

Introduced 6/2/2014
Public Hearing 6/16/2014
Council Action 7/7/2014
Executive Action 7/9/2014
Effective Date 9/8/2014

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.

Introduced and read first time June 2, 2014. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver
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 June 16, 2014.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

This Bill was read the third time on July 7, 2014 and Passed , Passed with amendments , Failed .

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of July, 2014 at 1:00 a.m./p.m.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Approved by the County Executive July 9, 2014

Ken Ufman
Ken Ufman, 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 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 TO DELIVER USEFUL INFORMATION TO THE PUBLIC IN AN
7 EFFICIENT MANNER, INCLUDING THROUGH THE PROVISION OF AN INTUITIVE AND INTERACTIVE WEB
8 PORTAL THAT ALSO PROVIDES THE PUBLIC ACCESS TO THE INFORMATION IN USABLE AND SEARCHABLE
9 FORMATS.

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

13 (C) GUIDING PRINCIPLES.

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

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

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

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

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

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

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

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

7 **22.801. DEFINITIONS**

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

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

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

17
18 (B) FACILITATOR MEANS THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY AND
19 COMMUNICATIONS SERVICES.

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

22
23
24 **22.802. INVENTORY.**

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

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

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

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

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

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

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

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

8 (3) THE ITEMS THAT ARE CONFIDENTIAL.

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

12
13 **22.803. PORTAL.**

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

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

20 **22.804. TASK FORCE.**

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

22 (B) THE TASK FORCE CONSISTS OF:

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

24 (2) MEMBERS FROM THE UNITS THAT THE FACILITATOR BELIEVES SHOULD BE
25 REPRESENTED ; AND

26 (3) 2 REPRESENTATIVES OF THE COUNTY COUNCIL.

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

28 (1) ADVISE THE FACILITATOR, THE COUNTY EXECUTIVE, AND THE COUNTY
29 COUNCIL;

30 (2) STUDY BEST PRACTICES;

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

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

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

8 **22.805. GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA PLAN AND GUIDANCE**

9 **DOCUMENT.**

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

13 (2) THE PLAN SHALL:

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

16 (II) EVALUATE THE CONFIDENTIAL OR PROTECTED INFORMATION THAT
17 SHOULD NOT BE INCLUDED;

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

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

22 (V) ESTABLISH GUIDELINES FOR UPDATING AND RETIRING DATA SETS AND
23 DOCUMENTS;

24 (VI) MAKE RECOMMENDATION ON HISTORICAL DOCUMENT INCLUSION;

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

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

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

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

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

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

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

8
9 **22.806. PUBLICATION TO THE INTERNET.**

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

13 (B) THIS SECTION DOES NOT APPLY TO:

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

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

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

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

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

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

26
27 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that*
28 *notwithstanding anything else in this Act, within 60 days of the day that this Act takes effect,*
29 *agendas, minutes, staff reports and other documents related to land use issues including, but not*
30 *limited to, variances, waivers, conditional uses and zoning, produced by agencies of the County that*

1 ~~regularly deal in such issues including, but not limited to the Department of Planning and Zoning,~~
2 ~~Hearing Examiner, Planning Board, Design Advisory Panel, and Agriculture Preservation Board,~~
3 ~~shall ensure that such items that are required to be or are regularly posted online are done so in~~
4 ~~searchable formats. If a signature is required, an electronic signature or a scanned version of a~~
5 ~~signature page may be used. This Section 2 applies only to documents created after this Act takes~~
6 ~~effect; however, the Accessible Data Management Plan shall address items addressed by this~~
7 ~~Section 2 that were previously posted online.~~

8
9 ~~**Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland, that~~
10 ~~the report required by Section 22-806 of the Howard County Code for calendar years 2015, 2016,~~
11 ~~and 2017 shall be presented to the County Council in a public meeting.~~

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

15

AMENDED Amendment 2 Council Bill No. 32-2014

BY: Jennifer Terrasa

Legislative Day No: 8

Date: July 7, 2014

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:

2
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.”

9
10 Beginning on page 1, line 1, strike down through page 8, line 198, and substitute:

11
12
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.

6
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:

9
10 By adding:

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

12 Subtitle 8. Governmental transparency.

13
14
15 **“Title 22 – General provisions[, penalties and rules of interpretation].**

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

17
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 TO DELIVER USEFUL INFORMATION TO THE PUBLIC IN AN
23 EFFICIENT MANNER, INCLUDING THROUGH THE PROVISION OF AN INTUITIVE AND INTERACTIVE WEB PORTAL
24 THAT ALSO 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.

27

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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6
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.

22
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.

21
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.

7
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.”~~

11

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

Amendment __1__ to Amendment 2 Council Bill No. 32-2014

BY: Greg Fox

Legislative Day No: 8

Date: July 7, 2014

Amendment __1__ to Amendment No. 2

1 On page 1, in line 3, after "documents" insert "and other data".

2 Also on page 1, line 4, after "internet" insert "and develop a portal on the County Website that efficiently
3 allows certain documents and data to be searched for".

4 Also on page 1, in line 9, strike "19" and substitute "8".

5 On page 2, in line 15, after "TRANSPARENCY" insert "AND ACCESSIBLE DATA".

6 Also on page 2, in line 18, after "IMPROVE" insert "AND MAINTAIN".

7 Also on page 2, in line 20, strike "DELIVERY" down through "PORTAL" in line 21 and substitute "TO

8 DELIVER USEFUL INFORMATION TO THE PUBLIC IN AN EFFICIENT MANNER, INCLUDING THROUGH THE

9 PROVISION OF AN INTUITIVE AND INTERACTIVE WEB PORTAL THAT ALSO PROVIDES THE PUBLIC ACCESS TO THE

10 INFORMATION IN USABLE AND SEARCHABLE FORMATS".

11 Also on page 2, in line 22, strike lines 22 through 23 and substitute:

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

15 (C) GUIDING PRINCIPLES.

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

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

21 (3) ACCESSIBLE DATA SHALL BE MADE AVAILABLE QUICKLY TO ENSURE USEFULNESS TO

1 THE PUBLIC.

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

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

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

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

10 (8) ACCESSIBLE DATA SHALL BE PUBLISHED AS SOON AS POSSIBLE BUT NO LATER THAN
11 30 DAYS OF WHEN ACTION HAS BEEN TAKEN.”

12 Also on page 2, in line 27, strike “BY A UNIT” and substitute “FOR OR BY A UNIT, BUT MAY ALSO INCLUDE
13 DOCUMENTS PROVIDED TO A UNIT AS DETERMINED BY THE GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE
14 DATA GUIDANCE DOCUMENT”.

15 Also on page 2, after line 30, insert:

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

18 On page 3, in line 11 after “2014,” insert “AND EACH YEAR THEREAFTER,”.

19 Also on page 3, in line 19 after “2014,” insert “AND EACH YEAR THEREAFTER,”.

20 On page 4, in line 14, after “INTERNET” insert “AND THEIR PRIORITY”.

21 Also on page 4, in line 15, strike “MARCH” and substitute “FEBRUARY”.

22 Also on page 4, in line 18 strike “PLAN” and substitute “GOVERNMENTAL TRANSPARENCY AND
23 ACCESSIBLE DATA PLAN AND GUIDANCE DOCUMENT”.

24 Also on page 4, at the beginning of line 19, insert “(A)(1)”.

25 Also on page 4, in line 19, strike “SEPTEMBER” and insert “APRIL”.

26 Also on page 4, after line 21 insert:

27 “(2) THE PLAN SHALL:

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

30 (ii) EVALUATE THE CONFIDENTIAL OR PROTECTED INFORMATION THAT SHOULD
31 NOT BE INCLUDED;

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

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

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

(VI) MAKE RECOMMENDATION ON HISTORICAL DOCUMENT INCLUSION;

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

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

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

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

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

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

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

Also on page 4, in line 24, strike "SEPTEMBER" and substitute "JULY".

On page 5, strike lines 9 through 11 in their entirety.

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AMENDED Amendment 2 Council Bill No. 32-2014

BY: Jennifer Terrasa

Legislative Day No: 8

Date: July 7, 2014

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:

2
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.”

