

Open Government Advisory Group

January 24th Meeting Minutes

The meeting, which took place by conference call, was called to order at 8:38am by Chair Reed.

A roll-call was then taken to establish a quorum.

Members present were the following:

1. Jenny Reed, Chair
2. Barney Krucoff, Vice Chair
3. Josh Tauberer
4. Robert Becker
5. Kathryn Petit
6. Justin Grimes
7. Jennifer Comey
8. Faith Leach
9. Tim White
10. V. David Zvenyach
11. David Tseng
12. Lyndsey-Miller Vierra
13. Julie Kanzler

A quorum was established.

Jenny opened the meeting by noting the sole agenda item for this meeting was whether or not to vote to endorse the Office of the Chief Technology Officer's data policy.

Jenny asked Barney to discuss if any changes had been made to the data policy since it was emailed out to members.

Barney noted that nothing had changed since it had been emailed out; but some changes that have been made since the group last discussed it were:

- Level 3 definition of data now includes reference to FOIA;
- Changes to how OCTO would provide assistance through the Chief Information Security Officer to smaller agencies
- Definitions in the Mayor's order were now in alphabetical order
- A simple process to share data was added to level 2 data
- Various administrative codes were clarified

Jenny then opened the meeting up to questions or discussions from the members

Robert Becker raised several points and questions. They were:

Robert noted that on Page 2, above scope title E, looked like what the Bush Administration did around mosaic theory.

Theory is highly suspect; don't think someone should enshrine it. Shouldn't use this speculative approach in deciding data.

Robert noted that on also right below the definition of the scope you use the term 'public body'; it is defined differently in different places; is the definition reconciled?

- Barney noted that the reason that he added it was that the Open Government Office wanted public body in.
- Traci believes that it can be modified to say 'that is noted above.'
- Bob noted that he is not saying that it is wrong to include public bodies, just saying we should make sure to get it right.

Robert noted that on page 3 near bottom, which the definition of data set lists out types of data sets. He asked if they should be included in the definition of data. Robert noted that he would like it state positively in the definition of data.

- Barney noted that he is ok with that change and would accept it.

Robert noted that on page 4; under the definition of level 1 that some examples were given of when an agency would not proactively release data, like when it contained addresses, but that some of that was public data. And that the mention of financial burden should be defined.

- Traci raised concern that financial burden would give agencies a loophole to not release data.
- Kathy recommended OCTO send guidance about an undue financial burden to agencies.
- Lyndsey also suggested this be part of the guidance.
- Barney mentioned that he can come out with guidance, but also noted that FIOA is the mechanism for the public to test agencies on if the financial burden or other reason for making it level 1 is justified. The inventory will still contain and publish the list of those datasets, they just will not be proactively published.
- Jenn Comey noted that she wouldn't add more requirements, because it will take too long to get out

Kathy noted that she needs to leave the call at 9am for another appointment.

Robert noted that under the level 2 definition of data, he has a problem with the statement on the license for prohibiting the public sharing of data.

- Barney asked if they have a license and agreement; how can they violate it?

Robert noted that under the definition of level 3; he has a problem with saying criminal justice data, as an example, falls into level 3.

Robert raised an issue around personally identifiable information being a reason for not proactively releasing information there is an issue of the 1st amendment versus FIOA

- Barney noted that several lawyers that have looked at this area re-wrote this section

Robert noted that on page 9; in the CDO role section, he suggests changing a section that talks about a process for non-government actors (such as research institutions) to be vetted and given access to data be changed to say data sets classified above level 1, and not level 0.

- Barney agreed to make that change.

Robert notes that on page 11 he questions the paragraph but has no specific suggestions to fix it.

Robert asks that for the internal data catalog, what agencies use, the existence of the data set will be on the catalog, right?

- Barney noted that was correct.

Robert noted that for FOIA; all FIOA requests are public datasets.

- Traci pointed out that that isn't always the case. A good example is if you request a transcript of your own 911 call. It is important that you can request your own records but still have them protected from public release.

Robert asked about data discontinued at any time. Once we discontinue; you can't get it or is it just historic? He asked Barney to please think about it.

Jen Comey noted that several agencies in the Education cluster have engaged and provided feedback. She wanted to note that this is a substantial lift for agencies.

Robert asked if there was a process in place for regularly reviewing the data inventory?

- Barney noted that yes there was, because the inventory had to be published annually.

Jenny asked if there were any other comments or questions. Hearing none, Jenny made a motion to move the data policy with the two changes Barney agreed to. The motion was seconded.

A vote was taken and the following is the result:

1. Jenny Reed, Chair – yes
2. Barney Krucoff, Vice Chair – yes
3. Josh Tauberer – yes
4. Robert Becker – yes
5. Justin Grimes – yes
6. Jennifer Comey –yes
7. Faith Leach – yes
8. Tim White – yes

9. V. David Zvenyach – yes
10. David Tseng – yes
11. Lyndsey-Miller Vierra – yes
12. Julie Kanzler – yes
13. Betsy Cavendish* – yes

* Betsy joined the call during the meeting

The vote was unanimous and the data policy passed.

Chair Reed adjourned the meeting at 9:16am.