



MetroGIS Policy Board Meeting Minutes [DRAFT]

Wednesday, October 23, 2013

Metropolitan County Government Office
2099 University Avenue, St. Paul, MN

Attendees:

Debbie Goettel, City of Richfield/Metro Cities	Terry Schneider, Chair, City of Minnetonka/Metro Cities
Jim Kordiak, Anoka County	Chris Gerlach, Dakota County
Victoria Reinhardt, Ramsey County	Mjyke Nelson, Washington County
Randy Knippel, Dakota County (alternate)	Dave Hinrichs, Metropolitan Council (alternate)
Gary Swenson, Hennepin County (alternate)	Peter Henschel, Carver County (alternate)

Guests:

Erik Dahl, Minnehaha Creek Watershed District	David Brandt, Washington County
Dan Ross, Minnesota Geospatial Information Office	Matt Koukol, Ramsey County
William Brown, Hennepin County	Mark Kotz, Metropolitan Council
Nancy Read, Metropolitan Mosquito Control District	

Staff:

Geoff Maas, MetroGIS Coordinator

(1) Call To Order

Chair Schneider called the meeting to order at 6:08 pm

(2) Approval of Agenda

Minor revision advanced to Chair Schneider

Convert Agenda Item (5) to (5a)

Add Agenda Item (5b) "Free and Open Data Issue Recap" (Knippel, Dakota County)

Motion to approve: Goettel; Second: Hinrichs, motion carried.

(3) Approve Meeting Minutes from April 24, 2013 Meeting

Motion to approve: Kordiak; Second: Goettel, motion carried.

(4) Project Updates

Maas provided brief overview updates of the status of current MetroGIS Projects

These included:

- State Centerline Initiative (Pilot plan complete and under review)
- Regional Address Point Tool and Aggregation (Version 2.0 of tool nearly complete)
- Geospatial Commons (Version 1.0 internal roll-up conducted in September)
- Free and Open Data Research (presented later in the meeting)
- Leadership Succession Plan and Operational Guidelines Revisions (completed summer 2013)

- MetroGIS Outreach in 2013 (eight presentations made to groups and departments)
- New MetroGIS website (contract pending with vendor through Metropolitan Council)
- Update on 2014 Work Plan (draft is complete, to be approved in Dec by Coordinating Committee)
- New MetroGIS Logo; Maas described the symbolic references and intended uses for the new logo;

(5a) Free & Open Data Context

G. Maas provided a brief recap of the Free and Open Data research conducted through the summer/fall of 2013, including demonstration of the value of making data freely available, understanding the legal framework under which data producers operate, covering the issue of potential liability to data producers and the need for a change in existing policies;

Maas provided a graphic example of “what free and open data looks like” using Douglas County, Wisconsin as an example and briefly discussing the benefits they have realized by making this data available.

Key Benefits of Free and Open Data (Summary Points):

Benefits to government:

- Transparency of operations;*
- Increased level of public service;*
- Pro-actively (vs. reactive) meeting the demand for data;*
- The authoritative data being available is the norm;*
- Less staff time handling licenses, fees, data transfer, etc.;*

Benefits to businesses:

- Facilitates the ‘information economy’/’app economy’*
- Data consuming industries can operate more efficiently and cost-effectively (insurance, real estate, telecom, utilities, pipelines, telecommunications, etc.)*
- Enables our region and our state to be more competitive economically;*

(5b) Free and Open Data Issues Recap

R. Knippel provided a brief recap of the issues to fresh the board on the leading up to the discussion of and need for Free and Open Data. This included the historical context since the 1980s, significant original expense of the technology, continued decrease in the cost and increasing availability of the technology, continual rising demand for data augmented by the rise of the Internet, changing public expectations for government data.

