

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 7

Bill No. 30-22

Introduced by Ms. Rodvien, Chair
(by request of the County Executive)

By the County Council, March 21, 2022

Introduced and first read on March 21, 2022
Public Hearing set for and held on April 18, 2022
Bill Expires June 24, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Anne Arundel County Open Data Act

2
3 FOR the purpose of requiring the County to make certain public data sets available on a
4 single web portal on the internet; requiring the County to develop a technical standards
5 manual for publishing public data sets; requiring the Chief Administrative Officer to
6 develop an Open Data Implementation Plan; and generally relating to general
7 provisions.

8
9 BY adding: §§ 1-11-101 through 1-11-108, to be under the new title “Title 11. Open Data”
10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

14 ARTICLE 1. GENERAL PROVISIONS

15 TITLE 11. OPEN DATA

16 1-11-101. Definitions.

17
18
19 IN THIS TITLE, THE FOLLOWING WORDS AND PHRASES HAVE THE MEANINGS
20 INDICATED.

21
22 (1) “AGENCY” MEANS ANY DEPARTMENT OR OFFICE OF THE COUNTY
23 GOVERNMENT.
24
25

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

(2) (I) "DATA" MEANS THE FINAL VERSION OF DIGITAL INFORMATION REGULARLY CREATED OR MAINTAINED BY OR ON BEHALF OF AND OWNED BY THE COUNTY THAT RECORDS A FILE, MEASUREMENT, TRANSACTION, OR FINAL DECISION RELATED TO THE MISSION OF AN AGENCY.

(II) "DATA" DOES NOT INCLUDE ANY INFORMATION PROVIDED TO AN AGENCY BY ANOTHER GOVERNMENT ENTITY, INFORMATION THAT MAY NOT BE MADE AVAILABLE FOR PRIVACY OR SECURITY REASONS, OR DATA OTHERWISE PROTECTED BY LAW.

(3) "MEASUREMENT" MEANS TO QUANTIFY ANY CHARACTERISTIC OF AN OBSERVABLE EVENT, OCCURRENCE, OR OBJECT BY COMPARISON TO A REFERENCE STANDARD.

(4) "OPEN DATA IMPLEMENTATION PLAN" MEANS A PLAN DEVELOPED BY THE CHIEF ADMINISTRATIVE OFFICER TO IMPLEMENT THIS TITLE AS FURTHER DESCRIBED IN § 1-11-102.

(5) (I) "PUBLIC DATA SET" MEANS DATA IDENTIFIED AS ELIGIBLE FOR PUBLICATION BY THE OPEN DATA IMPLEMENTATION PLAN.

(II) "PUBLIC DATA SET" DOES NOT INCLUDE ANY PORTION OF A DATA SET THAT IS NOT SUBJECT TO DISCLOSURE UNDER ANY FEDERAL OR STATE LAW OR ANY DATA THAT IS SUBJECT TO COPYRIGHT OR TRADEMARK PROTECTIONS.

(6) "SINGLE WEB PORTAL" MEANS A SPECIFICALLY DESIGNED WEBSITE PLATFORM THAT BRINGS INFORMATION FROM DIVERSE SOURCES AND SERVES AS THE SINGLE POINT OF ACCESS FOR THE INFORMATION.

1-11-102. Open data implementation plan.

(A) THE CHIEF ADMINISTRATIVE OFFICER SHALL PREPARE AN OPEN DATA IMPLEMENTATION PLAN WITHIN ONE YEAR OF THE EFFECTIVE DATE OF BILL NO. 30-22.

(B) THE OPEN DATA IMPLEMENTATION PLAN SHALL:

(1) INCLUDE A SUMMARY DESCRIPTION OF THE PUBLIC DATA SETS UNDER THE CONTROL OF EACH AGENCY;

(2) ASSIGN AND PRIORITIZE THE ORDER IN WHICH PUBLIC DATA SETS SHOULD BE PUBLISHED ON THE SINGLE WEB PORTAL BASED ON WHETHER THE PUBLIC DATA SET:

(I) CAN BE USED TO INCREASE AGENCY ACCOUNTABILITY AND RESPONSIVENESS;

(II) IMPROVES PUBLIC KNOWLEDGE OF THE AGENCY AND ITS OPERATIONS;

(III) FURTHERS THE MISSION OF THE AGENCY;

(IV) CREATES ECONOMIC OPPORTUNITY; OR

(V) RESPONDS TO A NEED OR DEMAND IDENTIFIED THROUGH PUBLIC INPUT;

(3) CREATE A TIMELINE FOR THE INCLUSION OF PUBLIC DATA SETS ON THE SINGLE WEB PORTAL;

(4) ADDRESS WHEN AND HOW AN AGENCY MAY CHANGE OR TERMINATE COLLECTION OF DATA OR REMOVE THE PUBLIC DATA SET FROM THE SINGLE WEB PORTAL;

(5) DESIGNATE AN EMPLOYEE IN EACH AGENCY AS A CONTACT FOR PUBLIC DATA SET MANAGEMENT AND OTHERWISE ADDRESS APPROPRIATE STAFFING TO MANAGE THE PUBLIC DATA SETS PUBLISHED ON THE SINGLE WEB PORTAL;

(6) PRESCRIBE THE FREQUENCY OF UPDATES FOR PUBLIC DATA SETS ON THE SINGLE WEB PORTAL; AND

(7) ADDRESS MEASURES TO MAINTAIN BANDWIDTH AVAILABILITY OF THE SINGLE WEB PORTAL.

