

UTAH TRANSPARENCY ADVISORY BOARD MINUTES

July 7, 2015

State Capitol Building

Room 250 – 10:30 a.m.

Board Members Present:

Senator Deidre Henderson – Chair, Utah State Senate

John Reidhead – Vice Chair, Director, Division of Finance, Dept. of Administrative Services

Evan Curtis, Utah Governor’s Office of Management and Budget (absent)

Jonathan Ball, Legislative Fiscal Analyst, Utah State Legislature

Representative Steve Eliason, Utah State House of Representatives

Mark VanOrden, Utah Department of Technology Services, CIO

Patricia Smith-Mansfield, Utah State Archivist

Gary Williams, League of Cities and Towns, Attorney for Ogden City (absent)

Phillip Windley, Public Board Member

Jason Williams, Public Board Member

Michelle Larsen, Senior Legal Support and Records Officer

Note: A copy of meeting materials, and an audio recording of the meeting can be found on the Public Notice Website.

1. Welcome:

- a. Elect new board chair and vice chair.

Senator Deidre Henderson welcomed everyone to the July 7, 2015, Utah Transparency Advisory Board Meeting. The meeting began at 10:35 a.m.

Senator Henderson’s term as the Board Chair has expired, and asked for nominations for a new chair.

Patricia Smith-Mansfield nominated the Board Vice Chair, John Reidhead for the board chair. A vote was taken and passed unanimously

- b. Discuss board members terms.

John reported that by statute a number of board members terms have expired or will expire. There will need to be reappointments or changes to the board to comply.

The senate member and house member positions have expired, Jonathan Ball’s term has ended, and if he agrees to continue on the board he will need to be appointed by the governor. Both public members board terms end August 19, 2015. Patricia Smith-Mansfield (Archives), Mark VanOrden (DTS), and John Reidhead (Finance), have the ability to appoint someone from their divisions if they would like to be replaced. Gary Williams’s term ended in May. John Reidhead will follow up with him to see if he would like to be reappointed or have someone else appointed from the League of Cities and Towns. Special Districts representative, Michelle Larsen’s term does not expire for another year.

The board will need to discuss at a future meeting the appointment or reappointment of the public board members. If the two public board members; Jason Williams and Phil Windley would like to continue on the board, they were asked to send John Reidhead an email to let him know.

Archives will submit a name to the Governor's Office to represent the State Records Committee vacant position.

Jonathan Ball, will take care of the Senate, House, and LFA appointments by the next meeting.

Jonathan Ball nominated Patricia Smith-Mansfield for the Vice-Chair position. A vote was taken and passed unanimously.

2. Review of review of January 6, 2015, meeting minutes.

Mark VanOrden moved to approve the minutes from the January 6, 2015 meeting. A vote was taken, the meeting minutes were approved.

3. Financial Transparency:

- a. Socrata and protection of vendor and employees names.

Brenda Lee explained that GRAMA allows for the protection of employee names on data when disclosing names would put someone's life in danger, or jeopardize their safety. It allows for undercover law enforcement personnel and investigative personnel to have their names protected. When a GRAMA request is made these individuals names are omitted. When employees go undercover or there is a court order to protect names, agencies go into DHRM's system, called HRE, and indicate that the person's name is protected. When these employees are no longer protected or no longer have a court protective order, the agency then unprotects the name in DHRM's system.

When the Transparency website was implemented in 2009, there was concern on how to deal with these employee names that are temporarily protected, and put data on the internet.

Paul Tonks the Attorney General recommends to error on the side of confidentiality for any employee identified as a protected employee. Once an employee has been given protection status their records should be made confidential and if possible make previous information confidential.

Utah Interactive has developed a process where every week the Division of Finance enters information on recently protected/unprotected employees into the administrative website. The website then protects and unprotects all of these employees' data as they go in and out of protective status on the transparency website.

Ms. Lee explained that DTS is looking at putting the compensation and expenditure data in Socrata on opendata.utah.gov. There is a concern about not being able to duplicate the process for protected and unprotected employees' names when it is on Socrata.

She recommends that employee names be excluded from Socrata on the opendata.utah.gov database.