9
10 Beginning on page 1, line 1, strike down through page 8, line 198, and substitute:

11
12
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.

6
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:

9
10 By adding:

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

12 Subtitle 8. Governmental transparency.

13
14
15 “Title 22 – General provisions[, penalties and rules of interpretation].

16 SUBTITLE 8. – GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA.

17
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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.

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25 IMAGE FILE AND GEOGRAPHIC INFORMATION SYSTEM DATA THAT WOULD AID IN A SEARCH.”.

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27 (B) FACILITATOR MEANS THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY AND

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

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

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

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

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

18 (3) THE ITEMS THAT ARE CONFIDENTIAL.

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

21
22 22.803. PORTAL.

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25 INTERNET.

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

28 (B) ON OR BEFORE JANUARY 15, 2015, THE FACILITATOR SHALL RECOMMEND TO THE
29 COUNTY EXECUTIVE A PLAN TO IMPLEMENT THE PORTAL AND PROVIDE A REPORT OF THAT
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5 ~~(2)(1) ONE MEMBER APPOINTED BY EACH MEMBER OF THE COUNTY COUNCIL;~~

6 ~~(3)(2) MEMBERS FROM THE UNITS THAT THE FACILITATOR BELIEVES SHOULD BE~~
7 REPRESENTED ; AND

8 ~~(4)(3) 2 REPRESENTATIVES OF THE COUNTY COUNCIL.~~

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

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

12 (2) STUDY BEST PRACTICES;

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

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

17 ~~(D) — THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE MARCH FEBRUARY 1, 2015,~~
18 ~~AND PERIODICALLY THEREAFTER.~~

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

22 **22.805. PLAN GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA PLAN AND**
23 **GUIDANCE DOCUMENT.**

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

27 (2) THE PLAN SHALL:

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

30 (ii) EVALUATE THE CONFIDENTIAL OR PROTECTED INFORMATION THAT SHOULD

1 NOT BE INCLUDED;

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

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

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

8 (VI) MAKE RECOMMENDATION ON HISTORICAL DOCUMENT INCLUSION;

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

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

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

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

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

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

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

20
21 **22.806. PUBLICATION TO THE INTERNET.**

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

25 (B) THIS SECTION DOES NOT APPLY TO:

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

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

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

32 (4) ANY OTHER DOCUMENT OR DATA AS DETERMINED BY THE GOVERNMENTAL

1 TRANSPARENCY DATA PLAN.

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

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

6
7 ~~22.807. ARCHIVED MATERIALS.~~

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

10

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

**Amendment 2 to Amendment 2
Council Bill No. 32-2014**

**BY: Greg Fox
Jennifer Terrasa**

**Legislative Day No:
Date: July 7, 2014**

Amendment No. 2

(This amendment makes several changes to Amendment 2 which:

- 1. Clarifies the types of data and the custodian;*
- 2. Changes the date to submit the plan to the County Council and County Executive;*
- 3. Removes two County Executive members to the Task Force;*
- 4. Specifies that the Task Force will meet periodically until plan publication to the internet; and*
- 5. Clarifies that document or data as determined by the Governmental Transparency Data Plan does not have to be published to the internet.).*

1 On page 3, in line 10, after the first "THE", insert "TYPES OF". On the same line after
2 "CREATES", insert "OR IS THE CUSTODIAN OF".

3
4 On page 3, strike lines 26 and 27, and substitute the following:
5 "(B) ON OR BEFORE JANUARY 15, 2015, THE FACILITATOR SHALL RECOMMEND TO THE
6 COUNTY EXECUTIVE A PLAN TO IMPLEMENT THE PORTAL AND PROVIDE A REPORT OF THAT
7 RECOMMENDATION TO THE COUNTY COUNCIL."

8
9 On page 4, strike line 2, and renumber.

10
11 On page 4, strike 15 and 16, and substitute:
12 "(D) THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE FEBRUARY 1, 2015, AND PERIODICALLY
13 WILL MEET THEREAFTER UNTIL PUBLICATION TO THE INTERNET UNDER THE PLAN HAS BEGUN."

14
15 On page 5, in line 3, strike the period and substitute a semi-colon. On the same page,
16 immediately following line 3, insert the following:

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

ADOPTED 7/7/2014
FILED _____
SIGNATURE Shanta Sullivan

**Amendment 2 to Amendment 2
Council Bill No. 32-2014**

**BY: Greg Fox
Jennifer Terrasa**

**Legislative Day No:
Date: July 7, 2014**

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7 RECOMMENDATION TO THE COUNTY COUNCIL."

8
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10
11 On page 4, strike 15 and 16, and substitute:
12 "(D) THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE FEBRUARY 1, 2015, AND PERIODICALLY
13 WILL MEET THEREAFTER UNTIL PUBLICATION TO THE INTERNET UNDER THE PLAN HAS BEGUN."

14
15 On page 5, in line 3, strike the period and substitute a semi-colon. On the same page,
16 immediately following line 3, insert the following:

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

1
ADOPTED _____ 7/7/14
FAILED _____
SCHEDULE _____ Shanta Sullivan

Amendment 2 Council Bill No. 32-2014

BY: Jennifer Terrasa

Legislative Day No: 8

Date: July 7, 2014

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:

2
3 “AN ACT requiring that certain County documents be searchable; requiring County units
4 to compile a certain inventory and publish certain items to the internet; providing for certain
5 advisory bodies; requiring the Director of the Department of Technology and Communication
6 Services to collect certain information and make certain recommendations; and generally
7 relating to data transparency in the County.”

8
9 Beginning on page 1, line 1, strike down through page 8, line 19, and substitute:

10
11
12 “Section 1. And Be It Enacted by the County Council of Howard County, Maryland,
13 that:

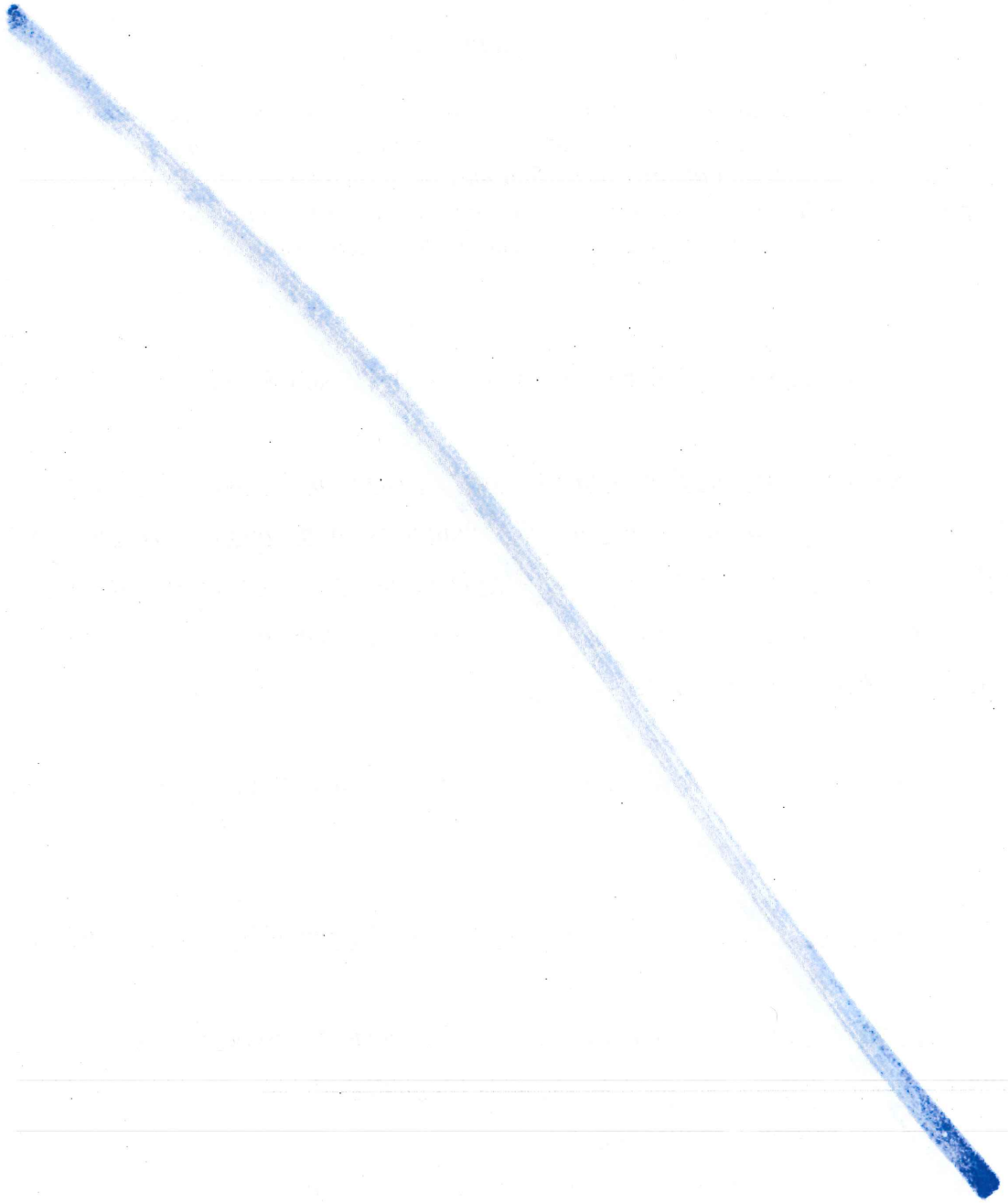
14 A. this Section 1 does not affect whether a document must be published to the internet
15 only the format that must be used if a document is published;

