

UTAH TRANSPARENCY ADVISORY BOARD MINUTES

November 7, 2013
State Capitol Building
Room 415 – 8:30 a.m.

Attendance:

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
Jonathan Ball, Legislative Fiscal Analyst, Utah State Legislature
Representative Steve Eliason, Utah State House of Representatives (absent)
Mark VanOrden, State CIO, Utah Department of Technology Services
Patricia Smith-Mansfield, Utah State Archivist
Gary Williams, City Attorney for Ogden City
Lex Hemphill, State Records Committee
Phillip Windley, Public Board Member
Jason Williams, Public Board Member

1. Welcome: Senator Henderson welcomed everyone to the meeting.
2. Review of October 9, 2013, minutes.

John Reidhead moved to approve the minutes from the Utah Transparency Advisory Board Meeting held on Oct. 9, 2013. There was no discussion to the motion, a vote was taken and the motion carried unanimously.

3. Presentation by working groups.

a) Portal Working Group

Mark VanOrden explained that his working group had 3 meetings to prepare their recommendations. He appreciated the group and especially Dave Fletcher and Bob Woolley who spent a great deal of time preparing their final document.

He said they looked at what was being done by other states and cities, like Oregon, New York City, Illinois, and Oklahoma on their websites. Dave Fletcher will show the Oregon site with his presentation. Mr. VanOrden was impressed with Oregon’s user interface. He feels there are a lot of things the State of Utah can do to make data available and reusable. Their proposal is to provide data in multiple formats that are downloadable. He feels if they do this they will see more mobile applications. There will be a cost to do these things, Mr. Fletcher will talk about the expense to administer it, and there will also be an expense to state agencies.

Dave Fletcher presented the Portal Groups document. He explained Senate Bill 283 that requires the Transparency Advisory Board to study the establishment of an information website and make some recommendations.

Mr. Fletcher explained that currently with the structure of open government in Utah, there are three sites that provide some information, mostly at a state level, transparent.utah.gov, open.utah.gov

data.utah.gov. There is a lot of unstructured data; typically the information is available in one format, such as an Excel or PDF file. He explained that a lot of open data is available at a state level at open.utah.gov.

The portal working group proposes to establish open.utah.gov as a single site for accessing public data and feature three main sites, financial transparency at transparent.utah.gov, data.utah.gov that would provide large data sets from a variety of sources, and openrecords.utah.gov, that would provide access into state-wide records, including data that is offline.

The portal group recommends what is already available on open.utah.gov be adapted to meet the goals and objectives under the direction of the Utah Transparency Advisory Board. The single website would feature financial transparency which is available for state and local entities on the transparent.utah.gov website; the openrecords.utah.gov site that is being developed by the State Division of Archives which is in a Beta format and contains metadata about state records. It covers online and offline records as well as state and local government records. They also propose building a new data.utah.gov using practices developed by other states around the country.

Mr. Fletcher showed the site from the State of Oregon to the Board, data.oregon.gov. This website has access to large numbers of datasets throughout the state of Oregon that makes the data usable in a wide variety of formats. The government entities provide the data in a single format to the tool that they are using. It is uploaded easily and provides a way to filter the data, and sort it. The data can be exported in a variety of formats. He proceeded to demonstrate how the data.oregon.gov website worked.

Mr. Fletcher said they also looked at the city of New York's website. They organize their data by categories. He said it is easy for people to drill down to the data they are looking for. This site also uses the same tool that Oregon uses. Once a user drills down to the data, they would have the capability to filter, export and embed the data to their own site.

The State of Illinois's site has microsites that allow users to drill past the state down to a specific city or county. This would allow cities and towns to be able to embed the data directly into their site without creating a dual infrastructure.

The Portal Working Group proposes to create an outstanding citizen experience in terms of open data and records with the new site. There are opportunities for intergovernmental efficiencies, also opportunities for data reuse in the growing mobile marketplace, as well as a social experience where there is greater citizen participation.