Jonathan Ball asked if they could build a web feed to process what UI does with the protected and unprotected files to send to Socrata.

John Reidhead does not know if it would make sense to go out and protect all the data on Socrata for the few records that change.

Brenda Lee suggested another option; when the data is sent to Socrata and if the data is protected at that time, they would not go back and protect the old data, or unprotect the data if the employee name becomes unprotected. Point in time would be the way the data is sent.

Jonathan Ball asked where Utah's Right (www.utahsright.com) downloads this employee data.

Brenda Lee explained that Utah's Right downloads the employee information from the Transparency Website.

Dave Fletcher explained with Utah's Right and Socrata, they don't go in one by one and correct the data; they do it at the time when they get the update. With Socrata they have the option of doing append or a complete replace of the dataset. It does not have the capability to change an individual record. To keep the redactions current there would have to be a complete replacement of the dataset. With the amount of records in the database it would be challenging to replace the records to keep it current

Mr. Fletcher said that Socrata does not have the capabilities to redact information on the fly. He will check with other states who use Socrata to see how they handle this kind of confidentiality.

There was a discussion about the data on Utah's Right and if that data was updated when someone's protection status changed.

Brenda Lee explained that they are currently going to the transparency website and changing those employees protection status. It is impossible to go out and change the information once it is downloaded on Utah's Right.

Michael Rice from Utah Interactive (UI) clarified; when a name is protected after the fact, they go back and find all records tied to that individual based off their employee ID, then that name is not shown on the transparency website. Utah's Right only shows one year, every year they replace the information, so they do not have past years where the name could, or could not be redacted over time.

Senator Henderson asked how many names are protected.

Brenda Lee stated that there are approximately 350 names protected weekly for the State of Utah. Other local governments use this process as well and we don't know how many protected names they have.

Mark VanOrden proposed that Dave Fletcher and his team work with Utah Interactive and come back to the next meeting with a proposal to resolve this issue. He is certain that they can work together to propose a solution.

Jonathan Ball made a motion to have DTS, Utah Interactive and Socrata get together and come up with a solution for this problem, with a real time interactive connection to the financial data in

question. He would like there to be an API and would prefer that this be done by UI to avoid duplication of effort.

Patricia Smith Mansfield seconded the motion, a vote was taken and the motion passed unanimously.

b. Most recent PIRG grade.

Brenda Lee reviewed the US Public Interest Research Group (PIRG) grades transparency websites. The last four years transparent.utah.gov has received a B, B- or B+ grade. The website received a B for 2015. She explained that where the site loses most of the points is related to data for the economic incentive programs managed by GOED. They would receive extra points if the economic incentive programs had a Claw Back Clause.

Senator Henderson said that all entities but Workers Compensation should be on the website. She asked Brenda to send her a list of the states who receive A's on their websites.

David Stringfellow from the Utah State Auditor's Office believes there is a claw back mechanism that is not used often. He believes it exists in law to claw back inappropriate credits for companies that did not qualify.

4. Archives

a. Update on the GRAMA portal.

Patricia Smith-Mansfield reviewed the handout, (copy of the handout is posted on the Public Notice Website) and discussed the Open Records Portal. She explained that GRAMA encourages the right of the public to access information about government business, while protecting the rights and privacy of individuals. There is nothing in GRAMA that specifically restricts access to an open records request, they are generally public, but GRAMA considers that records might have multiple classifications. Government entities are required to segregate the public information from the restricted information. The Government entities that own the records are responsible for classifying the record. (Power point presentation is on the Public Notice Website.)

Archives suggests providing a mechanism where the records officer answering the request can post through the website what they think is public or with redactions, so restricted information does not get sent out.

Ms. Smith-Mansfield stated that there was a discussion at the last meeting about getting the requests online. She asked for input from the board the direction they think they should go.

Jonathan Ball would like one place where someone can make a request from any entity and have that request be routed to the right records officer.

Senator Henderson feels that it is not as important to put all requests online unless the record requested has some public value, then post the response online.

Ms. Smith-Mansfield will work with governmental entities so they can make the determination about the value of the requests they receive. They already have a mechanism where records can be posted online.

