



**CITY OF AUSTIN**

**OPEN GOVERNMENT DIRECTIVE**

**AUGUST 26, 2013**



## Introduction

With the development of new technologies and an increasingly connected and engaged population, a growing expectation has been placed on the City of Austin government leaders to adopt open government practices that will promote transparency, citizen participation, and collaboration. In order to change how government works, provide more effective government services, and establish a more robust democracy, the City of Austin adopts the following open government principles:

- **The City of Austin is committed to transparency.** The City of Austin should adopt policies, practices, and procedures that allow citizens to have access to understandable, accurate, reusable, and auditable data and information about government operations and decision-making (with updates available as they are made, whenever possible). City departments should use new technologies to put information about their operations and decisions online. Departments should also seek public feedback to identify information of greatest use to the public. The City should operate under a presumption of openness and accessibility, while also maintaining privacy, confidentiality, security and compliance with all relevant laws. These policies, practices, and procedures will increase accountability, promote informed public participation, and create economic development opportunities.
- **The City of Austin is committed to meaningful public participation.** The City of Austin believes members of the public have a valuable role in governing their communities and should have opportunities to take part in government decision-making. The City of Austin supports establishing guidelines and practices that will enable the public to contribute opinions and ideas regarding political, economic, management, and other decisions using a variety of methods, as conveniently as possible for citizens. These guidelines and practices will create more informed and effective policies and enhance and expand opportunities for the public to participate throughout decision-making processes.
- **The City of Austin is committed to collaborating with the public and across government.** The City of Austin should create opportunities to work jointly with individuals as well as public, non-profit, academic, and private sector groups to address the needs of the community. The City should also enhance and expand its cooperation among City departments and other governmental agencies in order to more effectively fulfill the City's obligations to citizens. Furthermore, citizens are encouraged to contribute their time and knowledge. The City will take

## City of Austin Open Government Directive

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steps to provide efficient and effective methods of participating and collaborating, and the City commits to incorporating citizen feedback into decision-making processes.

- **The City of Austin is committed to sharing best practices and software and other resources with other government entities.**

The City of Austin acknowledges that, in the face of budget decreases, government entities at every level must cut costs and find efficiencies. An enormous cost-saving opportunity exists in the City's information technology resource acquisition practices. The City of Austin supports collaborating with other government entities to share technology resources, lessons learned, and best practices; reform procurement practices, policies, and procedures; and learn to function not only as a provider of services but as a source for other government entities, the public, and other organizations to add value to the City's services.

- **Open Government Directive:** These commitments require that the City create a legal framework that will institutionalize the principles of transparency, participation, and collaboration into the culture and work of The City of Austin government. Therefore, the City Manager shall establish within [90 days] an Open Government Directive to guide the implementation of open government.

## Open Government Directive

The City of Austin is committed to creating an unprecedented level of openness in government. City officials will work together and with the public to ensure open and effective government as well as public trust and establish a system of transparency, public participation, collaboration, and accountability.

This memorandum requires The City of Austin departments and agencies to take the following steps to achieve the goal of creating a more open government:

### 1. Publish Government Information Online

To increase accountability, promote informed public participation, and create economic development opportunities, each Department shall expand access to information by making it available online in open formats that facilitate access to and reuse of information.

- a. **Online Publication:** Departments shall publish information (such as budget information, crime and health statistics, contracts with private firms, policies and procedures, and data or information frequently requested under the Texas Public Information Act online (in addition to any other planned or mandated publication methods) and preserve and maintain electronic records. Data and records shall be preserved and maintained consistent with the Texas Public Information Act and other applicable law and policy.
- b. **Timing and Consistency:** Timely and consistent publication of information is an essential component of open government. As such, Departments shall develop schedules for making information available to the public and indicating when information is updated.<sup>[1]</sup>
- c. **Presumption of Openness:** With respect to information, the presumption shall be in favor of openness and publication (to the extent permitted by law and subject to valid privacy, confidentiality, security, or other restrictions). Where practicable, Departments shall publish all data that is not subject to valid privacy, security, or privilege limitations.<sup>[2][3]</sup>
- d. **Online and Open:** Departments should publish information online and, when practicable, in an open format that can be retrieved, downloaded, indexed, sorted, searched, and reused by commonly used Web search applications and commonly used software.<sup>[4]</sup>

