

**OFFICE OF THE MAYOR
TULSA, OKLAHOMA
EXECUTIVE ORDER NO. 2015-07**

PROVIDING FOR AN OPEN DATA PROGRAM TO PROMOTE PUBLIC AVAILABILITY, ACCESSIBILITY AND GOVERNMENT TRANSPARENCY; AND CREATING AN OPEN DATA ADVISORY BOARD.

WHEREAS, Resolution 7991 was adopted in May 2013, by the City of Tulsa (“City”) supporting open and accessible Data, Open Standards and Open Source Software; and

WHEREAS, the adoption of a comprehensive open data program comprised of formal policies and procedures for making Data open will build upon the above-named Resolution and assist in achieving the City’s Open Data goals; and

WHEREAS, the City of Tulsa is committed to creating a high level of openness and transparency in government; and

WHEREAS, the City of Tulsa is committed to providing open records and public information, inclusive of Data, as hereinafter defined and consistent with the requirements of the Oklahoma Open Records Act, which is essential to open and effective government; and

WHEREAS, it is desirable that more Datasets, as hereinafter defined, should be created, published and made available by the City of Tulsa via its Open Data Portal, providing open access to certain compilations of public information; and

WHEREAS, the City of Tulsa seeks to empower the citizens of Tulsa to participate in its municipal government by providing easy and open access to public records and information consistent with Oklahoma Open Records Act; and

NOW THEREFORE, by virtue of the authority vested in me as the Mayor of the City of Tulsa, it is hereby ordered that:

Section 1. Purpose – The purpose of this Executive Order, in part, is to define Open Data, establish an Open Data Advisory Board (“ODAB”) tasked with creating an overall Open Data program, formulating and incorporating an Open Data Implementation Plan which establishes formal Open Data Policies and mechanisms for implementing Open Data action items.

Section 2. Definitions – As used in this Executive Order, the terms below shall have the following definitions:

- (A) “Data” means and is limited to final versions of statistical or factual, quantitative, or qualitative information that: (1) is in alphanumeric form reflected

in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and (2) is regularly received, created or maintained by or for a City department, office, administrative unit, commission, board, advisory committee or other subdivision of City government within the official jurisdiction of the Executive Branch; (3) records a measurement, transaction or determination related to the business of the City and mission of such City subdivision; and (4) is inclusive of software source code developed or maintained by or on behalf of the City of Tulsa. The term “data” shall not include information provided by other governmental entities or image files, such as designs, drawings, photos or scanned copies of original documents; provided, however, that the term “data” does include statistical or factual information about image files and geographic information system (GIS) data.

- (B) “Dataset” means a named collection of related data, the aggregation of which contains data organized or formatted in a specific or prescribed way, often in tabular form. Any Open Data made accessible as a Dataset on the City Open Data Portal shall, where feasible: (1) use a format that permits automated processing of such data; (2) use appropriate technology to notify the public of updates to the data; and (3) be accessible to external search capabilities.
- (C) “Open Format” means any widely accepted, nonproprietary, platform-independent, or machine-readable method for formatting data, which permits automated processing of such data and is accessible to external search capabilities.
- (D) “Protected information” means any information to which the City or any department thereof may deny access as exempt from production or disclosure pursuant to the Oklahoma Open Records Act or any other law, rule or regulation.
- (E) “Sensitive information” means any Data or portion of a Dataset, which, if published on the Open Data Portal, could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that information.
- (F) “Open Data” means any Data, which does not contain protected information or sensitive information and which is made available online in Open Format, with no legal encumbrances on use or reuse. This definition is inclusive of any software source code made available online (“open source software”). However, Open Data is not information that is treated as exempt from production or public disclosure under the Open Records Act or other Oklahoma law.
- (G) “Open Data Portal” means the “Open Tulsa” internet site, which is currently established and maintained by or on behalf of the City, located at <https://www.cityoftulsa.org/our-city/open-tulsa/about-open-tulsa.aspx> or its

successor website. The purpose of the Open Data Portal is to create public and open access to Datasets which have specifically been prepared for release as Open Data.

Section 3. Open Data Portal – The City has previously established an Open Data Portal, as defined herein above, where the City’s Datasets will be publicly available online. The Open Data Portal shall serve as the authoritative source for Open Data provided by the City and will continue to be maintained and administered by the IT Department under the direction of the City’s Chief Information Officer (CIO) or his or her designee.

Section 4. Open Data Advisory Board

- (A) There is hereby established an Open Data Advisory Board (“ODAB”), which shall be chaired by the CIO. The IT Department and Maximizing and Advancing Performance (MAPP) Office will work with the head of City Departments to identify a Data Coordinator in each Department. Data Coordinators will serve as members of the ODAB. The ODAB shall have advisory authority over all matters pertaining to the Open Data Portal and shall establish timetables for development and implementation of the overall Open Data program to enhance and develop transparency, and public participation, and collaboration in City activities.
- (B) For purposes of identifying Datasets for inclusion on the City of Tulsa Open Data Portal, the ODAB will consult with the City department, office, administrative unit, commission, board, advisory committee or other unit of City government within the official jurisdiction of the Executive Branch that maintains any Data proposed to be included in a Dataset and will consider whether the information embodied in the proposed Dataset: (1) is reliable and accurate; (2) is frequently the subject of a written request for public records of the type that a public body is required to make available for inspection or copying under the Open Records Act; (3) increases the City’s accountability, efficiency, responsiveness or delivery of services; (4) improves public knowledge of the City and its operations; and (5) creates economic opportunity.
- (C) Each City department, office, administrative unit, commission, board, advisory committee or other unit of City government within the official jurisdiction of the Executive Branch shall make reasonable and appropriate efforts to update the Data included in any Dataset on a regular basis.
- (D) The ODAB will establish a more detailed Open Data Implementation Plan that will include additional Open Data Policies, Procedures and Guidelines to be approved by the Mayor. The ODAB will be responsible for an annual Open Data report to the Mayor which advises on the progress made in the previous year and the resources needed for the immediately preceding fiscal year along with future years as information is available.

Section 5. Reservations and disclaimers

- (A) Open Data available on the City’s Open Data Portal shall be provided as a public service, on an “as is” basis, and for informational purposes only. Although the City will strive to ensure that such public data are accurate, the City makes no warranty, representation or guaranty of any type as to the content, accuracy, timeliness, completeness or fitness for any particular purpose or use of any public data provided on such portal; nor shall any such warranty be implied. The City assumes no liability for (1) any errors, omissions or inaccuracies in the public data provided on the Open Data Portal regardless of how caused; or (2) any decision made or action taken or not taken by anyone using or relying upon such public data; or (3) any virus or other damage to any computer that might occur during or as a result of accessing such portal or the public data provided therein.

- (B) The City reserves the right to discontinue availability of content on its Open Data Portal at any time and for any reason. If a Dataset accessible on the Open Data Portal and the City, by or through whatever means, is notified or otherwise learns that any Dataset or portion thereof posted on the Open Data Portal is factually inaccurate, misleading, or contains protected information or sensitive information the City will, as appropriate, promptly correct or remove, or cause to be corrected or removed, such Data from the Open Data Portal.

- (C) Nothing in this Order shall be construed to create a private right of action to enforce any provision of this Order. Failure to comply with any provision of this Order shall not result in any liability to the City of Tulsa, a municipal corporation.

Dated this DEC 31 2015 day of 2015, 2015.



ATTEST

Melissa C. Stone
City Clerk Deputy

Jim Trowdy
~~David B. Binkley~~, Mayor **PRO-TEM**

APPROVED AS TO FORM AND LEGALITY:



City Attorney