Knippel re-iterated the benefits and challenges of making the data available; including the potential liability and privacy issues raised in previous meetings and discussions, and stated that the actual liability doesn’t change if a government is charging fees or selling the data or just giving the data away;

Knippel cited the pieces of state statute (Chapter 13; Chapter 16E, Sec 30, Subd. 11 and Chapter 466, Sec 3. Subd. 21) that specifically reference the liability issue and protections for data producers;

Knippel also indicated that the data producers would retain the right to charge for services such as special customized 'cuts' of the data, and charge fees for services such as custom mapping and related activities.

Gerlach: I have some questions about the data, will this include the entirety of the Census data?

Knippel: Yes, at present most of the federal Census is fully publicly available, there are some parts of it retained to protect privacy; however the tabular data are public.

Gerlach: Another example are the Minnesota Secretary of State registered voter lists, they presently sell this data, for a nominal fee you can buy a list of your entire district including names and addresses, generally used for mailing addresses; would this be included as well?

Ross: Glad you asked that, we will be meeting with them (Sec. of State) in coming weeks to discuss that very issue; it is very likely they will still need to cover their overhead for slicing out the data into districts as the counties and cities do;

(6) Department of Administration: Information Policy Analysis Division (IPAD) Position Results

D. Ross introduced the group to what IPAD is and does and provided the group with the results of the ten (10) questions submitted and the next steps for acquiring satisfactory answers to those questions.

After the April 24, 2013 MetroGIS Policy Board meeting, MN.IT Services (on behalf of MnGeo, MetroGIS and the stakeholders) submitted a set of questions to IPAD for an opinion to inform our discussion. IPAD reviewed these questions and determined that they:

- ***Lacked the specificity needed;***
- ***Lacked specific case context;***
- ***Did not provide concise enough practical examples;***
- ***Were "too hypothetical" in nature;***

IPAD has encouraged **MN.IT Services** to work with a local government to re-draft and re-submit the questions so they can provide more satisfactory answers.

Ross: The following summarizes their answers, direction and guidance returned from IPAD in reviewing the initial questions tendered to them from MN.IT Services

Regarding liability to data producing government agencies: IPAD volunteered that 'if data is deemed public, then no liability is attached to it' and any party who feels that they have been the recipient of damage or harm due to inaccuracies in public data , must 'prove or demonstrate that harm';

Regarding the need for disclaimer language: IPAD reiterated that data categorized as public is exempt from liability, however, MN Stat 466.03.21 indicates that a disclaimer needs to run with publicly distributed GIS data;

Regarding the issue of copyrighting public data: IPAD indicated that they need a specific case to respond to before they can provide and answer. The core issue regarding copyright is the balance between:

Protection of the data producer interest in/control of its data vs. the accessibility and availability of the data for public use;

IPAD recommended interested parties review the Minnesota Attorney General's 1995 opinion on copy written materials: <http://www.ag.state.mn.us/resources/opinions/120495.htm>

On the issue if licensing agreements are still needed: Again, IPAD indicated they needed a specific example of a license agreement to review and comment on and review against the language of Chapter 13. IPAD volunteered that they didn't think that license agreements were necessary where public data is concerned and may be in violation of Chapter 13 if license agreements abridge the availability or use of public data;

On the presence of 'protected classes' in public data: IPAD indicated that there are no 'protected classes' listed in statute. Statute language in Chapter 5B (Data Protection for Victims of Violence) and Chapter 13.37 (Nonpublic Data) would be applied. A data producer is not responsible for data that has not already been shared nor is the party the data was shared with;

Final guidance from IPAD indicated that we (MN.IT Services, in concert with MnGeo and MetroGIS) should work with a local government and ask them for specific examples and re-submit the reconfigured questions.

(Also, please refer to Dan Ross's PowerPoint presentation available on the MetroGIS Website, under Policy Board, Oct 23, 2013: 'Agenda')

Reinhardt: We should keep in mind that IPAD is not the Attorney General's (AG) office; they can offer legal options related to Chapter 13, but cannot rule on the liability issue.

