0	0	0
vector graphics or GIS,+ data	0	0	0	0	0	0	0	0	0	0	0	0
Send the data												
Send data in digital hardcopy												
as a bitmap image	25	0	25	25	25	25	25	0	25	25	25	N
vector graphics or native GIS format	50	0	50	50	50	100	50	0	50	50	50	N
vector graphics or GIS,+ data												
data in flat file format (csv, Excel)	25	0	25	25	25	150	25	0	25	25	25	N
relational table format,+ schema	50	0	50	50	50	200	50	0	50	50	50	N
Send as controlled download												
as a bitmap image	0	0	0	0	0	0	0	0	0	0	0	N
vector graphics or native GIS format	0	0	0	0	0	100	50	0	0	0	50	N
vector graphics or GIS,+ data												
data in flat file format (csv, Excel)	0	0	0	0	0	150	75	0	0	75	75	N
relational table format,+ schema	0	0	0	0	0	200	100	0	0	100	100	N
Send as uncontrolled download												
as a bitmap image	na	na	na	na	na	na	na	na	na	na	na	0
vector graphics or native GIS format	na	na	na	na	na	na	na	na	na	na	na	N
vector graphics or GIS,+ data												
data in flat file format (csv, Excel)	na	na	na	na	na	na	na	na	na	na	na	N
relational table format,+ schema	na	na	na	na	na	na	na	na	na	na	na	N

Data Transaction Component Diagram



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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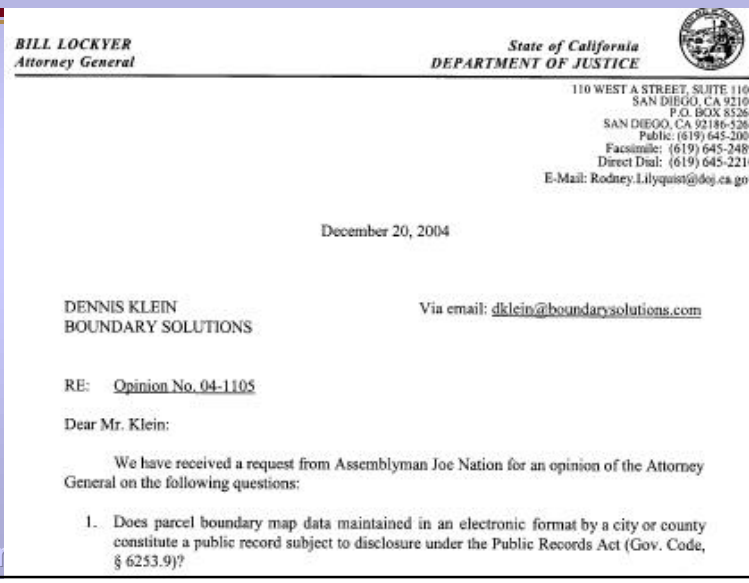
Your Opinion is Requested

www.caag.state.ca.us/opinions Dan.Stone@doj.ca.gov



BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE

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E-Mail: Rodney.Lilyquist@doj.ca.gov

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
CPRA application to DLRI

ÊÊÊÊ 1.ÊDoes 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)?

ÊÊÊÊ 2.ÊIf 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?

ÊÊÊÊ 3.ÊWhat 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**?

ÊÊÊÊ 4.ÊIn 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**?

ÊÊÊÊ 5.ÊWhat **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?

ÊÊÊÊÊ 6.ÊWhere 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?

ÊÊÊÊ 7.ÊMay 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 the copy of the record?

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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

"Our data gets better as more people use it; more errors are caught and reported." - B.W. City of Carson, CA

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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, not to create products for revenue generation
  - 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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This report was prepared for the California Mapping Coordinating Committee
under contract delegation number 154, CMAS 3-01-70-1451A,
Agency Order Number CDF01241
the California Department of Forestry and Fire Protection,
1300 U Street,
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How Can Public Agencies Fund GeoData Creation and Maintenance?

