

THE COUNCIL ON OPEN DATA
ANNUAL REPORT
JANUARY 9, 2015

The Honorable Martin O'Malley
Governor
State House
Annapolis MD 21401

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
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The Honorable Michael E. Busch
Speaker of the House
H-101 State House
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Background

Open data is one of the latest ways to deliver government transparency and accountability. Open data is intended to complement earlier generations of transparency and accountability reforms that include public information acts and open meetings laws. Open data is also intended to promote economic development, data being a raw material of the information age as coal and iron were/are raw materials of the industrial economy.

The [Open Data Act](#) (State Government, Chapter 69, Section 10-1401 through 10-1404) became effective June 1, 2014. According to the act, “It is the policy of the state that open data be machine readable and released to the public in ways that make the data easy to find, accessible, and usable, including through the use of open data portals.” The act also established the Council on Open Data to “promote the policy.”

The Council is chaired by Isabel FitzGerald, Secretary of Information Technology. The Director of StateStat, Matthew Power, is the Vice Chair. [Membership](#) consists of 25 representatives of state agencies, either the secretary or a designee; 2 legislators, Sen. Bill Ferguson and Del. Bonnie L. Cullison; 5 five representatives from local entities; and 5 representatives from the private, academic, or nonprofit sectors. Appointees are dispersed geographically across the state. The governor moved expeditiously on appointments, allowing the Council to pursue an aggressive schedule and meet four times prior to the 2015 legislative session. Agendas, presentations, and minutes from each meeting can be found on the Council’s [website](#).

Status of Open Data in Maryland

According to an independent review by the [Center for Data Innovation](#), Maryland ranks in the top tier of states for open data. States were evaluated on the presence of an open data policy; the quality of the open data policy; the presence of an open data portal; and the quality of the open data portal. The center found that “the six top-scoring states are Hawaii, Illinois, Maryland, New York, Oklahoma, and Utah.”

Maryland’s place among the top tier of states would not have been achieved had work on open data not started prior to the passage of the Open Data Act. Executive Order 01.01.2012.04, One Maryland–One Map: Maryland Integrated Map, established an executive committee to implement the Maryland Integrated Map (MD iMap). This program promotes the sharing of state geospatial data and services to all participants in the MD iMAP program. Executive Order 01.01.2012.18, Maryland’s Open Data Initiative, established an Open Data Working Group to promote open data policies in the state. The order required all participating executive departments to designate an employee as the Open Data Officer to coordinate the working group’s efforts in creating and establishing an open data portal.

Two open data portals have been established in Maryland. <http://data.Maryland.gov> is the state’s primary open data portal and currently hosts over 356 datasets sourced from dozens of state agencies. <http://data.iMap.Maryland.gov> specializes in geographic data and makes an additional 365 mapping-oriented datasets available. Both portals allow data to be efficiently searched, discovered, and downloaded in a variety of platform independent formats (including CSV,

JSON, and KML). Both portals also provide Application Programming Interfaces (API) that enable developers to create their own data-rich applications. The APIs make it possible for agencies to present their data as interactive Web content without investing in separate IT infrastructures. Maryland agencies have use of MD iMap and data.maryland.gov to publish [maps](#) and [dashboards](#) that provide context to public policy and allow citizens to track their government's efforts.

There are also many open data websites at the local and state levels. DoIT has attempted to compile a comprehensive listing of the [Open data sites in Maryland with some regional and Federal links provided as well.](#)

To assist smaller jurisdictions that want to get started, the state has extended its contract with Socrata Inc., the cloud provider for data.maryland.gov, to any Maryland locality with less than 100,000 people. So far, the Cities of Frederick and Mount Rainier have taken advantage of this opportunity.

This year's most measurable impact of open data comes from the Maryland Department of Planning (MDP). For over 20 years MDP sold its property map products. In August, MDP made property datasets available free via its own website and MD iMap. In the few months since the release, MDP has [documented](#) a significant increase in the number of users obtaining property map products. From July 1, 2013, through and including June 30, 2014, MDP distributed approximately 1,275 Md Property View and FINDER Quantum (MDP's open source data solution) DVDs. In the 3 ½ months since these data were made publicly available via its download [website](#), MDP has already distributed 3,269 county and Baltimore City datasets. That is more than twice the amount of data distributed during the entire previous year.

