

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 7

Bill No. 32-2014

Introduced by Greg Fox

Co-sponsored by Calvin Ball, Mary Kay Sigaty, Jennifer Terrasa, and Courtney Watson

AN ACT requiring, to the extent practical, that County documents and other files be searchable by the public through the County's website; requiring the County to create and implement a plan for this purpose; setting a deadline for publishing such information; requiring that certain County documents related to land use be regularly posted on the County's website in a searchable format; and generally relating to accessible data in the County.

Introduced and read first time _____, 2014. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2014.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2014 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __ day of _____, 2014 at __ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2014

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3
4 *By adding:*

5 *Title 22 - General provisions, penalties and rules of interpretation.*

6 *Subtitle 8. – Accessible Data.*

7
8
9 **Title 22 - General provisions [[, penalties and rules of interpretation]].**

10 **SUBTITLE 8. – ACCESSIBLE DATA.**

11 **22.800. LEGISLATIVE INTENT.**

12 (A) *FINDINGS*

13 IT IS IN THE PUBLIC INTEREST THAT:

14 (1) ACCESSIBLE DATA BE AVAILABLE ON-LINE;

15 (2) ACCESSIBLE DATA BE SEARCHABLE AND PRESENTED IN NON-PROPRIETARY OR FREELY
16 AVAILABLE FORMATS;

17 (3) ACCESSIBLE DATA BE AVAILABLE THROUGH A SINGLE WEB PORTAL; AND

18 (4) THE WEB PORTAL PROVIDE A SEARCH FACILITY AND THE ABILITY TO ACCESS ACCESSIBLE
19 DATA IN WAYS THAT ALLOW FOR EASE OF USE BY THE PUBLIC.

20 (B) *GUIDING PRINCIPLES.*

21 (1) ALL ACCESSIBLE DATA SHALL BE MADE AVAILABLE WITHOUT COPYRIGHT, PATENT,
22 TRADEMARK, OR TRADE SECRET, OR SIMILAR REGULATION OTHER THAN REASONABLE PRIVACY,
23 SECURITY, AND PRIVILEGE RESTRICTIONS.

24 (2) ACCESSIBLE DATA SHALL BE MADE AVAILABLE WITH THE HIGHEST POSSIBLE LEVEL OF
25 GRANULARITY AS WELL AS IN AGGREGATE OR MODIFIED FORMS.

26 (3) ACCESSIBLE DATA SHALL BE MADE AVAILABLE QUICKLY TO ENSURE USEFULNESS TO THE
27 PUBLIC.

1 (4) ACCESSIBLE DATA SHALL BE AVAILABLE TO THE WIDEST RANGE OF USERS FOR THE
2 WIDEST RANGE OF PURPOSES.

3 (5) TO THE EXTENT PRACTICAL, ACCESSIBLE DATA SHALL BE STRUCTURED TO ALLOW
4 AUTOMATED PROCESSING.

5 (6) ACCESSIBLE DATA SHALL BE AVAILABLE TO ANYONE THROUGH THE WEB PORTAL, WITH
6 NO REQUIREMENT OF REGISTRATION.

7 (7) ACCESSIBLE DATA SHALL BE AVAILABLE IN NON-PROPRIETARY OR FREELY AVAILABLE
8 FORMATS AND IN ACCORDANCE WITH ANY APPLICABLE OPEN STANDARD.

9 **22.801. DEFINITIONS.**

10 (A) IN THIS SUBTITLE, THE FOLLOWING WORDS AND PHRASES HAVE THE FOLLOWING
11 MEANINGS.

12 (B) *AGENCY* MEANS ANY OFFICE, DEPARTMENT, DIVISION, BOARD, COMMITTEE, OR
13 COMMISSION OF ANY BRANCH OF THE COUNTY GOVERNMENT.