16 B. this Section 1 applies only to:

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

18 2. documents that are published to the internet;

19 C. subject to item D, within 60 days after the day that this Act takes effect, all County



1 Agencies under the authority of the County Executive or the County Council that publish
2 documents to the internet shall publish them in a searchable format; and

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

5
6 Section 2. And Be It Further Enacted by the County Council of Howard County,
7 Maryland, that the Howard County Code is amended as follows:

8
9 By adding:

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

11 Subtitle 8. Governmental transparency.

12
13
14 “Title 22 – General provisions]], penalties and rules of interpretation]].

15 SUBTITLE 8. – GOVERNMENTAL TRANSPARENCY.

16
17 22.800. PURPOSE; SCOPE.

18 (A) THE PURPOSE OF THIS SUBTITLE IS TO IMPROVE TRANSPARENCY AND EFFICIENCY IN
19 GOVERNMENT WHILE ADDRESSING ITS GOALS OF EFFECTIVE COMMUNICATION AND COLLABORATION
20 WITHIN UNITS AND DELIVERY OF USEFUL INFORMATION TO THE PUBLIC THROUGH AN INTUITIVE AND
21 INTERACTIVE WEB PORTAL.

22 (B) EXCEPT AS PROVIDED IN SECTION 22.806 OF THIS SUBTITLE, THIS SUBTITLE APPLIES
23 ONLY TO DATA CREATED AFTER THIS SUBTITLE TAKES EFFECT.

24
25 22.801. DEFINITIONS

26 (A) (1) DATA MEANS THE FINAL VERSION OF INFORMATION THAT IS CREATED OR
27 MAINTAINED BY A UNIT.

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



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.

5
6
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 DATA THAT THE UNIT CREATES BUT DOES NOT PUBLISH TO THE INTERNET.

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

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

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

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

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

18 (3) THE ITEMS THAT ARE CONFIDENTIAL.

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

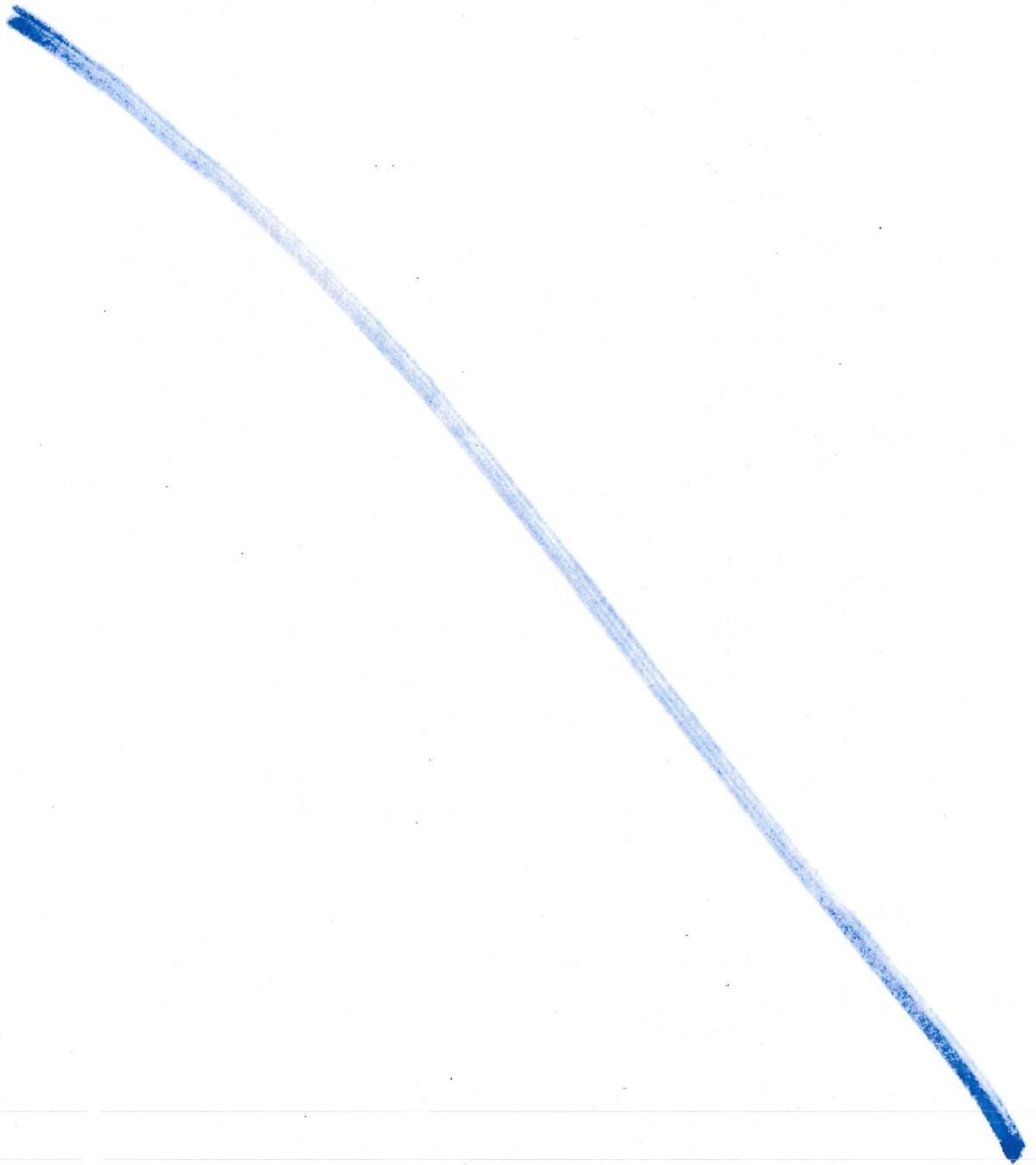
21
22 **22.803. PORTAL.**

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

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

28
29 **22.804. TASK FORCE.**

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



1 (B) THE TASK FORCE CONSISTS OF:

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

3 (2) ONE MEMBER APPOINTED BY EACH MEMBER OF THE COUNTY COUNCIL;

4 (3) MEMBERS FROM THE UNITS THAT THE FACILITATOR BELIEVES SHOULD BE
5 REPRESENTED ; AND

6 (4) 2 REPRESENTATIVES OF THE COUNTY COUNCIL.

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

8 (1) ADVISE THE FACILITATOR, THE COUNTY EXECUTIVE, AND THE COUNTY
9 COUNCIL;

10 (2) STUDY BEST PRACTICES;

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

13 (4) AFTER REVIEWING THE INVENTORY, RECOMMEND ITEMS OF INTEREST TO THE
14 PUBLIC THAT SHOULD BE PUBLISHED TO THE INTERNET.