Maryland has also done well with financial transparency data, having previously developed the Maryland Funding Accountability & Transparency [website](#) and this year having added that [spending](#) information to the data.maryland.gov portal.

Council Deliberations

Having met four times since the Open Data Act became law, the Council still is a new body. While still learning about the state's open data activities ourselves, we have debated a number of interesting topics.

Maryland's historic practice of selling mapping data

The Council has considered the possible repeal or modification of [State Government Section 10-901 through 10-905](#), Automated Mapping – Geographic Information Systems. This statute was enacted in 1992 with the goal of sustainably funding the first generation of digital maps. Governmental units may charge more than "the cost to create, develop, and reproduce the product in printed or hard copy form" to include "a reasonable share of the overhead costs of the system." "Only a person who has entered into a contract with a governmental unit may have on-line access to the geographic data in a system under the terms of the contract." The Council debated several questions around this law, including the merits of treating geospatial data

differently from other types of data. We also polled our members about the financial impact of repealing or modifying the law.

The nexus between open data, public information requests, and open meetings

The Council is very aware that the community interested in open data overlaps with but is also distinct from the community interested in more traditional government transparency initiatives including Public Information Act (PIA), and open meetings. Currently the state does not track PIA requests centrally, so we don't have easily accessible data on what citizens are requesting or the status of those requests. Specifically, the Council has debated the merits and feasibility of

- a tracking database for Public Information Act requests of state agencies, for example, the data that enabled this [New York study](#) of the State Department of Environmental Conservation by Reinvent Albany.
- a web calendar for state agency open meetings, for example, this State of [Arkansas website](#).

Merits and feasibility of statewide data inventory

The state has never attempted to inventory its data holdings. If it existed, such an inventory would be instrumental in knowing what data state agencies collect and whether they consider that data to be open or closed. Conducting and maintaining such an inventory, however, would be a significant undertaking. This would be an inventory of all data, open and closed, meeting a definition to be determined.

The quality of Maryland open data portals

Finally the Council has seen a number of demonstrations of the state's open data portals and related products. Training has also been made available on how to publish data in those portals. The Council was given a thoughtful [presentation](#) by Montgomery County, which has an older and more mature open data program than the state. Based on these reviews, the Council has some thoughts on how to improve the state's efforts.

Findings and Recommendations

The Council makes the following consensus findings and recommendations for the upcoming legislative session and calendar year 2015.

Findings	Recommendations
<p>State Government Section 10-901 through 10-905, Automated Mapping–Geographic Information Systems</p> <ul style="list-style-type: none"> • The law has tended to raise the cost and lower the velocity of data distribution. • The law is inconsistent with the intent of the Open Data Act, which encourages free online data distribution. • The law is inconsistent with the Open Data Act because it establishes a special status for geographic data, while the Open Data Act treats alphanumeric and geographic data equally. • Public value is derived from public data only when it is used. Use of data is likely to dramatically increase when costs are lowered and contracts not required, as has been demonstrated by MDP's change in the handling of property data. • The financial returns from data sales have diminished to the point that no members of the Council nor anyone contacted in local government across the state reported a significant financial impact or objected to losing the authority to charge for the overhead cost of the system. • Government entities still provide CDs, DVDs, paper maps, and related physical products, which, unlike online distribution, have a marginal cost of distribution. • The law allows government entities to recover the cost of preparing and distributing physical products in a manner that is more convenient for the public and efficient for the entity than if the same transaction were handled as a Public Information Act request. 	<p>The Legislature should modify Section 10-901 through 10-905 so as to</p> <ul style="list-style-type: none"> • revoke the authority of government entities to sell mapping products at price that attempts to recoup the overhead cost of the source system; • eliminate the requirement that government entities enter into contracts with recipients of data; while • retaining the ability of government entities to recover the cost of preparing and distributing offline system products such as CDs, DVDs, and hard-copy maps. <p>(Sample legislation is attached to this report.)</p>
<p>Executive Orders 01.01.2012.04 and 01.01.2012.18</p> <p>These orders successfully positioned Maryland in the top tier of states working on open data. With passage of the Open Data Act, these orders have been largely codified. The orders establish separate panels on open data and geographic data that are now redundant with the consolidated Council on Open Data.</p>	<p>The Governor (current or incoming) should retire Executive Orders 01.01.2012.04 and 01.01.2012.18.</p>
<p>Gubernatorial Transition</p> <p>The State of Maryland creates data as part of its normal business. These data have great value to policy makers and the general public. The Governor's Office, in particular the StateStat team, has been both biggest contributor to and biggest user of open data. Open data aids the decision making process by helping data flow across institutions. Open data can aid the incoming administration in a variety of areas including economic development, education, government operations and budgeting, social services, public safety, emergency management, human or environmental health, agriculture, natural resources, planning, and transportation.</p>	<p>The Governor-Elect and his Transition Team should review http://data.maryland.gov and http://imap.maryland.gov to understand the data and presentation capabilities that have been developed, and consider how those capabilities can be applied to meet the goals of the incoming administration.</p>
<p>Open data and open meetings</p> <p>Both seek to improve government by making its operation more transparent. A statewide web calendar of open meetings would further the common cause.</p>	<p>The Department of Information Technology and the Office of the Secretary of State should coordinate so that public meetings published in the Maryland Register also appear on Maryland.gov in calendar form. The website should allow for the posting/linking of documents relevant to the meetings such as agendas and minutes.</p>