## City of Austin Open Government Directive

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- e. **Open Government Web Page:** Within [45] days, the City of Austin shall establish a common Web page that will serve as the source for Citywide and departmental activities related to this Local Open Government Directive. (<http://austintexas.gov/open-government>)
- f. **Open Data Catalog:** Within [60] days, each Department shall create a catalog of its public information. The catalog will be accessible through the City's Open Government Web page. The catalog will indicate:
  - i. If the information is publicly-accessible;
  - ii. The date of when the information was made publicly-accessible;
  - iii. The date the information was last updated;
  - iv. If the information is from a primary source or has been aggregated or modified; and
  - v. If the information is restricted by any license or privacy restrictions.
- g. **High-Value Data Sets:** Within [75] days, each Department shall identify and publish online, in an open format, at least three high-value data sets from their data catalogue or other types of previously non-publicly accessible information. All published data will be posted on the City of Austin data portal (<http://data.austintexas.gov/>) and a scorecard of participating departments will be maintained illustrating levels of participation.
- h. **Public Feedback:** The Open Government Web page will include a mechanism for the public to:
  - i. Give feedback on and assess the quality of published information; and
  - ii. Provide input about which information to prioritize for publication.
- i. **Response to Public Feedback:** Each Department shall respond to public feedback received through the Open Government Web page on a regular, timely basis. Responses shall include descriptions of actions taken or reasons for not taking action based on public input.
- j. **Publication of Open Records Requests:** Each Department shall publish each Texas Public Information Act request in an open format on the Open Government Web page, unless the request is subject to valid privacy, security, or privilege limitations. The name of the requester will remain anonymous unless otherwise indicated by the requester. If a request is subject to limitation, the Department should release a redacted version of the request that also discloses the nature of the request. Each open records request shall be listed in conjunction with the status of the request and whether such request has been fulfilled. Where practicable, the requested information should be released to the public in an open

## City of Austin Open Government Directive

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format and published on the Open Government Web page.<sup>[5]</sup> This action should be fulfilled following a 10 business day buffer period to allow appropriate vetting of the request prior to publishing.

- k. **Licenses:** The City shall not assert any copyright, patent, trademark, or other restriction on government information. However, such restrictions may be applied to information shared by the City that was compiled or modified by non-governmental entities or individuals.<sup>[6]</sup>

### 2. Create and Institutionalize a Culture of Open Government

To support open government and government accountability the City of Austin will expand and create opportunities for citizen participation and collaboration.

- a. **Open Government Plans:** Within 120 days, each the City of Austin shall develop and publish an Open Government Plan that will describe how the each department will enhance and develop transparency, public participation, and collaboration.
  - i. **Transparency:** The Open Government Plan will describe steps the City will take to conduct its work more openly and publish its information online. The plan will describe how the City is currently meeting its legal information dissemination obligations under Texas Public Information and how the City plans to create more access to information and opportunities for public participation. This information should include ordinances and regulations, policies, legislative records, budget information, geographic data, crime statistics, public health statistics, and other public records and data.
  - ii. **Participation:** To create more informed and effective policies, the City of Austin shall enhance and expand opportunities for the public to participate throughout Departments' decision-making processes. The Open Government Plan will include descriptions of:
    1. Online access to proposed rules, ordinances, and other regulations;
    2. Online access to information and resources for the public to be properly informed (such as frequently asked questions, City officials' and department contact information, and other supportive content);
    3. Opportunities for the public to comment through the Web on any proposed rule, ordinance, or other regulation;

## City of Austin Open Government Directive

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4. Methods of identifying stakeholders and other affected parties and inviting their participation;
5. Proposed changes to internal management and administrative policies to improve participation;
6. Links to appropriate websites where the public can engage in the City's existing participatory processes; and
7. Proposals for new feedback mechanisms, including innovative tools and practices that create new and more accessible methods for public participation.