They propose a phased implementation, where they start small with an open data pilot and then increase agency participation over time. DTS feels that they will need to add a State Data Coordinator. The cost to implement this site including the data coordinator position is estimated at approximately \$250,000 a year.

For the statewide open records search, Archives would need two additional FTE (full time employees), at \$60,000 per FTE; increased server and storage capacity, and ongoing program and maintenance support approximately \$75,000 per year. The total need by Archives would also be approximately \$250,000 per year

Senator Henderson thanked the Portal Working Group for their hard work. She asked what the difference was between data.utah.gov and openrecords.utah.gov.

Mr. Fletcher said the open.utah.gov provides links to a lot of different resources that already exist.

Evan Curtis asked if the new infrastructure would mitigate costs that are already being paid for other services.

Mr. Fletcher said that the data coordinator would work to get as much data that is available as possible. There is already a lot of data that is accessed by the public. He said there is economic value from a lot of the data, but it is hard to calculate what that will be right now.

Mark VanOrden said it is hard to estimate some of the benefits, but feel there will be benefits when it comes to the public writing their own mobile applications.

Jonathan Ball asked if this was a “field of dreams” kind of thing, where you build it and someone will make something valuable out of it.

Mark VanOrden responded that the Oregon website has hundreds of thousands of downloads. We can learn from other states and cities, and have the best open data site, because we have a good foundation with the Utah.gov portal. Overall the cost would be approximately \$250,000, to support the data coordinator and the software. The Archives portion would also be approximately \$250,000, for a total of \$500,000.

Jonathan Ball asked John Reidhead what the cost was for transparent.utah.gov.

John Reidhead said that the cost of the Transparency Website was \$300,000 for external and internal costs to get the website up and going.

Mark VanOrden is hoping to revamp the transparent.utah.gov and make it more user friendly.

Jonathan Ball would like to look at what the Board is trying to achieve before we invest half a million dollars for the site.

Mark VanOrden agrees, but wants the Board to know that there will be a cost to do this, and there will be costs to the cities and agencies as well.

Patricia Smith-Mansfield said that they are hoping to tie into the records management of all governmental entities.

Jason Williams said that he had some experience with Oregon and New York when they built their websites. They found that there wasn't a huge demand as they built the websites, but the demand instantly evolved when the websites were available. He asked about the costs over a 5 or 10 year period as opposed to doing it now.

Mark VanOrden said that the \$250,000 is ongoing for the DTS portion of it, and Archives \$250,000 is ongoing as well. They will look at the prioritized areas to decide what data to put on the site first. This is an ongoing project and they would start with a few pilots at first.

Evan Curtis asked what the most used and requested data was from other states, and what the return was on their investments.

Dave Fletcher said that most of the websites from other states are new, so they have not seen the return on the investment studies yet. They have identified the high value data sites. The most extensive data would be from the Federal Government.

Jonathan Ball said that there is an API for the Legislature and there is a mobile app for them to use as well. He asked about things that are already available and if they are talking about window dressing for existing datasets or a repository for data where you would deposit all the data from the other datasets and store it.

Dave Fletcher said that they would not start out by duplicating data that is already available. They would most likely reference it and have a single point of access. The initial focus would be on bringing in new datasets that are not currently available to the public in an open format.

Jonathan Ball asked if they found some examples of applications that were developed by third parties that have taken the data from the Oregon website and made it into something useful.

Mark VanOrden said that Mr. Fletcher could show some examples of those at another meeting.

b) Prioritization Working Group

Patricia Smith-Mansfield said the Priorities Working Group started with GRAMA (Government Records Access and Management), and explained GRAMA to the Board.