14 (C) (1) *DATA* MEANS THE FINAL VERSION OF DIGITAL INFORMATION:

15 (I) 1. IN A STRUCTURED, STATISTICAL, OR ALPHANUMERIC FORM SUCH
16 AS A LIST, TABLE, GRAPH, CHART, OR OTHER NON-NARRATIVE FORM THAT CAN BE
17 DIGITALLY TRANSMITTED OR PROCESSED; OR

18 2. IN AN UNSTRUCTURED, FACTUAL, OR CONTENT FORM SUCH AS A
19 FACT SHEET, MEMORANDUM, AGENDA, MEETING MINUTES, PRESS RELEASE,
20 COMPLIANCE GUIDANCE, MANUAL, OR OTHER NARRATIVE FORM THAT CAN BE
21 DIGITALLY TRANSMITTED OR PROCESSED; AND

22 (II) REGULARLY CREATED OR MAINTAINED BY OR ON BEHALF OF AND OWNED
23 BY AN AGENCY THAT RECORDS A FILE, MEASUREMENT, TRANSACTION, OR FINAL DECISION
24 RELATED TO THE MISSION OF AN AGENCY.

25 (2) *DATA* INCLUDES KEY RELEVANT STATISTICAL OR FACTUAL INFORMATION ABOUT
26 AN IMAGE FILE AND GEOGRAPHIC INFORMATION SYSTEM DATA THAT WOULD AID IN A SEARCH.

1 (D) *ACCESSIBLE DATA IMPLEMENTATION PLAN* MEANS THE PLAN DEVELOPED TO IMPLEMENT
2 THIS SUBTITLE.

3 (E) *ACCESSIBLE DATA PLAN MANAGER* MEANS THE INDIVIDUAL WHO THE COUNTY EXECUTIVE
4 DESIGNATES TO DEVELOP AND PUBLISH THE ACCESSIBLE DATA IMPLEMENTATION PLAN AND RELATED
5 DOCUMENTS UNDER THIS SUBTITLE.

6 (F) (1) *ACCESSIBLE DATA SET* MEANS DATA IDENTIFIED AS ELIGIBLE FOR PUBLICATION BY
7 THE ACCESSIBLE DATA IMPLEMENTATION PLAN.

8 (2) *ACCESSIBLE DATA SET* DOES NOT INCLUDE ANY PORTION OF A DATA SET THAT IS
9 REQUIRED OR PERMITTED TO BE WITHHELD FROM DISCLOSURE BY ANY FEDERAL OR STATE LAW,
10 INCLUDING THE MARYLAND PUBLIC INFORMATION ACT.

11 (G) *OPEN STANDARD* MEANS A TECHNICAL STANDARD DEVELOPED AND MAINTAINED BY A
12 VOLUNTARY CONSENSUS STANDARDS BODY THAT IS AVAILABLE TO THE PUBLIC WITHOUT ROYALTY OR
13 FEE.

14 **22.802. ACCESSIBLE DATA IMPLEMENTATION PLAN.**

15 (A) (1) THE ACCESSIBLE DATA PLAN MANAGER SHALL CREATE AN ACCESSIBLE DATA
16 IMPLEMENTATION PLAN THAT IDENTIFIES THE ORDER IN WHICH ACCESSIBLE DATA SETS SHALL BE
17 PUBLISHED.

18 (2) EACH AGENCY SHALL COOPERATE WITH THE ACCESSIBLE DATA PLAN MANAGER
19 TO CREATE A CATALOG OF ACCESSIBLE DATA SETS.

20 (3) THE COUNTY MUST PUBLISH SOME ACCESSIBLE DATA SETS ON A SINGLE WEB
21 PORTAL ON THE INTERNET AS SOON AS PRACTICAL AND WITHIN 18 MONTHS AFTER THIS SUBTITLE
22 TAKES EFFECT.

23 (4) IN ACCORDANCE WITH THE ACCESSIBLE DATA IMPLEMENTATION PLAN, EACH
24 AGENCY THAT IS RESPONSIBLE FOR AN ACCESSIBLE DATA SET MUST PUBLISH THE ACCESSIBLE
25 DATA SET ON THE SINGLE WEB PORTAL.

1 (5) AN AGENCY IS NOT REQUIRED TO PUBLISH INFORMATION PROVIDED TO THE
2 AGENCY BY ANOTHER GOVERNMENTAL ENTITY BUT MAY DO SO IF THE PUBLICATION IS IN THE
3 PUBLIC INTEREST.

