

EXECUTIVE ORDER NO. 043

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

KARL F. DEAN, MAYOR

*SUBJECT: Open Data Policy*

I, Karl Dean, Mayor of the Metropolitan Government of Nashville and Davidson County, by virtue of the power and authority vested in me, do hereby find, direct and order the following:

#### I. Scope

This executive order shall apply to all Departments of the Metropolitan Government except: Board of Education/Metropolitan Nashville Public Schools, Nashville Electric Service, Metropolitan Nashville Airport Authority, Metropolitan Development and Housing Agency, Metropolitan Transit Authority, Metropolitan Sports Authority, Convention Center Authority, Health and Educational Facilities Board, Industrial Development Board, non-professional employees of the Board of Health, and the offices of elected officials. The Mayor requests, however, that the excluded entities voluntarily undertake to develop and adopt similar policies.

#### II. General Policy and Objectives

A. This Executive Order is adopted to advance the following policies of the Metropolitan Government, to:

- 1) Use technology to foster an open, transparent, and accessible government.
- 2) Seek opportunities for economic development, commerce, increased investment, and civic engagement by supporting public use of Open Data.
- 3) Reduce duplication of services.

B. To achieve these policies, it is the objective of the Metropolitan Government to:

- 1) Publish Open Data in a timely and consistent manner.
- 2) Publish Open Data in machine-readable formats that engage the community by soliciting their ideas, input, and creative energy to support the development of applications and tools that enable the public to access, visualize, and analyze Open Data in new and innovative ways.
- 3) Adopt standards that improve transparency, access to Open Data, and improved coordination and efficiencies across Metropolitan Government departments.

C. Each Department Head shall be responsible for carrying out this policy. Each Department Head may adopt supplemental rules, not inconsistent with this order, and shall also have the

responsibility to preserve the confidentiality of a public record or information in a public record that is confidential under the Tennessee Public Records Act (T.C.A. 10-7-503 et seq.) ("TPRA"), or other law, and consistent with Mayoral Executive Orders 35 and 38.

### III. Definitions

In the interpretation and application of this policy, the terms defined in this section shall have the following meanings:

- 1) "Classify" or "Classifications" means the classifications applied to Metropolitan Government public information, internal information, confidential information and restricted information, as those classifications are defined in the "Information Classification Policy," which is policy No. 7.2.1. of the Information Security Policies of the Metropolitan Government of Nashville and Davidson County, effective November 1, 2011, recommended by the Information Security Steering Committee and adopted by the Director of ITS as provided for in Executive Order 38, and all subsequent amendments thereto.
- 2) "Data" or "Structured Data" means final versions of statistical or factual information that (i) have a high degree of standardized organization, such as information found in a tabular format, which allows for ready use by import into non-originating systems for purposes of searching, reporting or manipulation; and (ii) are regularly created or maintained in digital format by or on behalf of a Department and are controlled by such Department; and (iii) record a measurement, transaction or determination related to the mission of such Department. The terms "Data" and "Structured Data" shall not include information in a narrative form, information provided to a Department by other governmental entities; nor image files, such as designs, drawings, photos or scanned copies of original documents; provided, however, that the term "Data" shall include statistical or factual information about image files and geographic information system (GIS) data. The terms "Data" and "Structured Data" shall not include any records included in the definition of Protected Information, below.
- 3) "Data Catalog" means a catalog created by a Departmental Data Coordinator containing an inventory of all available Datasets of the Department and their relevant Metadata, excluding Protected Information.
- 4) "Dataset" means any organized collection of data. The most basic form of a Dataset is data elements presented in a tabular form, with each data element represented by a column. Each row corresponds to a given value of that column's data elements. Datasets may also present information in non-tabular formats such as a geospatial data file.
- 5) "Department" or "Departmental" means any Metropolitan Government department, agency, office, administrative unit, commission, board, or other division of Metropolitan Government subject to the executive authority of the Mayor.
- 6) "Departmental Data Coordinator" means the person within a Metropolitan Government Department who is designated by the Department Head to have the responsibility to catalog, classify (per the Information Classification Policy) and facilitate the potential submission for publication of Departmental Data.
- 7) "Metadata" means any information that is used to provide descriptive detail about a Dataset.
- 8) "Open Data" means Structured Data that is collected by a Department covered by this Executive Order where the Department is permitted, required or able to make the Data available to the public, consistent with any and all applicable laws, rules, regulations,

ordinances, resolutions, policies or other restrictions, requirements or rights associated with the Data, including but not limited to contractual or other legal orders, restrictions or requirements. Data shall not be Open Data if it meets the definition of Protected Information.

