

ARTICLE IV. - OPEN DATA AND PUBLIC RECORDS POLICY<sup>[11]</sup>

*Footnotes:*

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*Editor's note—Ord. No. 2014-14, § 1, adopted May 27, 2014, effective June 26, 2014, amended Art. IV in its entirety to read as herein set out. Former Art. IV, §§ 2-446—2-450, pertained to public records, and derived from Code 1977, §§ 1.214—1.217, 1.222.*

## Sec. 2-446. - Findings and purpose.

*Whereas* the city creates and retains a large array of data; and

*Whereas* the city council recognizes this information as a community asset and desires a more proactive stance regarding appropriate dissemination thereof; and

*Whereas* by fostering civic engagement through data sharing between city agencies, citizens, businesses, and other community organizations, the city council hopes to use data to improve coordination, collaboration, and efficiency with public stakeholders; and

*Whereas* data is a valuable asset to private entities, the city council wants to encourage businesses and other citizen enterprises to make use of government data in ways that will promote economic development and increased local investment; and

*Whereas* governmental decisions are influenced by the analysis of specific data it is imperative that the city council offer enhanced access in order to improve transparency and efficiency of review; and

*Whereas* no City in Michigan or any American city with a population under one hundred thousand (100,000) has an open data policy, the city council wishes to become a flagship for transparency and leader among peer cities in terms of data sharing; and

*Whereas* the Freedom of Information Act (FOIA) affords citizens a way to request information from their government, the city council recognizes that proactively providing information potentially reduces administrative and financial costs associated with Freedom of Information Act (FOIA) compliance;

The City of Jackson now finds that adopting an open data policy fosters greater transparency and accountability in city affairs. Data and records are collected and curated as described in the sections below.

(Ord. No. 2014-14, § 1, 5-27-14)

## Sec. 2-447. - Definitions.

For purposes of this article, the following definitions shall apply:

*Creative Commons 0 [Zero] Waiver.* The term "Creative Commons 0 [Zero] Waiver" shall refer to the rules governing the uses of datasets, and the inclusion of a Creative Commons 0 Waiver dedicates published data to the public domain. Users are thereby encouraged to copy, modify, and distribute the work, even for commercial purposes, all without requesting permission. Broadly this includes the constellation of abilities to retrieve, download, index, sort, search, and reuse data for novel purposes.

*Metadata.* The word "metadata" is defined as "data about data," metadata refers to descriptions of the content or context of a given dataset. The fields of metadata are defined in the Federal Government's Common Core Standards ([project-open-data.github.io/schema](http://project-open-data.github.io/schema)). Metadata may include but is not limited to title, description/summary, keyword tags, date of creation/modification, departmental origin, and contact point for the data asset.

*Open data.* The word "open data" shall refer to structured data (i.e. Tabular or relational, such as spreadsheets and databases, and as opposed to solely textual documents) that is collected, created, or stored by the city that is a matter of public record or otherwise accessible by a FOIA request. This ordinance does not require or restrict posting public records outside of the open data portal. Open data shall include but not be limited to:

- (1) Spatial (GIS).
- (2) Tabular (.csv or spreadsheets).
- (3) Live web feeds (RSS, XML).
- (4) Budget, financial, and performance data.
- (5) Data and figures contained in published documents such as finished reports, grant applications, etc.

*Open format.* The term "open format" shall mean the format of data is platform-independent, non-proprietary, human- and machine-readable, and where appropriate made available to the public without restrictions that impede reuse of the data.

*Record.* The word "record," as used in this article, shall mean any proceeding, book, document, report, contract, receipt, voucher, correspondence or paper.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-448. - Publication of open data.

- (a) The city shall establish and maintain a publicly-accessible web portal linked to [www.Cityofjackson.org](http://www.Cityofjackson.org) or successor website maintained by or on behalf of the city that shall host selected government open data in a searchable and usable interface.
- (b) The city shall establish and enforce a policy requiring each department, board, commission, and agency ("department") to store selected data sets on the web portal and shall make additions and revisions to data sets on a reoccurring basis for public consumption when practicable. Any hosted data shall be compliant with established privacy laws.
- (c) The city shall conduct a yearly review of its progress on providing access to data sets requested by the public through the designated web portal.
- (d) The city claims no restrictions upon the public to retrieve, download, sort, search, and reuse the selected open data stored on the web portal.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-449. - Process for publication of open data.