4 (6) SEARCHABLE META-DATA OR TAGS SHALL BE PROVIDED FOR DATA THAT:

5 (I) CANNOT PRACTICALLY BE MADE SEARCHABLE DIRECTLY; AND

6 (II) IS IN THE FORM OF AN IMAGE FILE, SUCH AS A DESIGN, DRAWING, MAP,
7 PHOTO, OR SCANNED COPY OF AN ORIGINAL DOCUMENT.

8 (7) IF AN AGENCY CANNOT MAKE AN ACCESSIBLE DATA SET AVAILABLE, THE
9 AGENCY MUST REPORT TO THE ACCESSIBLE DATA PLAN MANAGER:

10 (I) WHICH ACCESSIBLE DATA SET IT IS UNABLE TO MAKE AVAILABLE;

11 (II) THE REASONS WHY IT CANNOT MAKE THE ACCESSIBLE DATA SET
12 AVAILABLE; AND

13 (II) THE DATE WHEN IT EXPECTS THE ACCESSIBLE DATA SET TO BE AVAILABLE
14 ON THE SINGLE WEB PORTAL.

15 (B) A PUBLISHED ACCESSIBLE DATA SET THAT AN AGENCY MAKES AVAILABLE ON THE
16 INTERNET MUST BE ACCESSIBLE THROUGH A SINGLE WEB PORTAL THAT IS MAINTAINED BY, OR ON
17 BEHALF OF, THE COUNTY.

18 (C) AN ACCESSIBLE DATA SET MUST:

19 (1) CONFORM TO ANY STANDARDS THAT THE ACCESSIBLE DATA PLAN MANAGER
20 REQUIRES;

21 (2) BE PUBLISHED IN A FORMAT THAT ALLOWS AUTOMATED PROCESSING;

22 (3) USE APPROPRIATE TECHNOLOGY TO ALLOW FOR OPT-IN NOTIFICATIONS OF
23 UPDATES; AND

24 (4) BE UPDATED AS OFTEN AS IS REQUIRED BY THE ACCESSIBLE DATA
25 IMPLEMENTATION PLAN.

1 (D) (1) AN ACCESSIBLE DATA SET PUBLISHED ON THE SINGLE WEB PORTAL SHALL BE
2 MADE AVAILABLE WITHOUT ANY REGISTRATION OR LICENSE REQUIREMENT OR RESTRICTION ON
3 USE.

4 (2) THE COUNTY MAY REQUIRE A THIRD PARTY PROVIDING TO THE PUBLIC ANY
5 ACCESSIBLE DATA SET, OR APPLICATION UTILIZING THAT DATA SET, TO EXPLICITLY IDENTIFY THE
6 SOURCE AND VERSION OF THE ACCESSIBLE DATA SET AND DESCRIBE ANY MODIFICATION MADE TO
7 THAT DATA SET.

8 (E) A PUBLISHED ACCESSIBLE DATA SET MUST BE ACCESSIBLE TO EXTERNAL SEARCH
9 CAPABILITIES.

10 (F) NOTHING IN THIS SUBTITLE PROHIBITS AN AGENCY FROM:

11 (1) VOLUNTARILY DISCLOSING INFORMATION NOT OTHERWISE DEFINED AS DATA; OR

12 (2) MAKING VOLUNTARILY DISCLOSED INFORMATION ACCESSIBLE THROUGH THE
13 SINGLE WEB PORTAL.

14 (G) THE ACCESSIBLE DATA IMPLEMENTATION PLAN SHALL ADDRESS WHEN AND HOW AN
15 AGENCY MAY CHANGE OR TERMINATE COLLECTION OF DATA OR REMOVE THE ACCESSIBLE DATA SET
16 FROM PUBLIC ACCESS.

17 (H) THE ACCESSIBLE DATA IMPLEMENTATION PLAN SHALL ADDRESS APPROPRIATE STAFFING
18 TO MANAGE THE SINGLE WEB PORTAL AND PUBLISHED PUBLIC DATA SETS.