- 9) "Open Data Portal" means the Internet site established and maintained by or on behalf of Metropolitan Government, located at <http://data.nashville.gov> or its successor website.
- 10) "Open Format" means any widely accepted, non-proprietary, platform-independent, machine-readable method for formatting Data, which permits automated processing of such Data.
- 11) "Protected Information" means, but is not limited to (i) all confidential or restricted information, as defined in the Information Classification Policy, or any record or portion thereof, disclosure of which could be denied under the TPRA or other law; ii) any record that contains a significant amount of confidential information as to which access may be denied pursuant to the TPRA or any other law, if the removal of such confidential information from those records, that would otherwise meet the definition of Data or a Dataset, would impose an undue financial or administrative burden on the Metropolitan Government; (iii) any record that reflects the internal deliberative or administrative process(es) of any Department, including, but not limited to, records on negotiating positions, future procurements or pending or reasonably anticipated legal or administrative proceedings; (iv) any record subject to privacy laws, or to copyright, patent, trademark or trade secret protection, or that are otherwise protected by law or contract; (v) proprietary applications, computer code, software, operating systems or similar materials; (vi) employment records, internal employee-related directories or lists, facilities records, information technology, internal service-desk records or other records related to the internal administration of a Department; or (vii) any information which, if disclosed on the Metropolitan Government's Open Data Portal, would raise privacy, confidentiality or security concerns, or jeopardize or have the potential to jeopardize, public health, safety or welfare.
- 12) "Secondary Use" means any use of Data to produce another set of information, functionality, records, or modification of the Data beyond the original intent of the use of the Data by the owning Department.
- 13) "Unstructured Data" means information that is effectively the opposite of what is defined above as Structured Data; information that is not consistently stored by predefined format, location or content, thus making it inconvenient for ready use by import into non-originating systems for purposes of searching, reporting or manipulation. Examples include email messages, videos, photos, presentations, web pages and other types of documents. Note that each of these examples have internal organization in place; however their form does not facilitate ready import and use by other systems.

#### IV. Data Management Team

Each Department Head shall have the responsibility to:

- 1) Within 30 days of the effective date of this order, designate a Departmental Data Coordinator. Departmental Data Coordinators will serve as members of the Data Management Team facilitated by the Information Technology Services Department (ITS) the Office of Innovation and two other Departments, which shall initially be the Office of

- Management and Budget, and the Metropolitan Planning Department, but which shall in future rotate at the discretion of ITS and the Office of Innovation.
- 2) Within 90 days of the effective date of this order, pursuant to the training provided to the Departmental Data Coordinator by ITS and the Office of Innovation, and using a template provided for this purpose, begin to create a Departmental Data Catalog of all available Datasets, excluding Protected Information.
    - a) Each Departmental Data Catalog, with Datasets noted as potential Open Data, shall be made available to ITS and the Office of Innovation. The determination of whether a particular Dataset shall be appropriate for inclusion in the Departmental Data Catalog shall be made by each Department Head in consultation with the Law Department, Office of Innovation and ITS as necessary, and shall be guided by the standards to be developed as described in part 3 of this section.
    - b) A Departmental Data Catalog may initially consist of as many Datasets as it is feasible for the Department to identify as appropriate for posting in the Open Data Portal. Following the initial Dataset designation, the Departmental Data Coordinator shall continue to identify additional appropriate Datasets for inclusion in the Departmental Data Catalog on an ongoing basis. In so doing, the Data Coordinator shall be guided by the standards to be developed as described in part 3 of this section.
  - 3) The Data Management Team will serve as a resource to help ITS and the Office of Innovation establish standards for publication of Open Data and the most effective process for making such Open Data available.
    - a) The Data Management Team shall make recommendations for the standards of publication, the Data Catalog template, and other related forms to ITS and the Office of Innovation, who, with the advice of the Department of Law, shall make the final determination.
    - b) The criteria to be used in establishing publication standards may include whether a data set is particularly useful to Metropolitan departments or would be of significant public interest, for example, as indicated by frequent public requests for it.

