

AMENDED Amendment 2 Council Bill No. 32-2014

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Amendment No. 2

(This amendment eliminates the provisions of the Bill as introduced; requires certain documents to be published in searchable format at certain times; requires County units to produce and inventory of records and identify those that may be of interest to the public and requires those to be published to the internet before a certain date; provides for an advisory task force and a plan; and provides for a web portal and advisory bodies.)

1 On the title page, strike the purpose paragraph and substitute:

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3 “AN ACT requiring that certain County documents and other data be searchable;
4 requiring County units to compile a certain inventory and publish certain items to the internet
5 and develop a portal on the County Website that efficiently allows certain documents and data to be
6 searched for; providing for certain advisory bodies; requiring the Director of the Department of
7 Technology and Communication Services to collect certain information and make certain
8 recommendations; and generally relating to data transparency in the County.”

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10 Beginning on page 1, line 1, strike down through page 8, line ~~198~~, and substitute:

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13 “Section 1. And Be It Enacted by the County Council of Howard County, Maryland,
14 that:
15 A. this Section 1 does not affect whether a document must be published to the internet
16 only the format that must be used if a document is published;
17 B. this Section 1 applies only to:
18 1. documents created after this Act takes effect; and
19 2. documents that are published to the internet;

1 C. subject to item D, within 60 days after the day that this Act takes effect, all County
2 Agencies under the authority of the County Executive or the County Council that publish
3 documents to the internet shall publish them in a searchable format; and

4 D. if a signature is required, an electronic signature or a scanned version of a signature
5 page may be used.

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7 **Section 2. And Be It Further Enacted by the County Council of Howard County,**
8 **Maryland, that the Howard County Code is amended as follows:**

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10 By adding:

11 Title 22 – General provisions, penalties and rules of interpretation.
12 Subtitle 8. Governmental transparency.

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14
15 **“Title 22 – General provisions[[], penalties and rules of interpretation]].**

16 **SUBTITLE 8. – GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA.**

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18 **22.800. PURPOSE; SCOPE .**

19 (A) THE PURPOSE OF THIS SUBTITLE IS TO IMPROVE AND MAINTAIN TRANSPARENCY AND
20 EFFICIENCY IN GOVERNMENT WHILE ADDRESSING ITS GOALS OF EFFECTIVE COMMUNICATION AND
21 COLLABORATION WITHIN UNITS AND ~~DELIVERY OF USEFUL INFORMATION TO THE PUBLIC THROUGH AN~~
22 ~~INTUITIVE AND INTERACTIVE WEB PORTAL~~ DELIVER USEFUL INFORMATION TO THE PUBLIC IN AN EFFICIENT
23 MANNER, INCLUDING THROUGH THE PROVISION OF AN INTUITIVE AND INTERACTIVE WEB PORTAL THAT ALSO
24 PROVIDES THE PUBLIC ACCESS TO THE INFORMATION IN USABLE AND SEARCHABLE FORMATS.

25 ~~(B) — EXCEPT AS PROVIDED IN SECTION 22.806 OF THIS SUBTITLE, THIS SUBTITLE APPLIES~~
26 ~~ONLY TO DATA CREATED AFTER THIS SUBTITLE TAKES EFFECT.~~

27 (B) EXCEPT AS PROVIDED IN SECTION 22.806 OF THIS SUBTITLE OR AS DETERMINED BY THE
28 GOVERNMENTAL TRANSPARENCY DATA PLAN, THIS SUBTITLE APPLIES ONLY TO DATA CREATED AFTER
29 THIS SUBTITLE TAKES EFFECT.

30 (C) GUIDING PRINCIPLES.

1 (1) ALL ACCESSIBLE DATA PRODUCED BY OR FOR A UNIT SHALL BE MADE AVAILABLE
2 WITHOUT COPYRIGHT, PATENT, TRADEMARK, OR TRADE SECRET, OR SIMILAR REGULATION OTHER
3 THAN REASONABLE PRIVACY, SECURITY, AND PRIVILEGE RESTRICTIONS.

4 (2) ACCESSIBLE DATA SHALL BE MADE AVAILABLE WITH THE HIGHEST POSSIBLE LEVEL
5 OF GRANULARITY IN WHICH IT WAS DEVELOPED BY OR FOR A UNIT.

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

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

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

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

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

16 (8) ACCESSIBLE DATA SHALL BE PUBLISHED AS SOON AS POSSIBLE BUT NO LATER THAN 30 DAYS
17 OF WHEN ACTION HAS BEEN TAKEN.

18 **22.801. DEFINITIONS**

19 (A) (1) DATA MEANS THE FINAL VERSION OF INFORMATION THAT IS CREATED OR
20 MAINTAINED BY A UNIT FOR OR BY A UNIT, BUT MAY ALSO INCLUDE DOCUMENTS PROVIDED TO A UNIT AS
21 DETERMINED BY THE GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA GUIDANCE DOCUMENT.