15 (D) THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE MARCH 1, 2015, AND
16 PERIODICALLY THEREAFTER.

17
18 **22.805. PLAN.**

19 ON OR BEFORE SEPTEMBER 1, 2015, THE FACILITATOR SHALL SUBMIT TO THE COUNTY
20 EXECUTIVE AND THE COUNTY COUNCIL A PLAN FOR PUBLISHING TO THE INTERNET THE ITEMS THAT
21 ARE OF INTEREST TO THE PUBLIC.

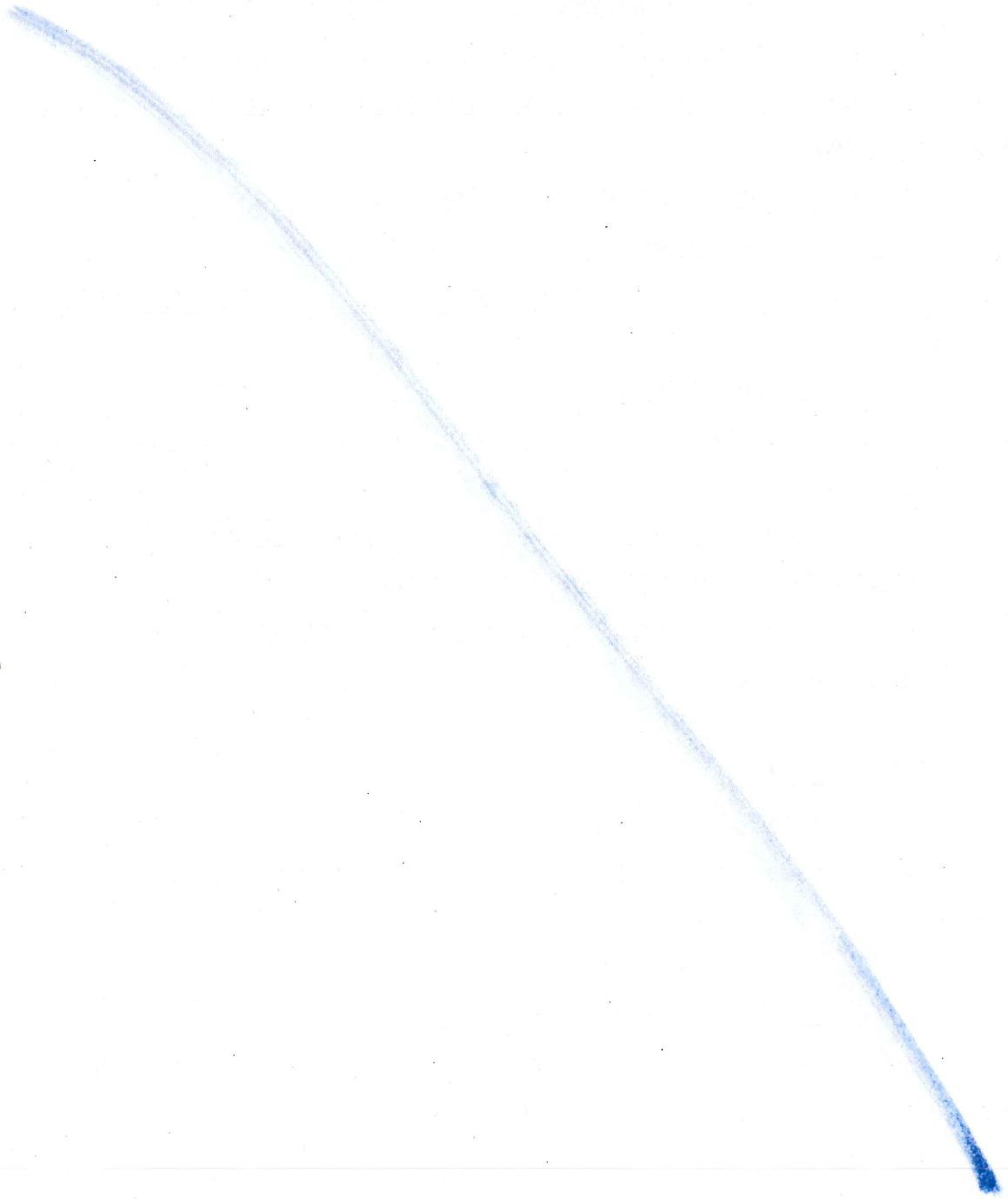
22
23 **22.806. PUBLICATION TO THE INTERNET.**

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

27 (B) THIS SECTION DOES NOT APPLY TO:

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

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



1 INFORMATION ACT:

2 (3) ANY DOCUMENT OR DATA THAT IS REQUIRED TO BE CONFIDENTIAL UNDER
3 COUNTY, STATE, OR FEDERAL LAW.

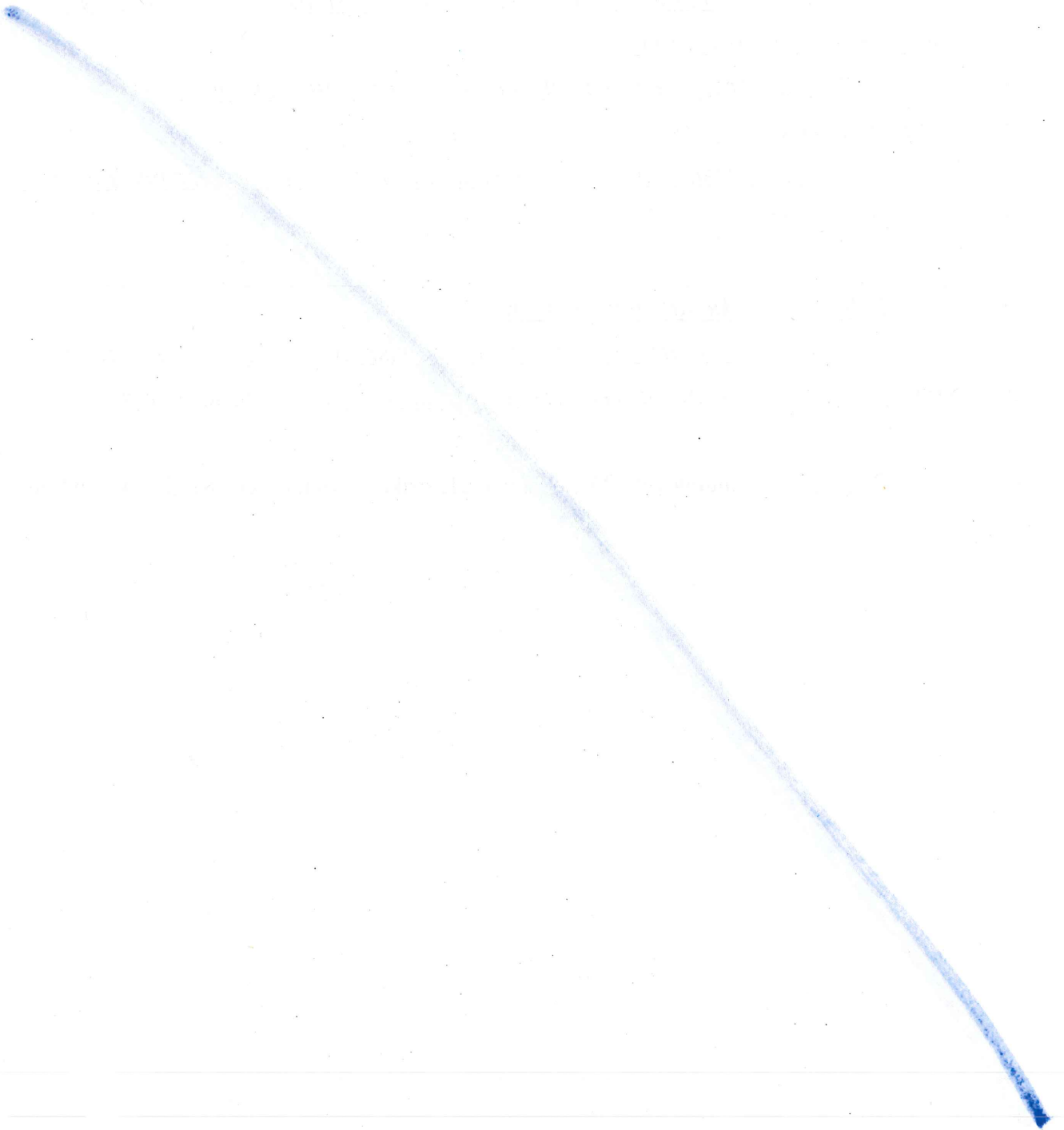
4 (C)(1) SUBJECT TO PARAGRAPH (2) OF THIS PARAGRAPH, THE ITEMS PUBLISHED UNDER THIS
5 SECTION MUST BE SEARCHABLE.