Ross: Correct, they cannot *rule* on it, however, the AG will appropriate the findings of IPAD into opinions provided;

Reinhardt: When Ramsey County and the other counties drafted their license agreements and the regional license [MetroGIS Regional Parcel Dataset License Agreement], we had our attorneys look closely at these materials; with the new [statute] language and the demand by the public for the data means we need to re-examine this.

Ross: IPAD suggested that when you are creating a license agreement, you need to be careful not violate Chapter 13, some restrictions placed in the language of the in license agreements particularly in the redistribution of data might be in conflict with Chapter 13;

Koukol: From a practice standpoint, we should be in favor of leaving license agreements behind, this is not the direction we should be going; these aren't the kinds of things we [county staff] don't want to have to administer.

Ross: Moving forward, we will need to work with a county to re-craft and re-submit questions to IPAD to acquire answers and a position we can use;

(7) Free & Open Data: Policies, Legal Aspects, Next Steps & Discussion

Randy Knippel provided summary points on the entirety of the issue, submitting that there is ample evidence of the value of open data vs. closed data, the benefits to the public and to the producing agencies on making their data openly available and that we need to put in place the practices and policies without restrictions on the data to leverage that value;

Other summary statements included:

GIS is an investment for everyone, not just the business unit producing it;

The investment in GIS is justified by the government business processes;

Government entities can proactively collaborate to distribute GIS data costs;

A summary of remaining roles for county governments specifically include:

- To address any remaining liability issues;
- Start with making data available that is already available under current licensing/fee policy;
- Leverage current and emerging data warehousing opportunities;
- Demonstrate leadership on the issue;
- Put work flows in place that support data availability;

With the existence of the MetroGIS DataFinder and the forthcoming Minnesota Geospatial Commons, we are well positioned to make data available.

In the Metropolitan Counties, we can demonstrate leadership in making data available, acknowledging the change in direction, other counties in the state will then follow suit;

Discussion: Next Steps for MetroGIS Policy Board

The Coordinating Committee and Data Producers Work Group ask that the Policy Board:

- Adopt a resolution supporting policies of free and open data in the governments and agencies of MetroGIS stakeholders;
- Direct a letter from the Policy Board Chair
- Include a sample resolution that each data producing stakeholder entity could utilize or modify
- Be the ‘messengers’ and the ‘champions’ for this initiative in their constituent governments and help make this happen;

Reinhardt: This has been a long time coming, we want to make sure we dot the i’s and cross the t’s. Also, if we need disclaimer language, perhaps you [Coordinating Committee/Data Producers Work Group] can come back to us [Policy Board] with recommended language.

Kordiak: Agreed, a standard disclaimer, supported in statute that all governments producing data could use without need for additional modification would be a good resource.

Kotz: Currently, the three year old and older parcel data is publicly available with no license agreement. With the Regional Parcel Dataset License Agreement, there is a disclaimer in place, so in some sense we

have already addressed this, we could use that disclaimer language, which the counties have already agreed to and we are making use of and move forward.

Knippel: agree with making use of what we already have in place for language, but, I want us to keep in mind that we not be focused exclusively on parcel data, we want to avoid creating language or policies around specific datasets. Other examples such as address points and street centerlines need to be included and may require the engagement of emergency services, cities and others.

Ross: Agreed; unneeded restrictions on the data will limit its usefulness to the wider data consuming public.

Gerlach: This is the right direction to go and I agree with Commissioner Reinhardt, that we offer up support to move forward on this;

Knippel: This board is best positioned to offer a vision for our counties and constituent stakeholders in MetroGIS, rather than the specific details; at the county level, we realize we will need to talk to our attorneys.

Gerlach: Are you getting pushback on any aspects of this work toward freeing up the data?

Knippel: Not with the Metropolitan Counties, but there is some resistance in Greater Minnesota counties.

Reinhardt: As a member of the Statewide Geospatial Advisory Council, I can speak to that issue from the larger state perspective, a number of questions have been brought on the issue through the Association of Minnesota Counties. Dan Ross had offered up some language changes in the last legislative session, but weren't adopted by the legislature, we know there is commitment from MnGeo and others to address that; many counties are comfortable with it, there are a handful of them having difficulty with the issue of making their data open.