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

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**

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 **$ponsorship $upport**
- Volunteer to Help the ODC project

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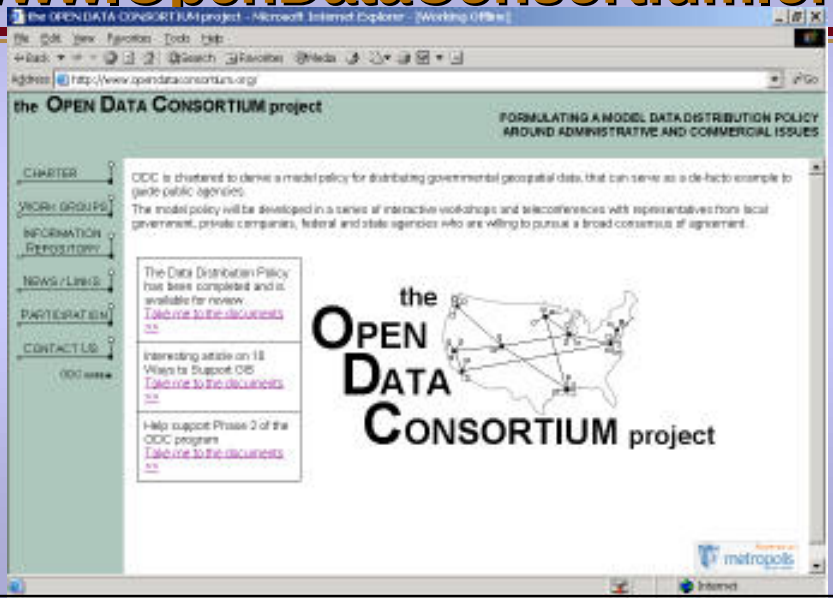
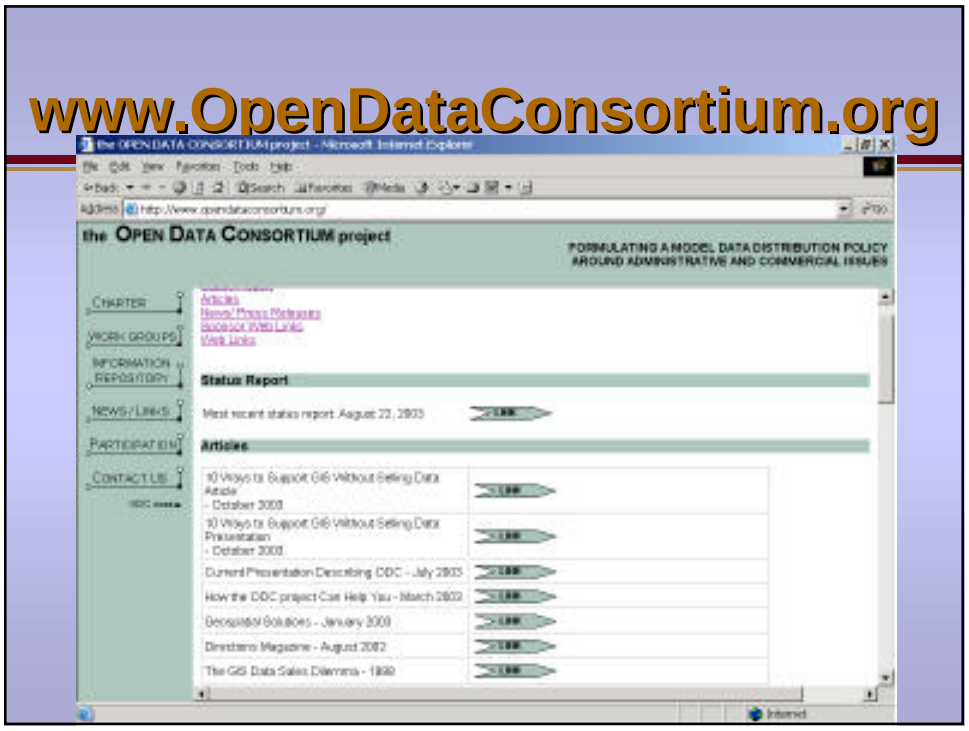
www.OpenDataConsortium.org