To the goal of encouraging public participation, rules, ordinances, and other regulations shall be based, to the extent feasible and consistent with law, on the open exchange of information and perspectives among other government officials, experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole.

- iii. **Collaboration:** The Open Government Plan will describe steps the City of Austin will take to enhance and expand its practices to further cooperation among City departments, other governmental agencies, the public, and non-profit and private entities in fulfilling the City's obligations. The plan will include specific details about:
  1. Proposed changes to internal management and administrative policies to improve collaboration;
  2. Proposals to use technology platforms to improve collaboration among City employees and the public;
  3. Descriptions of and links to appropriate websites where the public can learn about existing collaboration efforts; and
  4. Innovative methods, such as prizes and competitions, to obtain ideas from and to increase collaboration with those in the private sector, non-profit, and academic communities.
- b. **Evaluation:** The City of Austin's progress towards meeting this Open Government Directive will be evaluated six (6) months after implementation, one (1) year after implementation, and each subsequent year. The City shall release the evaluation on the Open Government



## City of Austin Open Government Directive

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Web page or create an Open Government Dashboard that will provide the public with both graphic and narrative evaluation information. The evaluation will indicate if the City has not satisfied, partially satisfied, or fully satisfied the following criteria:

- i. Experts and other stakeholders were consulted when creating the Open Government Plan;
  - ii. The public was involved in developing the Open Government Plan;
  - iii. The Open Government Plan includes all of the elements required in the Open Government Directive;
  - iv. The City has established processes and a timeline for publishing information and data sets online;
  - v. The City has established processes and a timeline for making underlying, raw data available online;
  - vi. The City has effectively promoted its open government efforts to the public;
  - vii. The City has effectively promoted its open government efforts to private sector stakeholders;
  - viii. The City has established efficient public feedback mechanisms;
  - ix. The City has reviewed, responded to, and incorporated public feedback; and
  - x. The City has established processes to revise its Open Government Plan to reflect changing public needs and new technologies.
- c. **Open Government Operating Board:** Within [45] days, the City Manager shall establish an operating board that focuses on transparency, accountability, public participation, and collaboration within the City of Austin government. This group, with senior level representation from program and management offices throughout the City of Austin, will serve several critical functions, including:
- i. **Transparency Forum:** The operating board will provide a forum to share best practices on innovative ideas to promote transparency, including system and process solutions for information collection, aggregation, validation, and dissemination. In particular, the board will govern the City of Austin open data initiative and direct Department participation.
  - ii. **Participation and Collaboration Forum:** The working group will provide a forum to share best practices on innovative ideas to promote participation and collaboration,

- including how to experiment with new technologies, take advantage of the expertise and insight of people both inside and outside the City of Austin government, and form high impact collaborations with researchers, the private sector, and the public.
- iii. **Public Input Forum:** The working group will provide a forum for developing resolutions to issues described through the public feedback mechanisms of the Open Government Web page.
- d. **Incentives:** Within 90 days, the Chief Financial Officer will issue, through separate guidance or as part of any planned comprehensive management guidance (such as the Open Government Operating Board), a framework for how the City of Austin can use challenges, prizes, and other incentive-backed strategies to find innovative or cost-effective solutions to improving open government.

### 3. Utilize Accessible and Emerging Technology/Tools

Departments, in coordination with the City of Austin Communication Technology Management department and Purchasing Office, should seek opportunities to utilize new and emerging technologies, whenever possible, to make software solutions available to as many users as possible. Utilizing Open Source software/platforms, web (browser based) applications for mobile devices and Agile project methodologies, offers departments great potential to deliver quality software applications that are accessible, scalable, flexible, shareable/reusable and reflect common tools and practices used to innovate in private industry.

- a. **Open Source Software/Platforms (OSS):** The Open Government Plan will include formal plans to utilize Open Source software/platforms when applicable. OSS solutions should be included for consideration in any software procurement or development strategy. Utilizing OSS opens opportunities for community participation, application sharing across agencies/governments and potential cost savings/ROI.
- b. **Mobile Application Development:** To keep pace with the growing amount of internet users utilizing mobile devices (phone, tablets, etc.), Departments should seek to provide platform independent software applications when applicable and fit within the City of Austin's overall mobile strategy.