- (a) Unless otherwise specified in this article, the city manager shall establish rules and standards to implement an open data policy, including developing standards to determine which data sets are appropriate for public disclosure. In making this determination, the city manager shall balance the benefits of open data sets with the need to protect from disclosure information that is proprietary, confidential, or protected by law or contract.
- (b) Within one (1) year of the effective date of this ordinance, the city manager shall formulate an internal policy to create rules and standards to implement this article. The rules and standards shall include the following:
  - (1) Procedural requirements for the publishing of open data sets by departments for the purpose of making open data available to the greatest number of users and for the greatest number of applications. These rules shall, whenever possible, use open formats with non-proprietary technical standards for web publishing and e-government; and
  - (2) Guidelines for departments to follow in developing their plans for implementing the open data policy consistent with the standards established by the city manager. Each plan shall include an accounting of public data sets under control of the department; and
  - (3) Rules for including open data requirements in applicable city contracts; and
  - (4) A timeline for disclosure goals by departments.

- (c) Prior to issuing rules and standards, the city manager may solicit comments from the public, department heads and firms who have successfully developed open data sets.
- (d) The city attorney's office reserves the right to review the legal and privacy concerns surrounding approved datasets that have been released and then remove or modify.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-450. - Record and data retention.

The city manager shall hold each department head responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing the same. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files except as in this article provided, nor shall any record be destroyed earlier than permitted by law.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-451. - Information and record disposal schedule.

- (a) The head of any city department is authorized to destroy or otherwise dispose of any record under his charge according to the following schedule:

(1) *To be retained permanently:*

- a. General ledgers, general journals and cash books.
- b. Bond and interest ledgers and records of bonds and interest coupons destroyed.
- c. Tax rolls and special assessment ledgers.
- d. Property ledgers.
- e. Deeds and other title papers.
- f. Records of tax liens, foreclosures and sales.
- g. Records of securities owned or held in trust.
- h. Records of employee earnings and payroll deductions.
- i. Memoranda relating to outstanding warrants or checks not presented for payment, issue of duplicate checks.
- j. Reports which include general ledger balance sheets, trial balances, payroll summaries and analyses of operating figures for a period longer than one (1) year.
- k. Annual reports and summaries.
- l. Correspondence, reports and memoranda of a policy nature.

- m. Auditor's reports.
  - n. Charts of accounts and manuals of instruction.
  - o. Birth and death certificates, burial permits, communicable disease records, immunization records, positive tests for syphilis.
  - p. Maps, records and plans of new construction or improvements and tracings of systems.
  - q. Clipping file.
  - r. Minutes of commissions, boards, councils, committees and other official groups.
  - s. Negative photographs.
  - t. Reference materials produced by in-house officials.
  - u. Assessment rolls, real and personal property.
  - v. Contracts and leases.
  - w. Agreements and contracts.
  - x. Plats and plat books.
  - y. Valuation records.
  - z. Deeds, land contracts, title abstracts.
  - aa. Annual budget and financial statement.
  - bb. Answered alarm register.
  - cc. Fire violation notices.
  - dd. Legal opinions.
  - ee. Annexation and zoning data.
  - ff. Master plan reports.
  - gg. Urban renewal data.
  - hh. Surveyor field notebook.
  - ii. Job descriptions and salary schedules.
  - jj. Service hydrant and meter records.
  - kk. Police and district court records (unless otherwise provided by law).
- (2) *To be retained for fifteen (15) years:*
- a. Subsidiary ledgers, including revenue ledgers, appropriation expenditure ledgers, store ledgers, miscellaneous accounts and receivable ledgers.
  - b. Cost and work ledgers and records.
  - c. Journal vouchers.

- d. Books of original entry (other than general journals and cash books) including voucher, warrant and check registers, daily summaries of receipts and their distribution, journal proof types from machine posting of subsidiary ledgers.
  - e. Paid or cancelled checks.
  - f. Surety bonds, officers and employees (fidelity bonds).
  - g. Fire investigation reports, fire training records.
  - h. Water department daily log sheets.
- (3) *To be retained for seven (7) years:*
- a. City property appraisals.
  - b. Duplicate receipts for taxes, special assessments, licenses, permits and registrations and building permit applications.
  - c. Bank deposit books and record stubs.
  - d. Paid or cancelled expenditure vouchers.
  - e. Records of formal bids and advertising for bids on contracts and purchases where such procedure is required.
  - f. Redeemed bonds and interest coupons (certificate of their destruction must be kept).
  - g. Bond and interest register (bond and interest ledger shall be kept permanently).
  - h. Insurance policies and records relating to claims.
  - i. Records of collateral pledged by depositories.
  - j. Memoranda relating to physical inventories.
  - k. Correspondence, special subjects.
  - l. Petitions.
  - m. Income tax withholdings.
  - n. Employee folders, and accident reports.
  - o. Fire monthly summary, uniform allowance records.
  - p. Parks and recreation attendance reports.
  - q. Tree removals.
  - r. Maintenance reports, state highway department.
  - s. Vouchers with attached invoices.
  - t. Recreation season and senior citizen programs.
- (4) *To be retained for three (3) years:*
- a. Requisitions.