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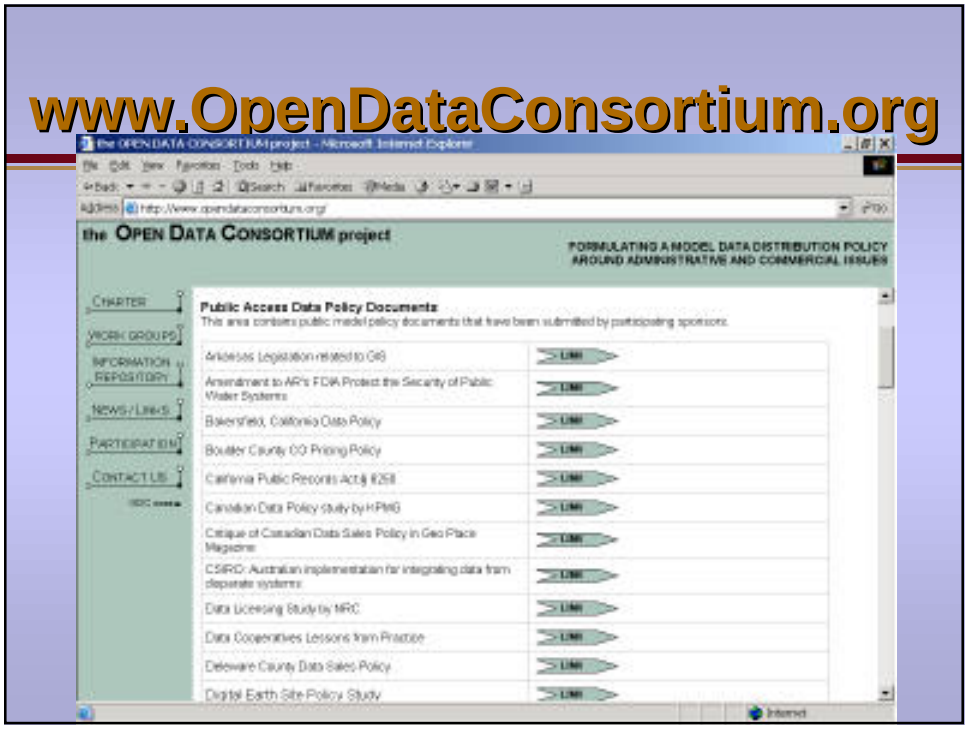
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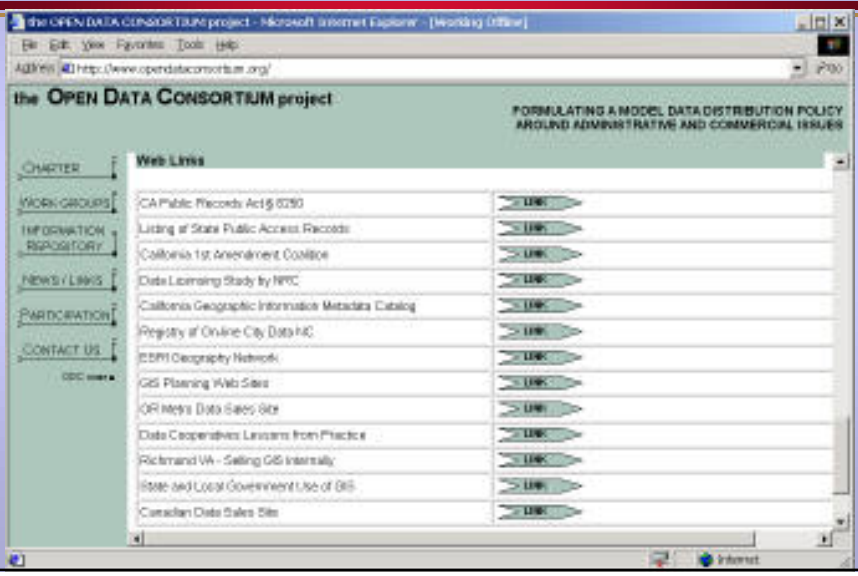

ODC Open Data Consortium Sponsors

- **USGS - FGDC**
- **GeoData Alliance**
- **Directions Magazine - GISbid.com**
- **Digital Map Products**
- **ESRI**
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- **Metropolis New Media**
- **Safe Software**
- **URISA**
- **Malcolm Adkins, Michael Baker, Inc.**

Additional Sponsors are Welcome

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Topics for Discussion

- Encouraging Local Governments to **adopt a data distribution policy and license**, based on the ODC Model Policy
- Developing **procedures to identify revenues and cost savings** accrued from using GeoData
- **Implementing GeoAuditing** to increase taxable revenues
- Forging **agreement on supporting GeoData operations** from revenues and cost savings
- **Advocating for** Statewide **coordination** and incentive **funding**

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Progress Report

Current Accomplishments, Future Prospects, Geospatial Transactions, Public Records Law

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