19 **22.803. WEB PORTAL ADMINISTRATION.**

20 (A) THE ACCESSIBLE DATA PLAN MANAGER MUST ADDRESS MEASURES TO MAINTAIN
21 BANDWIDTH AVAILABILITY OF THE WEB PORTAL.

22 (B) THE COUNTY MUST PUBLISH THE ACCESSIBLE DATA POLICY OF THIS SUBTITLE ON THE
23 WEB PORTAL.

24 (C) (1) THE WEB PORTAL SHALL INCLUDE A METHOD FOR PUBLIC FEEDBACK.

1 (2) AN AGENCY MUST CONSIDER ANY PUBLIC FEEDBACK ABOUT A PARTICULAR
2 ACCESSIBLE DATA SET WHEN MAKING ANY DETERMINATION AS TO PRIORITY FOR ACCESSIBLE
3 DATA SET INCLUSION ON THE SINGLE WEB PORTAL.

4 **22.804. ACCESSIBLE DATA POLICY.**

5 (A) AN ACCESSIBLE DATA SET MADE AVAILABLE ON THE WEB PORTAL IS PROVIDED FOR
6 INFORMATIONAL PURPOSES. THE COUNTY MAKES NO EXPRESS OR IMPLIED WARRANTY AS TO THE
7 COMPLETENESS, ACCURACY, CONTENT, MERCHANTABILITY, OR FITNESS FOR ANY PARTICULAR PURPOSE
8 OR USE OF ANY ACCESSIBLE DATA SET MADE AVAILABLE ON THE WEB PORTAL.

9 (B) THE COUNTY IS NOT LIABLE FOR ANY DEFICIENCY IN THE COMPLETENESS, ACCURACY,
10 CONTENT, OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE OF ANY ACCESSIBLE DATA SET, OR
11 APPLICATION UTILIZING THE DATA SET, PROVIDED BY A THIRD PARTY.

12 (C) THIS SUBTITLE AND THE ACCESSIBLE DATA IMPLEMENTATION PLAN DO NOT CREATE A
13 PRIVATE RIGHT OF ACTION TO ENFORCE THEIR PROVISIONS. FAILURE TO COMPLY WITH THIS SUBTITLE OR
14 THE ACCESSIBLE DATA IMPLEMENTATION PLAN SHALL NOT RESULT IN LIABILITY TO THE COUNTY.

15 **22.805. TECHNICAL STANDARDS.**

16 (A) AS SOON AS PRACTICAL BUT WITHIN 1 YEAR AFTER THIS SUBTITLE TAKES EFFECT, THE
17 ACCESSIBLE DATA PLAN MANAGER SHALL ISSUE TECHNICAL STANDARDS FOR PUBLISHING AN
18 ACCESSIBLE DATA SET THROUGH A SINGLE WEB PORTAL.

19 (B) THE STANDARDS:

20 (1) SHALL USE OPEN STANDARDS WHENEVER PRACTICAL;

21 (2) SHALL IDENTIFY THE REASON WHY THE TECHNICAL STANDARD WAS SELECTED
22 AND TO WHICH TYPES OF DATA IT APPLIES;

23 (3) MAY RECOMMEND OR REQUIRE THAT DATA BE PUBLISHED IN MORE THAN ONE
24 TECHNICAL STANDARD; AND

25 (4) SHALL INCLUDE A PLAN TO ADOPT OR UTILIZE A WEB APPLICATION
26 PROGRAMMING INTERFACE THAT PERMITS APPLICATION PROGRAMS TO REQUEST AND RECEIVE
27 ACCESSIBLE DATA SETS DIRECTLY FROM THE WEB PORTAL.

1 (C) THE ACCESSIBLE DATA PLAN MANAGER SHALL UPDATE THE TECHNICAL STANDARDS AS
2 NECESSARY.

3 (D) THE ACCESSIBLE DATA PLAN MANAGER MUST CONSULT WITH APPROPRIATE
4 VOLUNTARY CONSENSUS STANDARDS BODIES AND PARTICIPATE WITH THEM IN THE DEVELOPMENT OF
5 TECHNICAL AND OPEN STANDARDS WHEN PARTICIPATION IS:

- 6 (1) FEASIBLE;
- 7 (2) IN THE PUBLIC INTEREST; AND
- 8 (3) COMPATIBLE WITH AGENCY MISSIONS, AUTHORITIES, AND PRIORITIES.