Findings	Recommendations
	State agencies are urged to participate in the Maryland.gov calendar by posting their open meetings and events there.
<p>Statewide PIA database At a minimum, a statewide PIA database should contain information on</p> <ul style="list-style-type: none"> • who made the request. • when the request was made. • what was requested. • to what agencies and subunits the request was routed. • the history of the request and its current status. • fees charged. <p>There are several reasons why such a database would be helpful, including:</p> <ul style="list-style-type: none"> • knowing what PIA requests are common and trending and could tie directly to what open data deserves priority publication. • allowing PIA advocates to monitor the government's compliance with the PIA. <p>There would also be complications:</p> <ul style="list-style-type: none"> • The number of PIA requests made to agencies varies greatly. • Some agencies already have information systems that track PIA requests. These databases tend to be customized to the agency's need. • There is a big difference between making information about the requests available and making the information requested available. • It is unclear whether it is appropriate to make the names of PIA requestors public. For example, would it be okay if The Washington Post found out that the Baltimore Sun is working on a particular story because a reporter made a PIA request that was made public? 	The Council is considering this topic and makes no recommendation at this time.
<p>Statewide Data Inventory A statewide data inventory would clearly be desirable, but more information is needed on cost and quality.</p>	DoIT should set a goal of conducting an annual statewide agency data inventory. DoIT should conduct a pilot with several agencies by June 30, 2015 and report back to the Council on the results including the quantity and quality of the information gathered and the level of effort to gather it. If the pilot is successful, the goal should then be to complete the audit for remaining agencies by the end of calendar year 2015. DoIT should consolidate this effort with the existing IT master plan process.
<p>Maryland's Open Data Portals Two open data portals, although understandable given the state of technology and their development under separate Executive Orders, is still one portal too many.</p>	The DoIT should consolidate http://data.maryland.gov and http://imap.maryland.gov so public users can experience them via a single interface. This should not be interpreted as a requirement to choose a single platform, although that is an option. Rather, the Council requests that DoIT explore a range of options from a single platform to a common home page based on replication or federation of content. DoIT should come back to the Council with a plan for completing some form of consolidation within the 2015 calendar year.

Findings	Recommendations
<p>Local government participation StateStat and DoIT are commended for allowing smaller local governments to ride free on the Socrata contract. However the number of local governments participating is disappointing. Moreover there is no parallel effort on dealing with geographic data.</p>	<p>Local governments with less than 100,000 people should consider using the state's contract and taking advantage of the opportunity to create their own cloud-hosted open data site free.</p> <p>DoIT should work with MACO and MLL to further promote this opportunity and consider extending a similar opportunity for geospatial data.</p>

**The Council on Open Data recommends the following modification to the law on
Automated Mapping-Geographic Information Systems**

AN ACT concerning

Automated Mapping-Geographic Information Systems

FOR the purpose of repealing certain findings of the General Assembly; altering the authority for certain governmental units to adopt a certain fee structure; altering the authority for certain governmental units to sell certain system services to the general public; repealing the requirement that certain products and services be accessible to certain persons only under a certain contract; amending certain definitions; repealing certain definitions; and generally relating to the control, distribution and release of certain automated mapping and geographic information system products and services.