#### V. Open Data Portal

- 1) The Open Data Portal shall serve as the authoritative source for Open Data provided by the Metropolitan Government.
- 2) The Open Data Portal shall be hosted at <http://data.nashville.gov>.
- 3) The Open Data Portal shall include a mechanism for the public to provide suggestions about what Open Data should be a priority for publication and give feedback on the published Open Data. The Department Head, in consultation with the Department of Law, ITS and the Office of Innovation, reserves all rights to determine whether any cataloged Dataset shall be published as Open Data.

## VI. Default to Open Formats for published Open Data.

To the extent practicable, and except as otherwise provided herein:

- 1) Departments shall submit Open Data for publication in the Open Data Portal, regardless of whether it has been or will be also published elsewhere.
- 2) Departments shall publish Datasets with reasonable, user-friendly registration requirements, license requirements, or restrictions on the use and distribution of Datasets.
- 3) Departments, in providing Open Datasets, shall use open, non-proprietary standards.

## VII. Require publishing Metadata documentation.

Prior to submitting an Open Dataset for publishing, each Department Head shall have the responsibility to provide sufficient Metadata needed to understand what the Datasets are and their characteristics. Metadata shall be made available in a form to be determined by ITS and the Office of Innovation with the advice of the Data Management Team.

## VIII. Create or explore potential public/private partnerships.

- 1) Subject to the approval of the Metropolitan Council and/or Purchasing Agent, as appropriate, ITS and the Office of Innovation shall have the authority to explore agreements with external partners to publish and maintain Datasets that are open and freely available while respecting the privacy and security of Protected Information.
- 2) The Departments of the Metropolitan Government within the scope of this Executive Order will aspire to:
  - a. enhance and expand cooperation among Metropolitan Government departments and agencies, other governmental agencies, private and nonprofit entities, and the public,
  - b. fulfill Metropolitan Government goals and obligations; including proposals to:
    - i. use technology platforms and links to appropriate websites,
    - ii. improve and inform the public about existing collaboration efforts, and
    - iii. increase use of innovative methods to obtain ideas from, and to increase collaboration with, those in the private sector, nonprofit and academic communities.

## IX. Secondary Use

Secondary Use of the Data published in the Open Data Portal shall be subject to the user's acceptance of the following:

- 1) By using Open Data made available through the Open Data Portal, the user agrees to all the terms and conditions stated in the Metropolitan Government's website at <http://www.nashville.gov>. The Open Data should be used for informational purposes only. A user uses the Open Data at the user's own risk. The Open Data is made available "as is" without any warranties of any kind, including without limitation, implied warranties of

merchantability, fitness for a particular purpose, workmanlike effort, and non-infringement. It is possible that the Open Data may contain errors, inaccuracies or typographical errors, which may be subsequently corrected. In no event shall Metropolitan Government or its officers, employees, or agents be held liable for any direct, indirect, incidental, consequential, punitive, special, direct or other damages whatsoever arising out of or relating to the Open Data or the user's use of the same, including all claims and claims by third parties, for loss or damages arising from an error, inaccuracy, or other defect in the Open Data, or information contained in the Open Data Portal.

- 2) Once Open Data is removed from the Open Data Portal, Metropolitan Government has no control over the end use of the Open Data. No user may claim in any way that the user has the approval of Metropolitan Government for use of the Open Data, the analysis of any Open Data, or the Secondary Use of such Open Data.
- 3) Any user, in its use of the Open Data, should reflect the date upon which the Data was retrieved from the website, as well as a reference to the URL at which the Data was found, or a reference to the website of [www.nashville.gov](http://www.nashville.gov).
- 4) The Metropolitan Government, by making this Open Data available for informational purposes only, does not grant the user any right or title to any intellectual property rights that the Metropolitan Government may have in the Open Data.

#### X. Future review for potential changes to this Executive Order

In acknowledgment that technology changes rapidly, in the future, the Open Data Executive Order should be reviewed for revisions or additions that will continue to position the Metropolitan Government as a leader on issues of openness, efficiency, collaboration, and information technology best practices.

Ordered, Effective and Issued:

Karl F. Dean  
Mayor

Date: May 12, 2014