22 (2) DATA INCLUDES, BUT IS NOT LIMITED TO, DOCUMENTS, RECORDS, DIGITAL
23 DATA, LISTS, TABLES, SPREADSHEETS, GRAPHS, CHARTS, MEMORANDA, MINUTES, MANUALS, AND
24 ORDERS.

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

1 (B) FACILITATOR MEANS THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY AND
2 COMMUNICATIONS SERVICES.

3 (C) UNIT MEANS A UNIT OF COUNTY GOVERNMENT THAT IS UNDER THE AUTHORITY OF THE
4 COUNTY EXECUTIVE OR THE COUNTY COUNCIL.

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7 **22.802. INVENTORY.**

8 (A) EACH UNIT SHALL COMPILE AN INVENTORY OF:

9 (1) THE DATA THAT THE UNIT PUBLISHES TO THE INTERNET; AND

10 (2) THE TYPES OF DATA THAT THE UNIT CREATES OR THE CUSTODIAN OF BUT DOES
11 NOT PUBLISH TO THE INTERNET.

12 (B)(1) ON OR BEFORE, DECEMBER 1, 2014, AND EACH YEAR THEREAFTER, EACH UNIT
13 SHALL SUBMIT TO THE FACILITATOR THE INVENTORY.

14 (2) THE UNIT SHALL ENSURE THAT THE INVENTORY IS COMPLETE, ACCURATE, AND
15 UP-TO-DATE.

16 (C) EACH UNIT SHALL INDICATE FOR THE ITEMS IN THE INVENTORY:

17 (1) THE ITEMS THAT THE UNIT BELIEVES ARE OF INTEREST TO THE PUBLIC;

18 (2) ANY IMPEDIMENTS TO PUBLICATION OF THE ITEMS TO THE INTERNET; AND

19 (3) THE ITEMS THAT ARE CONFIDENTIAL.

20 (D) ON OR BEFORE, DECEMBER 15, 2014, AND EACH YEAR THEREAFTER, THE FACILITATOR
21 SHALL SUBMIT A COMBINED INVENTORY TO THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE.

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23 **22.803. PORTAL.**

24 (A) THE FACILITATOR SHALL INVESTIGATE OPTIONS FOR A SINGLE WEB PORTAL THAT
25 WOULD ALLOW THE PUBLIC TO LOCATE AND ACCESS THE DATA THAT THE COUNTY PUBLISHES TO THE
26 INTERNET.

27 ~~(B) ON OR BEFORE DECEMBER 15, 2014, THE FACILITATOR SHALL RECOMMEND TO THE~~
28 ~~COUNTY EXECUTIVE AND THE COUNTY COUNCIL A PLAN TO IMPLEMENT THE PORTAL.~~

29 (B) ON OR BEFORE JANUARY 15, 2015, THE FACILITATOR SHALL RECOMMEND TO THE
30 COUNTY EXECUTIVE A PLAN TO IMPLEMENT THE PORTAL AND PROVIDE A REPORT OF THAT

1 RECOMMENDATION TO THE COUNTY COUNCIL.

2 **22.804. TASK FORCE.**

3 (A) TO CARRY OUT THIS SUBTITLE, THE FACILITATOR MUST CONVENE A TASK FORCE.

4 (B) THE TASK FORCE CONSISTS OF:

5 ~~(1)~~ ~~2 MEMBERS APPOINTED BY THE COUNTY EXECUTIVE;~~

6 ~~(2)~~(1) ONE MEMBER APPOINTED BY EACH MEMBER OF THE COUNTY COUNCIL;

7 ~~(3)~~(2) MEMBERS FROM THE UNITS THAT THE FACILITATOR BELIEVES SHOULD BE

8 REPRESENTED ; AND

9 ~~(4)~~(3) 2 REPRESENTATIVES OF THE COUNTY COUNCIL.

10 (C) THE TASK FORCE SHALL MEET PERIODICALLY TO:

11 (1) ADVISE THE FACILITATOR, THE COUNTY EXECUTIVE, AND THE COUNTY
12 COUNCIL;

13 (2) STUDY BEST PRACTICES;

14 (3) ENSURE THAT UNITS PARTICIPATE AND COMPLY WITH THE PURPOSES OF THIS
15 SUBTITLE; AND

16 (4) AFTER REVIEWING THE INVENTORY, RECOMMEND ITEMS OF INTEREST TO THE
17 PUBLIC THAT SHOULD BE PUBLISHED TO THE INTERNET AND THEIR PRIORITY.