The legislative intent of the Government Records Access and Management Act (GRAMA) declares that the Legislature recognizes the “public’s right of access to information concerning the conduct of the public’s business” as well as the “right of privacy in relation to personal data gathered by governmental entities” (Utah Code 63G-2-102)). GRAMA states that “all records are public, unless otherwise classified by statute” (Utah Code 63G-2-201(2)) and identifies sets of records, though not exhaustive, that are public, except to the extent that they contain information that is permitted to be restricted, (Utah Code 63G-2-301(2)) and are normally public, but to the “extent that a record is expressly exempt from disclosure” (Utah Code 63G-2-301(3)).

The following are the Priority Working Groups recommendations.

1. It is the priorities working group’s recommendation that first priority be those public records that document the accountability of government.

a) Ordinances, policies, and procedures

Their highest priority is policies, codes and ordinances of all political subdivisions should be online as well as formal statements of policy and procedures that interests the public.

b) Election data

They want all election data online through a single search and redistricting records should be online as well.

c) Business actions

Business actions that document government business should be online, many are online such as: businesses that are registered with the Utah Division of Corporations, health inspections,

professional and business licenses, inspections, etc. Over time the state should continue to coordinate all of their data in one place or portal. The Priority Working Group wants all state final purchasing contracts available to the public.

d) Reports, especially legislatively required reports

Specific reports are statutorily required (HB99SO2 Submitting Government Reports,) to be submitted to the Legislature, or Governor electronically and posted to a state website. Because these reports are required electronically these reports could be available through a single portal.

Comprehensive plans, such as management plans, facilities plans, general plans, zoning plan, etc. as well as final audits, annual reports, impact, and other studies should be available online. Much of this information is already on agency websites and could also be coordinated through a portal.

2. The priorities working group's recommendation is that allowances must be made for public records of government accountability that may also contain personal data.

Patricia explained the Government Internet Information Privacy Act (Utah Code 63D-2-102(6)). This defines personally identifiable information.

a) Property records

Property records are one of the most frequent requested record types for counties, and are usually on a county's website. They are public records, but may contain private information.

b) Law enforcement records

Law enforcement records are not online, but are highly requested. These records, while public may contain private or protected information. Initial contact reports are normally public, but may have a license number etc. that needs to be redacted. These records are not a high priority at this time because of the difficulty of redaction.

Ms. Mansfield said that governmental entities should work towards developing a system in the future that would automatically separate the non-public information from the public information.

3. The priorities working group recommends a central portal for the GRAMA records request process.

Ms. Mansfield explained that the GRAMA process is more than making a GRAMA request. It is a process of requests and appeals, and is different for the type of government you are. State agencies follow the same procedure for GRAMA requests, but the Legislature, courts, and local governmental agencies may establish their own process for filling GRAMA requests.

The priorities working group suggests making a one process for all state governmental entities.

Sometimes GRAMA requests do not get answered. Archive's [GRAMA and Open Government](#) section of their website provides forms for the entire process, from the request through the appeal process. The forms are fillable PDF documents and can be made into a web-based form. They would like to tie this to the state's certified records officers contact information. All records offers

are required to be certified in the GRAMA process. This list is administered and maintained by State Archives.

4. The priorities working group recommends that the state start with public information already in digital formats to move forward.

The state should start with public information that is already in digital formats and move forward not retroactive, and require governmental entities to create digital formats.

5. The priorities working group recommends that publication of schedules be applied to online records sets.

Not all public information needs to remain online forever. The records should not exceed the retention schedule. The publication schedule should be tied to information of interest and not exceed the legally approved retention schedule.

6. The priorities working group believes that public information available through a public portal should be coordinated and indexed.

There is a lot of information available especially on the state level. That information should be coordinated. There are reports available, but are not all reports are available in one area. It would be valuable to have a portal to coordinate and index public information.

7. The priorities working group recognizes local governments and concerns and their desire for the most flexible avenue.

Patricia thanked the local government representatives for their input.

Some local government entities have no web presence. The League of Cities and Towns helps cities, but the special districts still need help. The priorities working group's goal is to improve online presence for these entities. They want to encourage participation and also encourage system development.