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

8
9 22.807. ARCHIVED MATERIALS.

10 IN CONSULTATION WITH UNITS, THE FACILITATOR MUST MAKE A PLAN TO PUBLISH TO THE
11 INTERNET DATA THAT WAS CREATED BEFORE THE DATE THIS SUBTITLE BECAME EFFECTIVE.”

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



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

County Council of Howard County, Maryland

2014 Legislative Session

Legislative Day No. _____

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

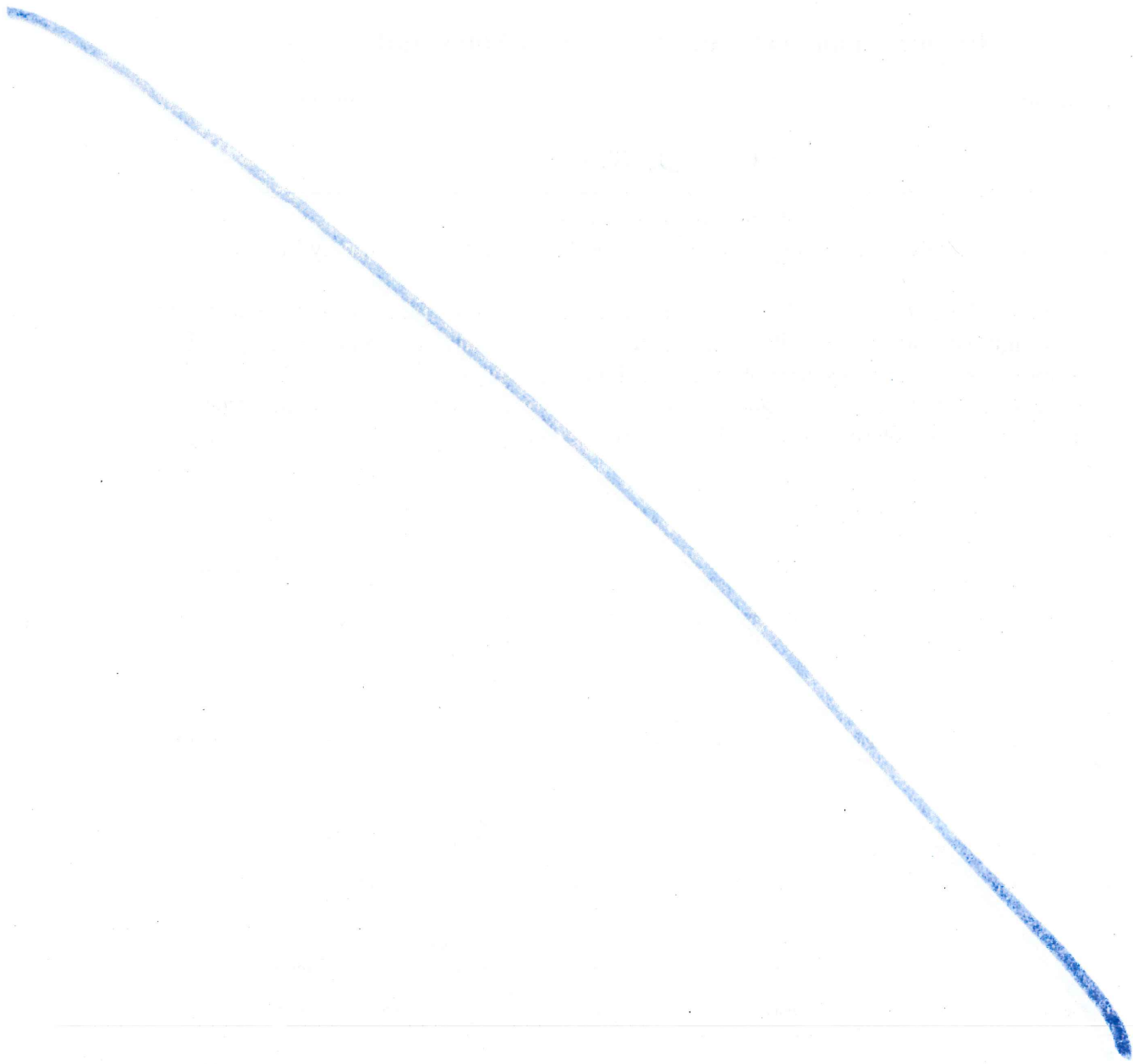
Sealed with the County Seal and presented to the County Executive for approval this __ day of _____, 2014 at __ a.m./p.m.

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

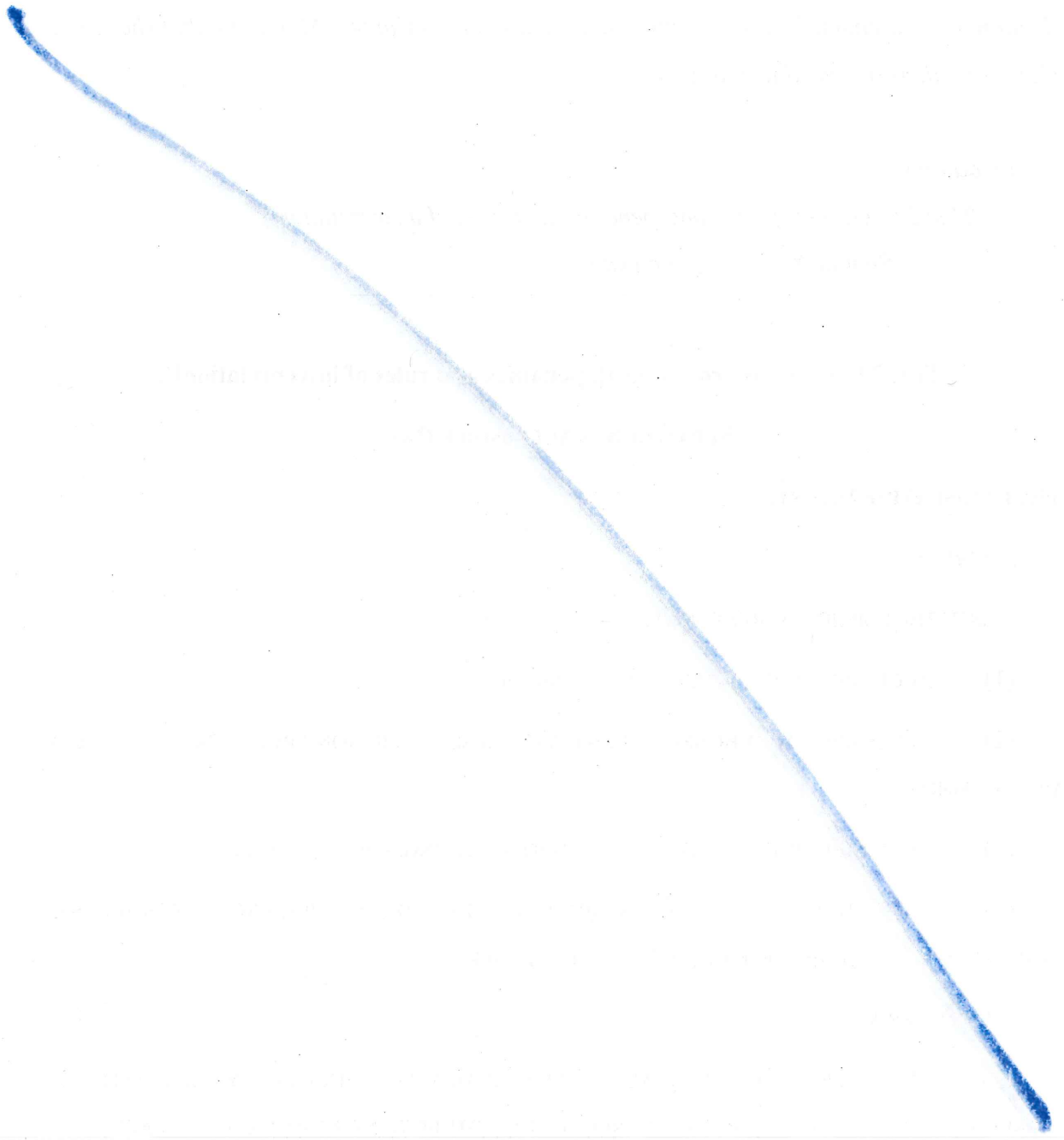
18 (4) THE WEB PORTAL PROVIDE A SEARCH FACILITY AND THE ABILITY TO ACCESS ACCESSIBLE
19 DATA IN WAYS THAT ALLOW FOR EASE OF USE BY THE PUBLIC.