9 **22.806. REPORT.**

10 (A) (1) WITHIN 12 MONTHS AFTER THIS SUBTITLE TAKES EFFECT AND EACH YEAR
11 THEREAFTER, THE ACCESSIBLE DATA PLAN MANAGER SHALL REPORT TO THE COUNTY EXECUTIVE AND
12 THE COUNTY COUNCIL ON THE ACCESSIBLE DATA IMPLEMENTATION PLAN.

13 (2) EACH AGENCY SHALL COOPERATE WITH THE ACCESSIBLE DATA PLAN MANAGER
14 IN PREPARATION OF THE REPORT.

15 (B) THE REPORT SHALL:

16 (1) INCLUDE A SUMMARY DESCRIPTION OF EACH ACCESSIBLE DATA SET UNDER THE
17 CONTROL OF EACH AGENCY;

18 (2) PRIORITIZE THE ACCESSIBLE DATA SETS FOR INCLUSION ON THE SINGLE WEB
19 PORTAL ON OR BEFORE DECEMBER 31, 2017; AND

20 (3) CREATE A TIMELINE FOR THEIR INCLUSION ON THE SINGLE WEB PORTAL

21 (C) IF AN ACCESSIBLE DATA SET CANNOT BE MADE AVAILABLE ON THE SINGLE WEB PORTAL
22 ON OR BEFORE DECEMBER 31, 2018, THE REPORT SHALL STATE THE REASON WHY THE SET CANNOT BE
23 MADE AVAILABLE, AND, TO THE EXTENT PRACTICAL, THE DATE BY WHICH THE AGENCY IN POSSESSION OF
24 THE ACCESSIBLE DATA SET BELIEVES THAT IT WILL BE AVAILABLE ON THE SINGLE WEB PORTAL.

25 **22.807. PUBLIC INFORMATION ACT RESPONSES; LEGISLATIVE DATA.**

1 (A) THE ACCESSIBLE DATA PLAN MANAGER SHALL IDENTIFY IN THE ACCESSIBLE DATA
2 IMPLEMENTATION PLAN A METHOD TO IMPLEMENT THE MARYLAND PUBLIC INFORMATION ACT BY THE
3 COUNTY.

4 (B) THE LEGISLATIVE BRANCH SHALL PUBLISH ACCESSIBLE DATA SETS, AS IDENTIFIED BY
5 THE ACCESSIBLE DATA IMPLEMENTATION PLAN, ON THE SAME SINGLE WEB PORTAL USED BY THE
6 EXECUTIVE BRANCH.

7 (C) THE REPORT REQUIRED BY SECTION 22.806 OF THIS SUBTITLE SHALL INCLUDE
8 INFORMATION ON IMPLEMENTATION OF THIS SECTION.

9 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that*
10 *notwithstanding anything else in this Act, within 60 days of the day that this Act takes effect,*
11 *agendas, minutes, staff reports and other documents related to land use issues including, but not*
12 *limited to, variances, waivers, conditional uses and zoning, produced by agencies of the County that*
13 *regularly deal in such issues including, but not limited to the Department of Planning and Zoning,*
14 *Hearing Examiner, Planning Board, Design Advisory Panel, and Agriculture Preservation Board,*
15 *shall ensure that such items that are required to be or are regularly posted online are done so in*
16 *searchable formats. If a signature is required, an electronic signature or a scanned version of a*
17 *signature page may be used. This Section 2 applies only to documents created after this Act takes*
18 *effect; however, the Accessible Data Management Plan shall address items addressed by this*
19 *Section 2 that were previously posted online.*

20
21 *Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that*
22 *the report required by Section 22.806 of the Howard County Code for calendar years 2015, 2016,*
23 *and 2017 shall be presented to the County Council in a public meeting.*

24
25 *Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that*
26 *this Act shall become effective 61 days after its enactment.*

27