BY repealing and reenacting, with amendments,
Article - State Government
Section 10-901, 10-903, and 10-904
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing,
Article - State Government
Section 10-902 and 10-905
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - State Government

10-901.

(a) In this subtitle the following words have the meanings indicated.

(b) “Cost of providing [a] **THE** system product” means the cost to:

(1) [create, develop, and] reproduce **AN EXISTING SYSTEM** [the] product in printed, **DIGITAL**, [or] hard copy, **OR OTHER** [form] **FORMAT; OR**

(2) CREATE, DEVELOP, AND PRODUCE A NEW SYSTEM PRODUCT IN PRINTED, DIGITAL, HARD COPY, OR OTHER FORMAT.

(c) [“Cost of providing a system service” means the actual cost of providing the service, including a reasonable share of the overhead costs of the system.

(d)] “Governmental unit” means:

- (1) The State or a political subdivision, unit, or instrumentality of the State;
- (2) a unit or instrumentality of a political subdivision of the State;
- (3) a bicounty agency; or
- (4) a combination of the entities specified in items (1) through (3) of this subsection.

[(e) “Overhead costs of the system” includes the costs of:

- (1) data gathering and entry;
- (2) database maintenance and update;
- (3) hardware;
- (4) quality control;
- (5) software; and
- (6) indirect costs.]

[(f)](D) (1) “System” means an automated mapping-geographic information system in which geographically referenced data:

- (i) are entered and stored electronically; and
- (ii) can be manipulated to display selected geographic data.

(2) “System” includes data that define physical and nonphysical elements of geographically referenced areas.

[(g)](E) “System products” means drawings, [lists,] maps, [narrative descriptions,] photographs, or [other hard copy formats that depict] **ANY OTHER DEPICTION, REPRESENTATION, OR COMPILATION OF spatial data PRODUCED IN PRINTED, DIGITAL, HARD COPY, OR ANY OTHER FORMAT.**

[(h) “System services” means:

- (1) electronic access to data in the system;

- (2) online access to data in the system; and
- (3) software programs to access data in the system.]

[10-902.

The General Assembly finds that:

- (1) automated mapping-geographic information system products [and system services] have value to the general public; and
- (2) automated mapping-geographic information system [services] **PRODUCTS** that are developed at public expense should not be unreasonably withheld from private commercial users of geographic information, but should not provide a public subsidy to private commercial users.]

10-903.

- (a) This subtitle is applicable to [a] system **PRODUCTS** established or maintained by any governmental unit.
- (b) Except as otherwise provided in this subtitle, to the extent of any inconsistency, Title 4, Subtitles 1 through 5 of the General Provisions Article do not apply to this subtitle.

10-904.

- (a) A governmental unit may adopt a fee structure for[:

(1)] system products that will:

[(i)](1) make system products available at a cost consistent with the requirements of this subtitle; and

[(ii)](2) cover the cost of providing **THE** system [products] **PRODUCT**.[; and

(2) system services that:

- (i) will cover the cost of providing system services, including a reasonable share of the overhead costs of the system; and services.
- (ii) will not discriminate among purchasers of system services.]

- (b) A governmental unit may sell system products to the general public for a fee that reasonably reflects the cost of [creating, developing, and reproducing the product in whatever format is available] **PROVIDING THE SYSTEM PRODUCT**.

[(c) A governmental unit may sell system services to the general public, subject to subsection (d) of this section, for a fee that reflects the cost of providing the system services.]

[(d)][C] A governmental unit:

(1) may reduce or waive the fees that it charges for system products [and system services] that are to be used for a public purpose; and

(2) shall apply its reduction or waiver of the fees uniformly among persons who are similarly situated.

[10-905.

(a) Only a person who has entered into a contract with a governmental unit may have online access to the geographic data in a system under the terms of the contract.

(b) If copy privileges are granted, the contract shall specify in addition to other conditions as may be required:

(1) the circumstances and conditions under which data can be copied; and

(2) the amount of compensation the governmental unit will receive for this privilege.

(c) Online access:

(1) shall be limited to read; and

(2) may not include:

(i) the ability to enter, alter, or delete data; or

(ii) access to information that would be denied under Title 4, Subtitle 3, Parts I through V of the General Provisions Article.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.