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.

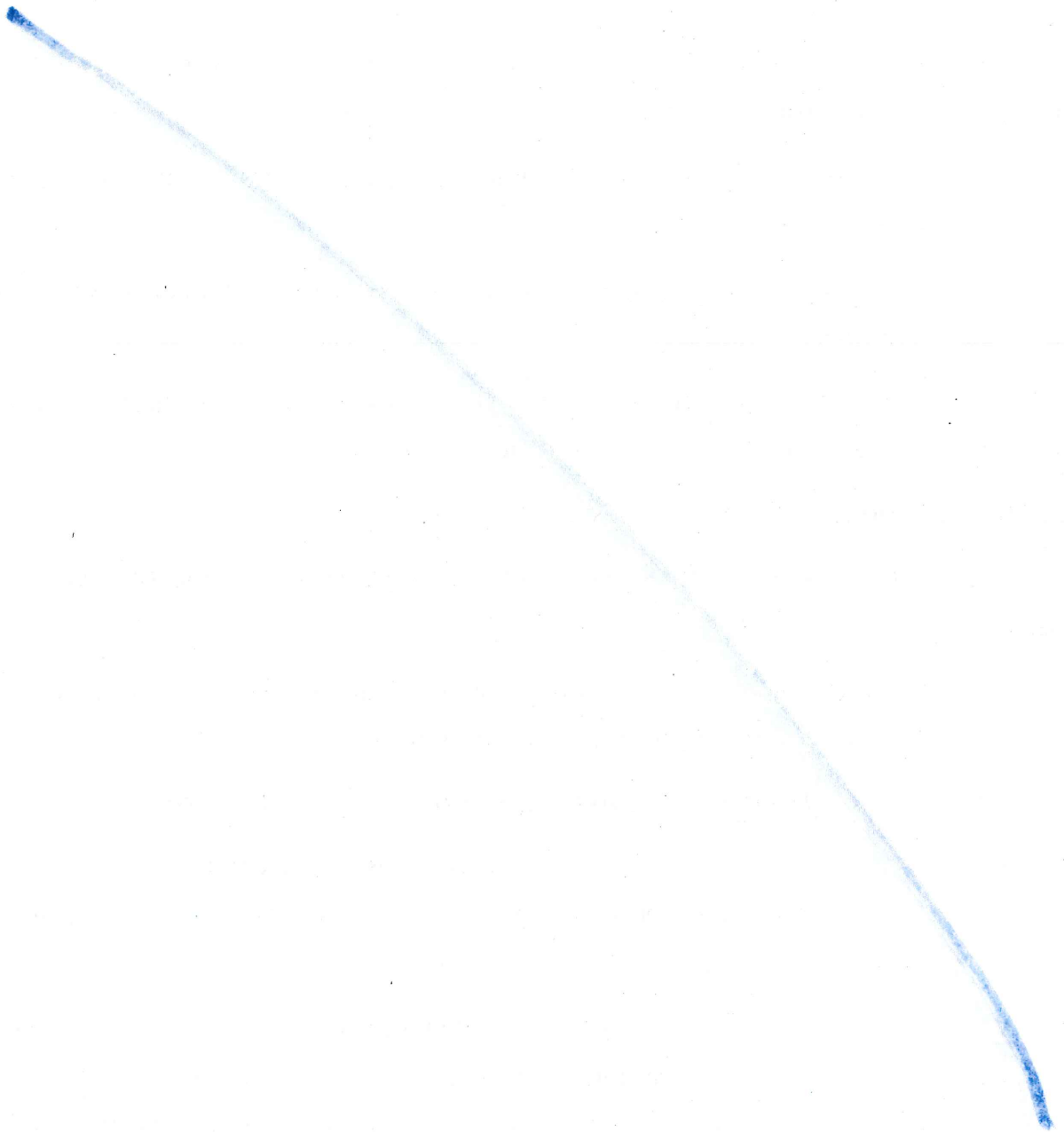
14 (C) (1) *DATA* MEANS THE FINAL VERSION OF DIGITAL INFORMATION:

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.

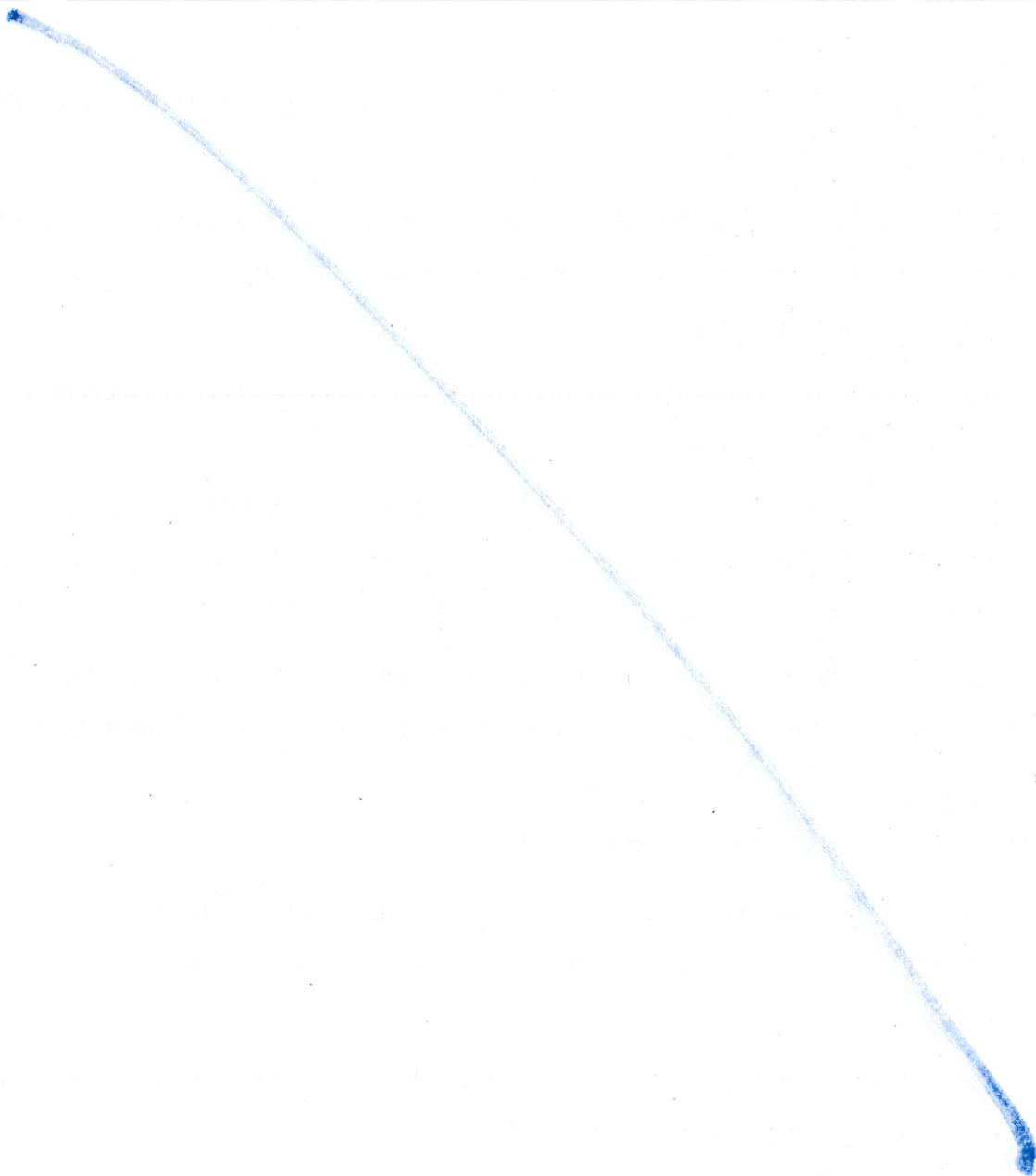
14 **22.802. ACCESSIBLE DATA IMPLEMENTATION PLAN.**

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.