- b. Purchase orders.
- c. Shipping notices and bills of lading.
- d. Records of material received.
- e. Register of requisitions.
- f. Time tickets.
- g. Assignments, attachments and garnishments.
- h. Bank deposit slips and detailed records of items deposited.
- i. Negative laboratory reports.
- j. Property transfer slips.
- k. Tax statements.
- l. Departmental transfers.
- m. Tree plantings.

(5) *[Other records not listed.]* All other records not appearing in the above schedules will be reviewed by the city attorney's office for the proper period of retention, but in no event shall the retention period be less than a year.

- (b) The time given in this schedule shall be figured from the end of the period covered by the record unless the record is subject to audit. In those cases, the time shall be figured from the date of the completed audit.

(Ord. No. 2014-14, § 1, 5-27-14)

#### Sec. 2-452. - Early destruction and archiving municipal records.

- (a) A department head may recommend the disposal of any record by destruction or otherwise prior to the time allowed in section 2-451, provided that such record has been photographed or microphotographed according to state standards and provided further that prior written approval is obtained from the city manager and the city attorney. No such disposal may be made except in compliance with guidelines and orders of the history division of the state archives, department of state.
- (b) A complete list of all records disposed of shall be maintained in the office of the city clerk. No record shall be destroyed until there has been an independent post-audit covering the period to which the record pertains.
- (c)

The head of any city department is hereby authorized to cause to be photographed, micro-photographed, scanned or otherwise reproduced for electronic storage, consistent with the minimum standards of quality as approved by the state, any record under his charge at any time.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-453. - Licensing for public use.

The open data shall be subject to a Creative Commons 0 Waiver (CC0). The purpose of this waiver is to ensure that users understand their rights and are thereby encouraged to use this community asset in novel and valuable ways. These include the constellation of abilities to retrieve, download, index, sort, search, and reuse data for novel purposes.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-454. - Data curation and public input.

- (a) Each dataset on the city's web portal shall have accompanying metadata to inform potential users of the dataset itself. Good metadata discipline ensures that the data assets are most useable, searchable, and accessible for the public and the government alike.
- (b) The web portal shall have an option (e.g. a button leading to online form) for collecting public interests in new datasets online. The public may also contact their city council members to give feedback and make requests for future releases of open data.
- (c) To facilitate transparency, understanding, and dialogue between the city and the public, the city manager may conduct a data census each year to evaluate the data its departments maintain and publish pursuant to section 2-448. The city manager shall make the results of any data census publicly available.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-455. - Open data operability with Freedom of Information Act requests.

- (a) The office of the city attorney shall provide for a form that standardizes FOIA Requests information and provide for a process by which data can be aggregated to aid in the identification of data sets that can be made available for public use.

(b)



If the personnel servicing the FOIA request identifies that the data may have significant interest beyond the individual making the request, the city may choose to publish that data subsequently. Any publication online shall be done after the request has been fulfilled and not be charged to the individual's FOIA bill.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-456. - Accuracy of information.

- (a) Open data made available are provided for informational purposes, and the city does not guarantee the completeness, accuracy, content or fitness for any particular purpose or use of any public dataset, nor are any such warranties to be implied or inferred with respect to the public datasets.
- (b) The city is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any open data, or application utilizing such datasets provided by any third party.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-457. - Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 2014-14, § 1, 5-27-14)

Sec. 2-458. - Misrepresentation of city data; penalties.

Any person that modifies city data and misrepresents or falsifies it as an original city document or dataset shall be a guilty of a misdemeanor punishable as provided in section 1-18 of this Code.

(Ord. No. 2014-14, § 1, 5-27-14)

Secs. 2-459—2-470. - Reserved.