18 ~~(D) THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE MARCH FEBRUARY 1, 2015,~~

19 ~~AND PERIODICALLY THEREAFTER.~~

20 (D) THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE FEBRUARY 1, 2015, AND

21 PERIODICALLY WILL MEET THEREAFTER UNTIL PUBLICATION TO THE INTERNET UNDER
22 THE PLAN HAS BEGUN.

23 **22.805. PLAN GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA PLAN AND**
24 **GUIDANCE DOCUMENT.**

25 (A)(1) ON OR BEFORE ~~SEPTEMBER~~ APRIL 1, 2015, THE FACILITATOR SHALL SUBMIT TO THE
26 COUNTY EXECUTIVE AND THE COUNTY COUNCIL A PLAN FOR PUBLISHING TO THE INTERNET THE ITEMS
27 THAT ARE OF INTEREST TO THE PUBLIC.

28 (2) THE PLAN SHALL:

29 (1) INCLUDE THE INVENTORY INCLUDING THE IDENTIFICATION OF SIGNIFICANT
30 DATA SETS AND DOCUMENTS OF MOST INTEREST TO THE PUBLIC;

1 (II) EVALUATE THE CONFIDENTIAL OR PROTECTED INFORMATION THAT SHOULD
2 NOT BE INCLUDED;

3 (III) PRIORITIZE THE DATA SETS AND DOCUMENTS TO BE PUBLISHED, WITH A
4 SUGGESTED SCHEDULE OF PUBLICATION;

5 (IV) ASSIGN DATA SET AND DOCUMENT OWNERS WHO ARE TO BE ACCOUNTABLE
6 FOR PUBLISHING AND UPDATING;

7 (V) ESTABLISH GUIDELINES FOR UPDATING AND RETIRING DATA SETS AND
8 DOCUMENTS;

9 (VI) MAKE RECOMMENDATION ON HISTORICAL DOCUMENT INCLUSION;

10 (VII) DEFINE A SCHEDULE FOR APPROVED HISTORICAL DOCUMENT PUBLICATION;

11 (VII) DEFINE A PROCESS TO EVALUATE FUTURE DATA SETS AND DOCUMENTS FOR
12 PUBLICATION;

13 (IX) DEFINE AN AGENCY DATA SECURITY POLICY FOR PUBLISHING INFORMATION;

14 (X) PROVIDE FOR THE SELECTION OF A SOFTWARE TOOL SET TO BE USED;

15 (XI) RECOMMEND AN INITIAL AND ONGOING STAFFING PLAN; AND

16 (XII) PROVIDE A COST ESTIMATE OF PREPARATION, PLANNING, IMPLEMENTATION;
17 AND MAINTENANCE.

18 (B) THE PLAN SHALL INCLUDE A GUIDANCE DOCUMENT THAT INCLUDES THE ITEMS IDENTIFIED
19 IN THE PLAN THAT WILL REQUIRE REVIEW AND UPDATING. THE GUIDANCE DOCUMENT SHALL BE UPDATED ON
20 DECEMBER 15, 2016 AND EACH YEAR THEREAFTER.

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22 **22.806. PUBLICATION TO THE INTERNET.**

23 (A) AS SOON AS PRACTICAL, BUT NOT LATER THAN ~~SEPTEMBER~~ JULY 1, 2016, THE ITEMS
24 IDENTIFIED IN THE PLAN AS BEING OF INTEREST TO THE PUBLIC MUST BEGIN TO BE PUBLISHED TO THE
25 INTERNET.

26 (B) THIS SECTION DOES NOT APPLY TO:

27 (1) EMAIL, INSTANT MESSAGES, CORRESPONDENCE, OR SIMILAR EXCHANGES;

28 (2) A GOVERNMENTAL RECORD THAT IS REQUIRED OR PERMITTED TO BE WITHHELD
29 FROM DISCLOSURE UNDER ANY FEDERAL OR STATE LAW, INCLUDING THE MARYLAND PUBLIC
30 INFORMATION ACT;

31 (3) ANY DOCUMENT OR DATA THAT IS REQUIRED TO BE CONFIDENTIAL UNDER
32 COUNTY, STATE, OR FEDERAL LAW;;

1 (4) ANY OTHER DOCUMENT OR DATA AS DETERMINED BY THE GOVERNMENTAL
2 TRANSPARENCY DATA PLAN.

3 (C)(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ITEMS PUBLISHED UNDER THIS
4 SECTION MUST BE SEARCHABLE.

5 (2) META-DATA OR TAGS MUST BE PROVIDED FOR ITEMS THAT CANNOT BE MADE
6 SEARCHABLE.

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8 ~~22.807. ARCHIVED MATERIALS.~~
9 ~~IN CONSULTATION WITH UNITS, THE FACILITATOR MUST MAKE A PLAN TO PUBLISH TO THE~~
10 ~~INTERNET DATA THAT WAS CREATED BEFORE THE DATE THIS SUBTITLE BECAME EFFECTIVE.”~~

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12 On page 8, beginning with “And” in line 21, strike down through “Section 4.” in line 25.