

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.~~

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

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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                                ~~(iii) — 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 1. And Be It Enacted by the County Council of Howard County, Maryland, that:**

10           A. this Section 1 does not affect whether a document must be published to the internet only  
11 the format that must be used if a document is published;

12           B. this Section 1 applies only to:

13                   1. documents created after this Act takes effect; and

14                   2. documents that are published to the internet;

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

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

20  
21           **Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that**  
22 the Howard County Code is amended as follows:

23  
24                   By adding:

25                                   Title 22 – General provisions, penalties and rules of interpretation.

26   Subtitle 8. Governmental transparency.

27  
28  
29                   **Title 22 – General provisions[, penalties and rules of interpretation]].**

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

2  
3                    **22.800.            PURPOSE; SCOPE .**

4            (A)    THE PURPOSE OF THIS SUBTITLE IS TO IMPROVE AND MAINTAIN TRANSPARENCY AND  
5 EFFICIENCY IN GOVERNMENT WHILE ADDRESSING ITS GOALS OF EFFECTIVE COMMUNICATION AND  
6 COLLABORATION WITHIN UNITS AND DELIVER USEFUL INFORMATION TO THE PUBLIC IN AN EFFICIENT  
7 MANNER, INCLUDING THROUGH THE PROVISION OF AN INTUITIVE AND INTERACTIVE WEB PORTAL THAT  
8 ALSO PROVIDES THE PUBLIC ACCESS TO THE INFORMATION IN USABLE AND SEARCHABLE FORMATS.

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

12            (C)    GUIDING PRINCIPLES.

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

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

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

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

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

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

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

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

5                   **22.801. DEFINITIONS**

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

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

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

15  
16                  (B) FACILITATOR MEANS THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY AND  
17                  COMMUNICATIONS SERVICES.

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

20  
21  
22                  **22.802. INVENTORY.**

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

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

25                    (2) THE TYPES OF DATA THAT THE UNIT CREATES OR IS THE CUSTODIAN OF BUT  
26                    DOES NOT PUBLISH TO THE INTERNET.

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

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

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

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

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

6           (3) THE ITEMS THAT ARE CONFIDENTIAL.

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

10  
11 **22.803. PORTAL.**

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

15 (B) ON OR BEFORE JANUARY 15, 2015, THE FACILITATOR SHALL RECOMMEND TO THE  
16 COUNTY EXECUTIVE A PLAN TO IMPLEMENT THE PORTAL AND PROVIDE A REPORT OF THAT  
17 RECOMMENDATION TO THE COUNTY COUNCIL.

18 **22.804. TASK FORCE.**

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

20 (B) THE TASK FORCE CONSISTS OF:

21           (1) ONE MEMBER APPOINTED BY EACH MEMBER OF THE COUNTY COUNCIL;

22           (2) MEMBERS FROM THE UNITS THAT THE FACILITATOR BELIEVES SHOULD BE  
23           REPRESENTED ; AND

24           (3) 2 REPRESENTATIVES OF THE COUNTY COUNCIL.

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

26           (1) ADVISE THE FACILITATOR, THE COUNTY EXECUTIVE, AND THE COUNTY  
27 COUNCIL;

28           (2) STUDY BEST PRACTICES;

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

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

3           (D) THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE FEBRUARY 1, 2015, AND  
4           PERIODICALLY WILL MEET THEREAFTER UNTIL PUBLICATION TO THE INTERNET UNDER  
5           THE PLAN HAS BEGUN.

6           **22.805. GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA PLAN AND GUIDANCE**  
7           **DOCUMENT.**

8           (A)(1) ON OR BEFORE APRIL 1, 2015, THE FACILITATOR SHALL SUBMIT TO THE COUNTY  
9           EXECUTIVE AND THE COUNTY COUNCIL A PLAN FOR PUBLISHING TO THE INTERNET THE ITEMS  
10           THAT ARE OF INTEREST TO THE PUBLIC.

11           (2) THE PLAN SHALL:

12                   (I) INCLUDE THE INVENTORY INCLUDING THE IDENTIFICATION OF  
13                   SIGNIFICANT DATA SETS AND DOCUMENTS OF MOST INTEREST TO THE PUBLIC;

14                   (II) EVALUATE THE CONFIDENTIAL OR PROTECTED INFORMATION THAT  
15                   SHOULD NOT BE INCLUDED;

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

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

20                   (V) ESTABLISH GUIDELINES FOR UPDATING AND RETIRING DATA SETS AND  
21                   DOCUMENTS;

22                   (VI) MAKE RECOMMENDATION ON HISTORICAL DOCUMENT INCLUSION;

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

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

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

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

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

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

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

6  
7           **22.806. PUBLICATION TO THE INTERNET.**

8           (A) AS SOON AS PRACTICAL, BUT NOT LATER THAN JULY 1, 2016, THE ITEMS IDENTIFIED IN  
9           THE PLAN AS BEING OF INTEREST TO THE PUBLIC MUST BEGIN TO BE PUBLISHED TO THE  
10           INTERNET.

11           (B) THIS SECTION DOES NOT APPLY TO:

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

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

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

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

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

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

24  
25           ~~*Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that*~~  
26           ~~*notwithstanding anything else in this Act, within 60 days of the day that this Act takes effect,*~~  
27           ~~*agendas, minutes, staff reports and other documents related to land use issues including, but not*~~  
28           ~~*limited to, variances, waivers, conditional uses and zoning, produced by agencies of the County that*~~  
29           ~~*regularly deal in such issues including, but not limited to the Department of Planning and Zoning,*~~  
30           ~~*Hearing Examiner, Planning Board, Design Advisory Panel, and Agriculture Preservation Board,*~~

1 ~~shall ensure that such items that are required to be or are regularly posted online are done so in~~  
2 ~~searchable formats. If a signature is required, an electronic signature or a scanned version of a~~  
3 ~~signature page may be used. This Section 2 applies only to documents created after this Act takes~~  
4 ~~effect; however, the Accessible Data Management Plan shall address items addressed by this~~  
5 ~~Section 2 that were previously posted online.~~

6  
7 ~~**Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland, that~~  
8 ~~the report required by Section 22.806 of the Howard County Code for calendar years 2015, 2016,~~  
9 ~~and 2017 shall be presented to the County Council in a public meeting.~~

10  
11 ~~**Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland, that~~  
12 ~~this Act shall become effective 61 days after its enactment.~~

13