1-11-103. Public data set availability.

(A) THE COUNTY SHALL MAKE PUBLIC DATA SETS AVAILABLE ON THE SINGLE WEB PORTAL WITHIN ONE YEAR OF THE EFFECTIVE DATE OF BILL NO. 30-22.

(B) A PUBLIC DATA SET SHALL BE MADE AVAILABLE FOR DOWNLOAD.

(C) A PUBLIC DATA SET SHALL BE PUBLISHED IN A FORMAT THAT PERMITS AUTOMATED PROCESSING, DOES NOT REQUIRE A SOFTWARE LICENSE OR THE USE OF SPECIALIZED SOFTWARE, AND USES APPROPRIATE TECHNOLOGY TO NOTIFY THE PUBLIC OF UPDATES.

(D) ONCE PUBLISHED, A PUBLIC DATA SET SHALL BE UPDATED AS OFTEN AS IS REQUIRED BY THE OPEN DATA IMPLEMENTATION PLAN.

(E) (1) A PUBLISHED PUBLIC DATA SET SHALL BE MADE AVAILABLE WITHOUT ANY REGISTRATION OR LICENSE REQUIREMENT OR RESTRICTION ON USE. THE COUNTY SHALL REQUIRE A THIRD-PARTY PROVIDING THE PUBLIC DATA SET OR APPLICATION UTILIZING THAT DATA SET ON BEHALF OF THE COUNTY TO IDENTIFY THE SOURCE AND VERSION OF THE PUBLIC DATA SET AND DESCRIBE ANY MODIFICATION MADE TO THAT DATA SET.

(2) IN THIS SUBSECTION, "REGISTRATION OR LICENSE REQUIREMENT OR RESTRICTION" DOES NOT INCLUDE ANY MEASURE REQUIRED TO:

(I) PROTECT THE SINGLE WEB PORTAL FROM UNLAWFUL ABUSE OR AN ATTEMPT TO DAMAGE OR IMPAIR USE OF THE PORTAL; OR

(II) ANALYZE THE TYPE OF DATA BEING USED TO IMPROVE SERVICE DELIVERY.

(F) A PUBLISHED PUBLIC DATA SET MUST BE ACCESSIBLE TO EXTERNAL AND INTERNAL SEARCH CAPABILITIES.

(G) THIS TITLE DOES NOT PROHIBIT AN AGENCY FROM:

(1) DISCLOSING INFORMATION NOT OTHERWISE DEFINED AS DATA; OR

(2) MAKING VOLUNTARILY DISCLOSED INFORMATION ACCESSIBLE THROUGH THE SINGLE WEB PORTAL.

1-11-104. Web portal administration.

(A) THE COUNTY SHALL CONSPICUOUSLY PUBLISH THE OPEN DATA POLICY REQUIRED BY § 1-11-105 ON THE SINGLE WEB PORTAL.

(B) THE COUNTY SHALL IMPLEMENT A MECHANISM TO SOLICIT PUBLIC FEEDBACK AND ENCOURAGE PUBLIC DISCUSSION ON OPEN DATA POLICIES AND PUBLIC DATA SET AVAILABILITY ON THE SINGLE WEB PORTAL.

(C) AN AGENCY SHALL DECIDE IF INCLUSION OF A PUBLIC DATA SET REQUESTED THROUGH THE PUBLIC INPUT MECHANISM OF THE SINGLE WEB PORTAL SHOULD BE INCLUDED ON THE SINGLE WEB PORTAL.

1-11-105. Open data policy.

(A) A PUBLIC DATA SET MADE AVAILABLE ON THE SINGLE WEB PORTAL IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

(B) THE COUNTY MAKES NO EXPRESS OR IMPLIED WARRANTY AS TO THE COMPLETENESS, ACCURACY, CONTENT, MERCHANTABILITY, OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE OF ANY PUBLIC DATA SET MADE AVAILABLE ON THE SINGLE WEB PORTAL.

(C) THE COUNTY IS NOT LIABLE FOR ANY DEFICIENCY IN THE COMPLETENESS, ACCURACY, CONTENT, OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE OF ANY PUBLIC DATA SET, OR APPLICATION UTILIZING THE DATA SET, PROVIDED BY ANY THIRD PARTY.