8. Some online database services require a subscription, or fee, to search records. This service is integrated into the creating agency's business operations.

Subscription online databases offset costs of compiling GRAMA requests. There are some subscription-based systems that are still subject to GRAMA, even though the information is available online.

Ms. Mansfield feels given the scope of work, the process would be ongoing. The process needs to be geared to the governmental entity's ability to conform and staged to roll out to state agencies, counties, municipalities, special districts, and school districts.

Yvonne Christensen, from Davis County and a member of the Priorities Working Group addressed the Board. She feels that it is critical to put the accountability of government first. She is concerned about personal information such as listed on a voter registration that can be sold. She is concerned about how damaging it would be if personal information such as name, address, and birthdays were made available online. She feels that the first priority is accountability of government, which was all specified by Ms. Mansfield.

Patricia Smith-Mansfield said that personal identifying information should not be online, not just the information that is not public under GRAMA.

Gary Williams is concerned about law enforcement records. He feels there is a difference between public records, published records and publicized records. Initial contact reports under GRAMA are public records. That includes date, time, location, nature of the complaint, names of victims, etc. His is concern about the day when government publicizes all 911 calls. He said it makes sense to have the information available, but it is different to publicize all the information.

Senator Henderson said she agrees with the original focus of the prioritization group on bringing more accountability of government.

Phil Windley said that the more information is kept in a structured format the easier it is to redact, and it is very hard to do that from a pdf file.

Yvonne Christensen said that people view government as informational repositories. They have requests for the entire population of land parcel records for Davis County. Citizens do not have a choice, their information is collected by the government in order to pay their property taxes, and that automatically puts them on mailing lists. This information is not blocked and the public can get the information for a fee.

Mr. Windley does not think you can keep information closed, where only government will have access to it.

Ms. Mansfield said as a government we need to move forward with our systems to provide public access to the public information. That is part of being responsible to the citizens.

Gary Williams stated GRAMA does provide some protected data, where it can be aggregated or made anonymous for research.

Ms. Mansfield said that all Governmental Entities are required to look at all GRAMA requests even if it is designated as a private record, they still look at it to see if there is public information within that record that can be provided.

Jason Williams feels that this data belongs to the public and should be accessible and be available online. When it comes to privacy issues, he asked if the board implemented better standards, and formatting, and better practices, if this would alleviate some of the difficulty with the privacy issues.

Patricia said that this would help. She explained that initial contact reports have personal identifiable information that could be segregated out from the system. This information could also be protected because it has information about an ongoing investigation that would jeopardize someone's right for fair trial. She feels the entire process can never be completely automated.

Phil Windley said that even if you remove someone's name, social security number, address, and telephone number from data you may still be able to identify them. A study showed if you can identify gender, zip code, and type of car a person drives, you can narrow their identity to approximately three or four people. He feels we are only keeping the private data from people who don't have the resources to do the analysis on the data.

Senator Henderson said the law enforcement piece is not one of the top priorities, but as the board works on the top priorities they need to keep in mind the privacy issues.

c) Standards Working Group

Phil Windley said the Standards Working Group met to provide some recommendations around standards for the Transparency Advisory Board to present in their report to the legislature. They felt that rather than make recommendations for specific standards, that guidelines were more important.

Some reasons standards are important are things like data catalog interoperability. With standards you could combine data to see how things look in a larger picture. Data portability is easier with standard formats. Good API standards allow multiple applications access to the data and use it without having to duplicate data.

Mr. Windley said the standards working group recommendations are for data to be made available in uncompressed formats where possible, and to use non-proprietary open formats.

He said they make a recommendation where open standards are not available that there should be some agreement on what is the standard, and they recommend that the State of Utah Document Exchange Standard or some other body be appointed to recommend common formats for different data types.

The standards working group thought that it is important to insure that metadata is attached to data where possible. Metadata allows for cataloging, for linking, for searching etc. that makes the data more useful.