- b. GRAMA requests summary/classification of GRAMA requests made through the portal. (Ms. Mansfield did not discuss this agenda item.)
- c. GRAMA portal for local governments.

Ms. Smith-Mansfield reported to the board about the response from state and local governmental entities.

All of the state entities were available on the GRAMA portal Jan. 1, 2015. They have been willing to work with Archives and are generally favorable about the portal. Some viewed the portal as a way to keep track of their GRAMA requests. Some entities would like the portal to be the sole point of access for GRAMA requests. The administrative rule act does allow Archives to require state agencies to have this portal as the sole point of access for GRAMA

The urban local (most populous) governments view the portal favorably. The least populous or rural governments have issues with ordinances that require their own form for the requests. Renee Wilson is working to help them have both, where they could make the request through the portal with a link to their own forms. The rural areas are concerned that there will be more GRAMA requests through the portal and they would not have the resources to answer them.

There is an issue that will come up before the board from counties who have concerns with the Open data portal. They have developed their own databases. They have subscription based databases, and do not want to put their information in the open data portal. Patricia suggested they come before the board to explain specifically their issues, or get a sponsor for legislation.

Michelle Larsen said that many of the local governmental entities preferences are to use the GRAMA portal, but still allow the public the ease of coming into their offices to make requests.

Mark VanOrden stated that the board needs to consider as they move forward, what to do with datasets where fees are charged.

Patricia Smith-Mansfield reported that an entity can charge for the direct cost of providing the record, but there cannot be a charge for inspecting the records. She said that it is hard to interpret the fees section in GRAMA. Some states open records law prohibits commercial interests in making GRAMA requests. The State of Utah does not.

John Reidhead said it will help to have the counties represented on the Board. They are working with the Utah Association of Counties to fill the vacant county position on the board.

Patricia asked how the board felt about allowing governmental entities to be on the GRAMA portal, but also allow them to accept requests at the governmental entity, and not require everyone to only use the portal.

Senator Henderson feels that the board should not restrict access to only through to portal.

Senator Henderson made a motion to invite representatives from Commerce and some Counties to come to the next meeting to explain what they are charging the fees for. What costs are associated with their data systems, versus the revenue they are recovering? A vote was taken and the motion passed.

Ms Smith-Mansfield reviewed the Prototype of the Open Records portal that is in development. Renee Wilson will send the link to the board to review.

5. DTS status update on the open data initiative.

Dave Fletcher and Drew Mingl from the Department of Technology Services gave an update of the Open Data Portal. (Presentation is posted on the Public Notice Website.)

Mr. Fletcher said they released a new version of Utah.gov in April, and they are integrating data into the portal. The portal now automatically recognizes where you are located, you will be able to see information about your local and state government in your area. Data from the data portal is being integrated into Utah.gov. They are working to integrate more data into Utah.gov so the open data portal will be used and not just a repository for data.

They want the data portal to be a valuable resource for Utah citizens. They are about six months away from the release of the open data portal.

Goals: Get a data coordinator in each state agency. This has been completed.

Get 1,000 datasets in the portal by January. This has been accomplished.

By December 2015, double the datasets to 2,000. They are on track to achieve this goal.

They want to add more API-driven updates.

5 Micro portals. They are using 4 of these portals. This is part of the Socrata contract.

Training and Outreach. They have been doing outreach training.

Working on more local government participation.

They may have a solution for the salary issue on Socrata.

There has been a lot of media coverage, with local media as well as national publications.

Drew Mingl presented an update on the data and the outreach efforts.

Mr. Mingl explained the FirmFind data is a list of all employers in the State of Utah. The list is sent from Commerce to DWS. This data is in the open data portal. It comes in two files and is updated twice a year. They are able to create different data slices by county from this data.

There are some county recorders offices that generate revenue from a charge for data.

There are currently 16.7 million rows of strict data on the open data website. He presented a condensed version of the state-wide inventory of data. (The handout is available on the Public Notice Website.) Mr. Mingl explained how they are able to get the data from different state agencies.