- c. **Agile Project Management:** In an effort to keep pace with the fast moving world of technology and to more readily respond to changing requirements, the City of Austin should utilize Agile Project Management methodologies whenever possible. These methodologies allow the flexibility for software development projects to adjust to customer requirements
- d. **Procurement:** Within [90] days the Purchasing Officer will include in standard Request for Proposal (RFP) documentation, language requiring the examination of at least one Open Source solution for all software application purchases. In addition, language related to software vendors being able to provide mobile ready versions of their products, will be required to meet the City of Austin's mobile application strategy.

#### 4. Create an Enabling Policy Framework for Open Government

Emerging technologies open new forms of communication between government and the public. Achieving a more open government will require the various professional disciplines within the government (such as policy, legal, procurement, finance, and technology operations) to work together to define and develop open government solutions. Policies should be regularly reviewed and revised to realize the potential of technology for open government.

- a. **Identification of Barriers, Guidance, and Revisions:** Within 120 days, the City Attorney, in consultation with the City's Chief Information Officer, will review existing The City of Austin policies to identify impediments to open government and to the use of new technologies and, where necessary, issue clarifying guidance and/or propose revisions to such policies, to promote greater openness in government.
- b. **Publication of Guidance and Proposed Policy Changes:** Any clarifying guidance and/or proposed policies related to this Open Government Directive will be available through the City's Open Government Web page.

## City of Austin Open Government Directive

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### Notes:

[1] The timely and consistent publication of government information is of critical importance to the use of that information. Adherence to a publication schedule is critical to the success of this open government mandate. It is not enough to simply publish information without managing that information. Therefore, it is important that the mayor or another executive leader or leaders to review the resources necessary to manage the on-going publication effort, but the directive should not eliminate the schedule as part of a publication plan.

[2] Paragraph c is intended to embody the underlying intent of Freedom of Information/Open Records laws in that information held and maintained by the government is public information. As such, the default setting must be to release information and publication should only be withheld if a valid privacy, security, or privilege exists. A valid privacy, security, or privilege concerns include, but are not limited to, personal identifying information, critical infrastructure information, information related to an on-going criminal investigation, or any publication that may breach an individual or groups legal rights. If the local government chooses to withhold information from publication that government entity should provide the public with a reasonably detailed explanation for withholding the information. Such explanation should be created to foster trust and instill transparency in the publication process. Furthermore, in order to provide consistent application the City's council should provide detailed guidelines regarding the limited publication exemptions.

[3] One of the greatest strains on government resources is compliance with open records requests. As such, local governments should use the open government directive as an opportunity to preemptively publish government information before an open records request is received. Furthermore, the local government should publish information if such information is frequently requested or if the information is a data set.

[4] Paragraph d is intended to result in the maximum use of government information. Governments must publish information that is machine-readable as well as human-readable. Although maximum openness is achieved through publication in open formats, City's should take steps to publish what information they have in whatever format they have and then take steps to convert that information into open formats.

## City of Austin Open Government Directive

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[5] Government information includes data sets collected and maintained by the local government. Dissemination of these data sets is as important as all other forms of publication. Therefore, local government should actively release this data to the public for use and re-use. It is again critical that data be released in an open format that is machine readable and accessible.

[6] Unlike US Federal Government information, state and local government information is not in the public domain as a matter of law unless the state or local law dictates otherwise. Some local governments can and do exercise copy, trade, and intellectual property rights over government information. This practice significantly impacts the use of government information by the public and hinders open government efforts. Local governments should, therefore, release all government information free of any such right and should not exercise these rights after release. However, the City may reserve the right to enforce reasonable privacy, security, and privilege rights on government information. Finally, if license or restrictions are asserted then the license and restriction should be minimally restrictive so that they do not significantly impugn the use and derivative use of the information

### Sources:

Open Data Handbook (<http://opendatahandbook.org/en/>)

Open Government Initiative (<http://opengovernmentinitiative.org/>)