Mr. Windley said that they recommend that preference be given to standards that preserve data structure. They also make a specific recommendation that HTTP, URI's, HTML and other web standards should be the preferred way that data is made available from a transport situation. They also said that making data available as an API allows people to programmatically access the data, and makes the data more useful.

Connor Boyack who represents the Libertas Institute addressed the board. He said that the ACLU is engaged in a nationwide research project to get information on SWAT deployment of police officers including Utah. They are frustrated because of the different types, amounts, and formats of data they are receiving. He feels standardization is important not only in the format but also in the process. We want political subdivisions statewide to report in a consistent manner, so when a statewide search is made from multiple entities the information can be used.

Mr. Boyack wanted to comment about the law enforcement piece. He said that the Salt Lake City Police Department has all their incoming phone calls online for 48 hrs. on a rolling basis. It shows the case number, address, which is slightly changed, the type of call and whether a report was issued from the call. He said this has been useful for him. He said the personal information does not show but they are provided with case numbers. He would like it to be more open, but this is a good step.

Mr. Boyack said he was able to collect financial data off the transparency website that he needed, in around 20 min. He said that this saved time and costs. He said if they are not going to have full and open data, he would like to see enough metadata online.

Jason Williams agrees with Mr. Boyack, and feels that the Board needs not to guess about the use or lack of demand for any data.

Jonathan Ball also agrees that if the data is already there, the board should take the next step and open it up to citizens at large.

Senator Henderson asked Connor what the difficulties are in making GRAMA requests, and what would make it easier to make GRAMA requests.

Mr. Boyack said that he did not know there was a pdf file of all the records officers and would like that centralized and publicized more.

He said the hardest challenge he has with GRAMA requests is the organizational aspect. Some agencies reply in a week, some reply with an email, others call etc. He would like an email to be the standard to reply to GRAMA, the information is then preserved and searchable. Some replies are taking a long time and is hard for him to manage all his GRAMA requests. He referred to a link FOIAproject.org, they are working at a national level for freedom of information requests, and he said it will be available to be used for local requests as well.

Jonathan Ball feels that in the report for the Legislature the cultural issue needs to be addressed. He said in government, risk taking is not rewarded, rather it is punished. The mindset needs to be changed to say this should be public and available for everyone to use.

Gary Williams explained that as a local government they kept records to do their job, then the public wanted access to the records. The GRAMA Act requires them to give them access to those records. Now there is a shift to create records that they wouldn't otherwise have created. They have software that works for them, but will now have to match an outside entity at the state that says its standard is better. None of which is relevant to doing their job.

Patricia Smith-Mansfield feels that there needs to be universal standards, but realizes it will take a while to get there.

Senator Henderson said that people in government service are in the service of the public. Our job is about everyone in the State that we represent. She asked if GRAMA requests that are made and filled are public information.

Ms. Mansfield responded that it is public information and the retention is three years, the agencies keep their own records.

Senator Henderson would like a GRAMA portal where all requests are located.

Jonathan Ball thinks a GRAMA portal would be useful, but if the GRAMA requests are made public, should the person making the request pay for the information if others benefit from the request.

Senator Henderson stated when more information is available online it would minimize the costs.

Jonathan Ball feels that standardization is the way to move forward, but realizes it will take some time, but it will benefit the State and Cities.

Jason Williams wonders if it would be useful to have someone that would coordinate and work with cities and towns.

Senator Henderson said that it will be important to coordinate and work together.

4. Determine timeline of tasks needed to prepare report required by SB 283 by Nov. 30, 2013.

Senator Henderson asked the working groups to fine tune their recommendations. She asked the working group coordinators to get together to finalize the recommendations for the next meeting, so the report can be prepared to present to the committee.

5. Public Comment: There was not public comment.

6. Discuss date for next meeting: November 19, 2013, at 3:00 p.m.

There was a motion to adjourn, motion passed. Meeting was adjourned at 10:25 a.m.