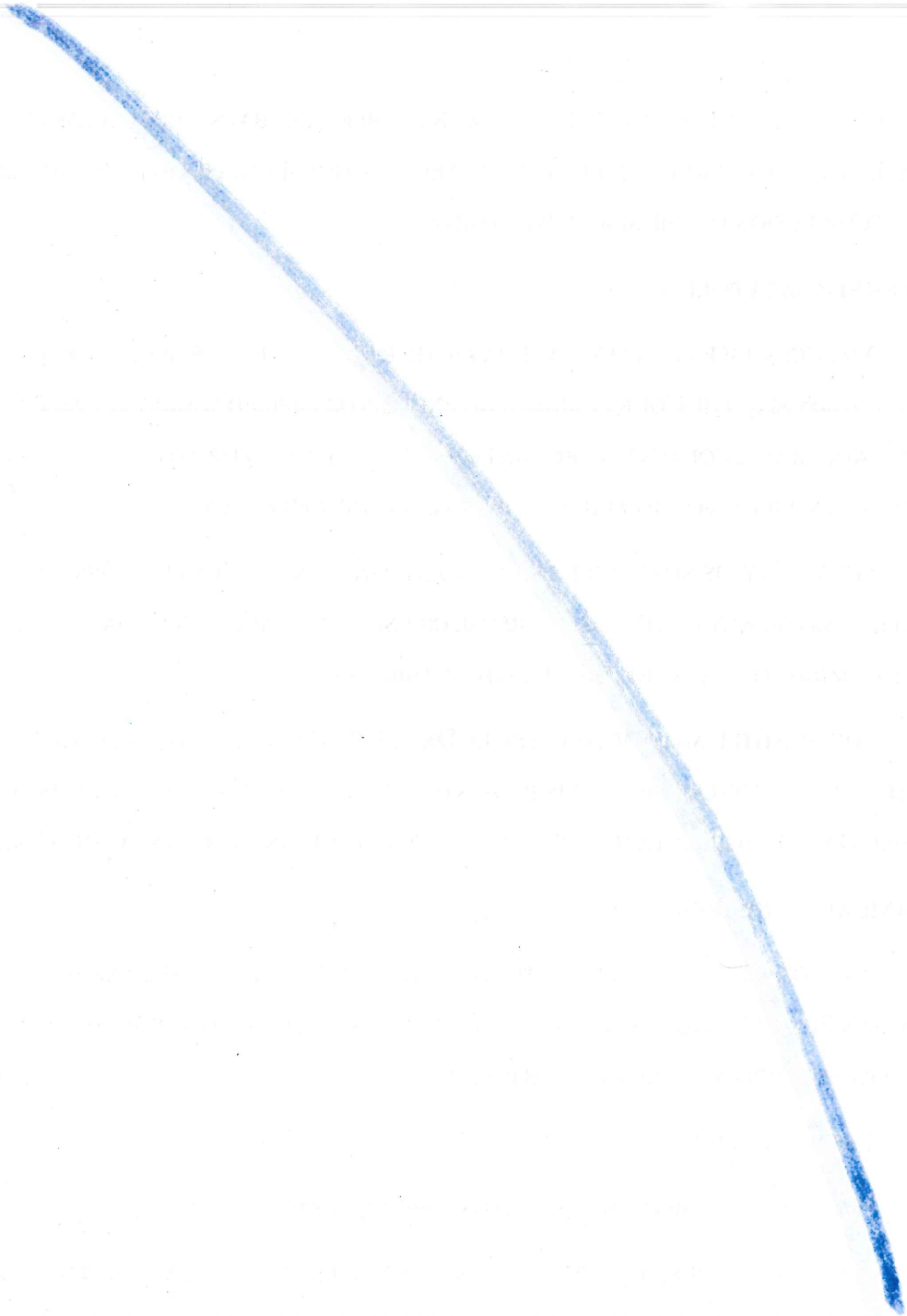
19 (B) THE STANDARDS:

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.

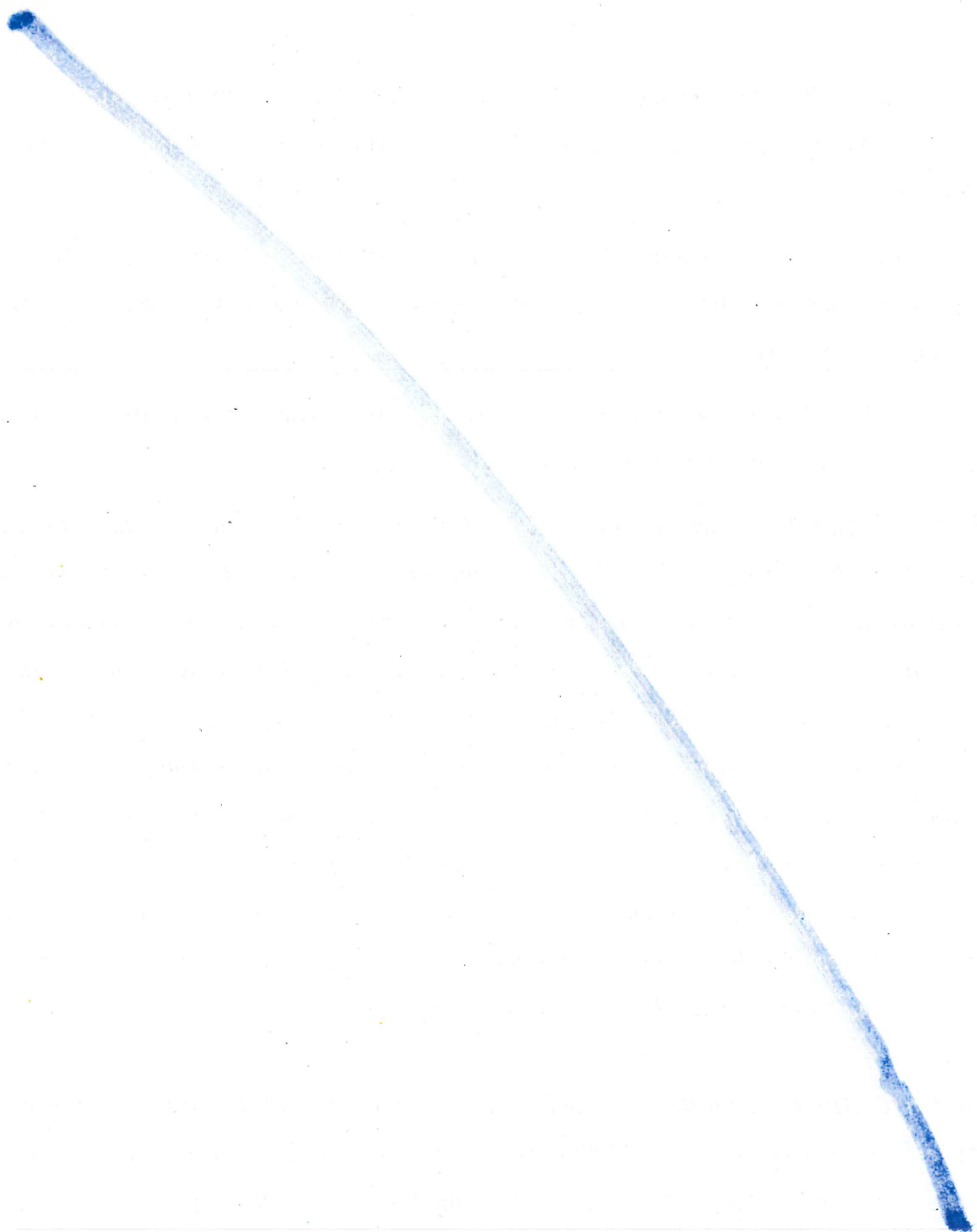
7 (C) THE REPORT REQUIRED BY SECTION 22.806 OF THIS SUBTITLE SHALL INCLUDE
8 INFORMATION ON IMPLEMENTATION OF THIS SECTION.