They have automated the process using the Federal Government's API. They try to publish the more interesting data points from this API for the public to access. He used as an example data from the Affordable Care Act and data from Medicare and Medicaid services. They have published on the open data site different medical treatments and costs in the State of Utah. It shows the difference in price between the same procedures at different hospitals.

They have created a state-wide data inventory. Every piece of data when it comes in from a state agency gets tagged on the back end with metadata. It allows them to click on one field and then it will bring up every piece of data they have for every state agency. Every piece of data is tagged with metadata. It is also sliced up and coded by counties. They are also able to upload Salt Lake City's crime data on a weekly basis.

Mr. Mingl said they continue to work with the local developer community. They are encouraging them to know all the data on the open data portal. Socrata has a built-in API. Any dataset that is there is ready for local developers to use.

They have a summer long coding event with the local developers. At the end of August they will have a final competition with prizes for the best apps that were developed off the open data.

There are about 1,500 datasets on the open data site. That is about 3 times and many as any other states.

Phil Windley asked how the information is being made available through APIs, and if there are plans to reach out to developers to use the data.

Dave Fletcher stated there are a lot of things they are working on. There is an API for every dataset in Socrata, it's a common API. Their intent is to let developers know there are API's available.

They are currently in the process of implementing the expenditure module and he feels that they will be able to resolve the issue with updating the restricted names.

Representative Eliason asked Mr. Mingl to email the committee the link to the health care information that he previously talked about.

6. Public Comment.

David Stringfellow from the State Auditor's Office commented on the cost of data from GRAMA.

Accessing the data is free, although the creation can be costly. If a record is created in a normal part of business then that record is available to the public. If there is a GRAMA request for something that didn't exist, it is not a right of that person to get information that doesn't exist, but you can work with the person to try and meet their request.

Patricia Smith-Mansfield explained that an entity can charge the cost of the record, but they are not required to provide the information in a format the requestor would like. Entities cannot charge for sustaining a system.

Ms. Smith-Mansfield encouraged the board to review statute on GRAMA fees in the Utah Code 63G-2-203.

Mr. Stringfellow stated that the State Auditor's office is excited to utilize transparency data. They look forward to a quick resolution to the problem they are having accessing the bulk data

that is on the transparency website. He explained that property taxes for local governments can be withheld if they do not comply and load their data on the transparency website.

Jason Williams was on a working group in 2011, and they could not find a way to clarify the GRAMA law on fees.

Patricia Smith-Mansfield suggested the Board review 63G-2-203 and 63G-2-204.

7. Date for next Board Meeting.

It was decided to look at dates in October for the next meeting. Barbara will send potential meeting dates to the board.

Mark VanOrden moved to adjourn the meeting; a vote was taken and passed unanimously. Meeting was adjourned at 12:12 p.m.

Action Items:

- 1) a) Board appointments, John will work with the Governor's Office and other stake holders for the municipalities, counties, and State Records Committee board appointments.
b) John Ball will follow up on the Legislative Branch appointments.
c) Vote on the public board members at the next board meeting.
- 2) Mark VanOrden proposed that Dave Fletcher and his team work with Utah Interactive and come back to the next meeting with a proposal to resolve this issue of protecting employee names in Socrata. He is certain that they can work together to propose a solution. (See page 3 & 4.)

Jonathan Ball made a motion to have DTS, Utah Interactive and Socrata get together and come up with a solution for this problem, with a real time interactive connection to the financial data in question. He would like there to be an API and would prefer that this be done by UI to avoid duplication of effort.

- 3) Senator Henderson made a motion to invite representatives from Commerce and some counties to come to the next meeting to explain what they are charging the fees for. What costs are associated with their data system, versus the revenue they are recovering? A vote was taken and the motion passed. (See page 5.)
- 4) Renee Wilson will send the link to the prototype of the Open Records portal that is in development so the board can review the prototype. (See page 6.)
- 5) Representative Eliason asked Mr. Mingl to email the committee the link to the health care information that he previously talked about. (See page 7.)

Assignments:

Senator Henderson asked Brenda to send her a list of the states who receive A's on their websites. (Completed)