(D) THIS TITLE AND THE OPEN DATA IMPLEMENTATION PLAN DO NOT CREATE A PRIVATE RIGHT OF ACTION FOR ENFORCEMENT. FAILURE TO COMPLY WITH THIS TITLE OR THE OPEN DATA IMPLEMENTATION PLAN SHALL NOT RESULT IN LIABILITY OF THE COUNTY.

1-11-106. Internet data set policy and technical standards manual.

(A) WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF BILL NO. 30-22, THE COUNTY SHALL PREPARE AND PUBLISH A TECHNICAL STANDARDS MANUAL FOR THE PUBLICATION OF PUBLIC DATA SETS ON THE SINGLE WEB PORTAL TO MAKE PUBLIC DATA AVAILABLE TO THE GREATEST NUMBER OF USERS AND FOR THE GREATEST NUMBER OF APPLICATIONS.

(B) THE MANUAL:

(1) SHALL USE OPEN STANDARDS FOR WEB PUBLISHING AND E-GOVERNMENT, WHENEVER PRACTICABLE;

(2) SHALL IDENTIFY THE REASON WHY EACH TECHNICAL STANDARD WAS SELECTED AND TO WHICH TYPES OF DATA IT APPLIES;

(3) MAY RECOMMEND OR REQUIRE THAT DATA BE PUBLISHED UNDER MORE THAN ONE TECHNICAL STANDARD; AND

(4) SHALL INCLUDE A PLAN TO ADOPT OR UTILIZE A WEB APPLICATION PROGRAMMING INTERFACE THAT PERMITS APPLICATION PROGRAMS TO REQUEST AND RECEIVE PUBLIC DATA SETS DIRECTLY FROM THE SINGLE WEB PORTAL.

(C) THE COUNTY SHALL UPDATE THE MANUAL AS NECESSARY.

1-11-107. Open Data Implementation Plan Report.

(A) NO LATER THAN JANUARY 1, 2023, AND EVERY JANUARY 1 THEREAFTER, THE CHIEF ADMINISTRATIVE OFFICER SHALL SUBMIT TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL, AND POST ON THE SINGLE WEB PORTAL, A REPORT ON PROGRESS UNDER THE OPEN DATA IMPLEMENTATION PLAN UNTIL ALL PUBLIC DATA SETS REQUIRED TO BE PUBLISHED HAVE BEEN MADE AVAILABLE THROUGH THE SINGLE WEB PORTAL.

(B) THE REPORT SHALL INCLUDE:

(1) THE ACTIONS TAKEN TO MAKE PUBLIC DATA SETS AVAILABLE ON THE SINGLE WEB PORTAL SINCE THE PREVIOUS REPORT;

(2) ANY ACTION THAT WILL BE TAKEN BEFORE THE NEXT REPORT;

(3) WHETHER THE LIST OF PUBLIC DATA SETS IN THE OPEN DATA IMPLEMENTATION PLAN SHOULD BE UPDATED;

(4) WHETHER THE PRIORITIZATION OF PUBLIC DATA SETS IN THE OPEN DATA IMPLEMENTATION PLAN SHOULD BE CHANGED; AND

(5) WHETHER THE TIMELINE OUTLINED IN THE OPEN DATA IMPLEMENTATION PLAN FOR THE INCLUSION OF A PUBLIC DATA SET ON THE SINGLE WEB PORTAL SHOULD BE CHANGED.

1-11-108. Legislative branch.

(A) THE LEGISLATIVE BRANCH MAY PROVIDE ITS PUBLIC DATA SETS TO THE CHIEF ADMINISTRATIVE OFFICE TO BE INCLUDED IN THE OPEN DATA IMPLEMENTATION PLAN.

(B) THE LEGISLATIVE BRANCH MAY POST ALL OF ITS PUBLIC DATA SETS INCLUDED IN THE OPEN DATA IMPLEMENTATION PLAN ON THE SAME SINGLE WEB PORTAL USED BY THE EXECUTIVE BRANCH.

SECTION 2. *And be it further enacted*, That all references in this Ordinance to “the effective date of Bill No. 30-22” or words to that effect, shall, upon codification, be replaced with the actual date on which this Ordinance takes effect under Section 307 of the County Charter as certified by the Administrative Officer to the County Council.

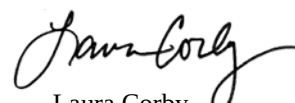
SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.

READ AND PASSED this 18th day of April, 2022

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 19th day of April, 2022


Laura Corby
Administrative Officer

Bill No. 30-22

Page No. 6

APPROVED AND ENACTED this 29th day of April, 2022



Steuart Pittman
County Executive

EFFECTIVE DATE: June 13, 2022

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 30-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



Laura Corby
Administrative Officer