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



Amendment 1 Council Bill No. 32-2014

BY: Calvin Ball

Legislative Day No: 8

Date: July 7, 2014

Amendment No. 1

(This amendment eliminates the provisions of the Bill as introduced; provides for a Task Force to create a Governmental Transparency Data Plan; and requires certain documents to be published in searchable format.)

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

2
3 *“AN ACT creating a task force to develop a Governmental Transparency Data Plan;*
4 *specifying the membership of the task force, setting out the duties of the task force, requiring a*
5 *report by a certain date; requiring that certain County documents be searchable; and generally*
6 *relating to data transparency in the County.”*

7
8 Beginning on page 1, line 10, strike down through page 8, line 8, and substitute:

9
10 **“SUBTITLE 8. – GOVERNMENTAL TRANSPARENCY DATA PLAN.**

11
12 **22.800. PURPOSE.**

13 *THE PURPOSE OF THIS SUBTITLE IS TO IMPROVE TRANSPARENCY AND EFFICIENCY IN*
14 *GOVERNMENT WHILE ADDRESSING ITS GOALS OF EFFECTIVE COMMUNICATION AND COLLABORATION*
15 *WITHIN AGENCIES, AND DELIVERY OF USEFUL INFORMATION TO THE PUBLIC THROUGH AN INTUITIVE*
16 *AND INTERACTIVE WEB PORTAL.*

17 **22.801. TASK FORCE TO DEVELOP A GOVERNMENTAL TRANSPARENCY DATA PLAN.**

18 (A) *ESTABLISHED.*

19 *THERE IS A TASK FORCE TO DEVELOP A GOVERNMENTAL TRANSPARENCY DATA PLAN.*

20 (B) *MEMBERSHIP.*

21 *THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:*

1 (1) A REPRESENTATIVE FROM EACH OF THE FOLLOWING:

2 (i) COUNTY COUNCIL;

3 (ii) DEPARTMENT OF COUNTY ADMINISTRATION;

4 (iii) DEPARTMENT OF CITIZEN SERVICES;

5 (iv) DEPARTMENT OF FIRE AND RESCUE SERVICES;

6 (v) DEPARTMENT OF INSPECTIONS AND PERMITS;

7 (vi) DEPARTMENT OF PLANNING AND ZONING;

8 (vii) DEPARTMENT OF POLICE;

9 (viii) DEPARTMENT OF PUBLIC WORKS;

10 (ix) DEPARTMENT OF RECREATION AND PARKS; AND

11 (x) DEPARTMENT OF TECHNOLOGY AND COMMUNICATION SERVICES;

12 (2) TWO PUBLIC MEMBERS APPOINTED BY THE COUNTY EXECUTIVE; AND

13 (3) ONE PUBLIC MEMBER APPOINTED BY THE COUNTY COUNCIL.

14 (C) OFFICERS.

15 THE REPRESENTATIVE OF THE DEPARTMENT OF TECHNOLOGY AND COMMUNICATION
16 SERVICES IS THE CHAIRPERSON OF THE TASK FORCE.

17 (D) DUTIES

18 (1) THE TASK FORCE SHALL CREATE A GOVERNMENTAL TRANSPARENCY DATA
19 PLAN.

20 (2) THE PLAN SHALL:

21 (i) IDENTIFY THE AGENCIES TO BE INCLUDED;

22 (ii) INCLUDE AN INVENTORY OF SIGNIFICANT DATA SETS AND DOCUMENTS
23 OF MOST INTEREST TO THE PUBLIC;

24 (iii) EVALUATE THE CONFIDENTIAL OR PROTECTED INFORMATION THAT
25 SHOULD NOT BE INCLUDED;

26 (iv) PRIORITIZE THE DATA SETS AND DOCUMENTS TO BE PUBLISHED, WITH A
27 SUGGESTED SCHEDULE OF PUBLICATION;

28 (v) ASSIGN DATA SET AND DOCUMENT OWNERS WHO ARE TO BE
29 ACCOUNTABLE FOR PUBLISHING AND UPDATING;

30 (vi) ESTABLISH GUIDELINES FOR UPDATING AND RETIRING DATA SETS AND

1 DOCUMENTS;

2 (VII) MAKE RECOMMENDATION ON HISTORICAL DOCUMENT INCLUSION;

3 (VIII) DEFINE A SCHEDULE FOR APPROVED HISTORICAL DOCUMENT

4 PUBLICATION;

5 (IX) DEFINE A PROCESS TO EVALUATE FUTURE DATA SETS AND DOCUMENTS

6 FOR PUBLICATION;

7 (X) DEFINE AN AGENCY DATA SECURITY POLICY FOR PUBLISHING

8 INFORMATION;

9 (XI) PROVIDE FOR THE SELECTION OF A SOFTWARE TOOL SET TO BE USED;

10 (XII) RECOMMEND AN INITIAL AND ONGOING STAFFING PLAN; AND

11 (XIII) PROVIDE A COST ESTIMATE OF PREPARATION, PLANNING,

12 IMPLEMENTATION; AND MAINTENANCE.

13 (E) OTHER JURISDICTIONS; ASSISTANCE.

14 (1) THE TASK FORCE MAY:

15 (i) INVESTIGATE OTHER JURISDICTIONS TO DISCOVER BEST PRACTICES;

16 (ii) INVITE REPRESENTATIVES OF OTHER JURISDICTIONS TO ATTEND

17 MEETINGS OF THE TASK FORCE; AND

18 (iii) SOLICIT PUBLIC COMMENTS.

19 (2) ALL COUNTY AGENCIES SHALL COOPERATE WITH THE TASK FORCE.

20 (F) STAFF SUPPORT.

21 THE COUNTY COUNCIL AND THE DEPARTMENT OF TECHNOLOGY AND

22 COMMUNICATION SERVICES SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE.

23 (G) DEADLINES.

24 (1) ON OR BEFORE JANUARY 15, 2015, THE TASK FORCE SHALL PROVIDE:

25 (i) AN INTERIM REPORT TO THE COUNTY EXECUTIVE AND THE COUNTY
26 COUNCIL;

27 (ii) ESTIMATES OF COSTS OF IMPLEMENTATION OF THE GOVERNMENTAL
28 TRANSPARENCY DATA PLAN TO EACH AFFECTED UNIT OF COUNTY GOVERNMENT.

29 (2) ON OR BEFORE APRIL 1, 2015, THE TASK FORCE SHALL SUBMIT TO THE

30 COUNTY EXECUTIVE AND THE COUNTY COUNCIL THE GOVERNMENTAL TRANSPARENCY DATA

1 PLAN."

2
3 On page 8, delete lines 9 through 19 and substitute:

4
5 "Section 2. And Be It Further Enacted by the County Council of Howard County,
6 Maryland, that:

7 A. this Section 2 applies only to:

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

9 2. documents that are published to the internet;

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

13 C. if a signature is required, an electronic signature or a scanned version of a signature
14 page may be used; and

15 D. this Section 2 does not affect whether a document must be published to the internet
16 only what format must be used if a document is published."

17
18
19
ADOPTED _____

FAILED _____

STENOGRAPHER _____

Proposed, but not introduced

11/11/11
11/11/11
11/11/11
11/11/11