Knippel: I will say, that around budget time, we [county staff] are given a strong message to generate revenue and with open data, counties are trying to push that in the opposite direction, we need to message that larger value curve;

Kordiak: What I took from our last meeting in April, Commissioner Johnson (Hennepin County) wants to be sure we are covered from liability, it appears that we are. I will say I have been rooting for this for the past dozen years and Anoka County is going to move forward on this, we have already removed the expected revenue from sale of GIS data for the next year.

Gerlach: At our last meeting we covered that revenue was declining, is there a chart of that available?

Knippel: Yes on page (X) of the 'White Paper' document, again, that revenue was not consistently tied to operating costs from county to county, that variation is also shown in that chart.

Gerlach: *[Referring to the numbers on Page (X) of the 'White Paper']*; These numbers for 2012 are low to the point of being near negligible, and this is all public data? Primarily the parcels?

Knippel: It is, parcel data is aggregated from the surveyors' office, this data (parcels) is already public; we are providing it in a format so it can readily be consumed by GIS users.

Reinhardt: Many of those issues we referenced earlier with liability, there is more information out there that is easily searchable and there is a ‘fine line’ we need to stay on one side of. We as counties need to be careful about Social Security Numbers and so on, but as far as GIS data is concerned, we already know how to do this, and we know what is public is what is not, and I feel we are covered and are in a good position to make this available. With that said, I would suggest the specific changes to the resolution language: where it refers to ‘data’ please use the term public geospatial data. With that revision, I feel we are able to support and adopt it. The sample resolution statement should be provided as a point of reference, but with the encouragement that they pursue policies and practices with the outcome of free and open data. As far as the counties go, we can use this body to agree on the vision, counties can then use the material for their own resolution.

Schneider: To move us forward then, this sample resolution, once it is modified as recommended by Commissioner Reinhardt, will be provided to each county with a letter of support.

Group Discussion: *Does the county board even need to formally pass a resolution on this, could they simply just make data available? Merits of formal vs. informal adoption of a policy was briefly debated.*

Knippel: From a county staff perspective, it is difficult for me as the GIS Manager, and likely for other GIS Managers, to push this change up our respective chains of command. What we as staff are looking for, is for direction from this body, so we can work in a coordinated way, and we then can offer the assurance to our county government that it has been discussed and vetted through this body [Policy Board].

Reinhardt: This language found in the draft resolution provided does that.

Schneider: Our MetroGIS letter of support and accompanying materials would be enhanced by a parallel endorsement from MnGeo; could we ask that be provided as well? Joint support of MnGeo and MetroGIS would be more impactful and raise the level of attention than simply a letter from one.

Knippel: I would suggest we finish drafting up these materials with the changes you have recommended and place them up on a website—MetroGIS’ site or MnGeo’s site if we wanted to reach greater Minnesota—for any and all stakeholders to review. We should ensure we are all working from the same source materials.

Kordiak: Do we want every county to create their individual disclaimer language statements? Or do we continue the discussion of the need for a standard disclaimer as part of moving this forward? Also, is giving them a sample that they all rework individually efficient? Are we simply giving them reference points to create their own?

Reinhardt: As part of the letter of support, we’d provide that sample disclaimer as a resource. We can be clear that this is the recommended language for their use, but it is not dictated to them.

Koukol: I would suggest not providing them with a standard language, simply provide them a disclaimer that is in use and stating ‘this works for us’, adopt as you see fit.

Kotz: Again, I would suggest, we already have that language assembled for the Regional Parcel Dataset, I would say we stay with that one, provide it to them and say ‘Here is a disclaimer and state that it has been in use for years by MetroGIS.’

Reinhardt: With the changes I mentioned to the language earlier [*insert 'public geospatial data' wherever data is mentioned*] we the Policy Board can support a motion to adopt the resolution and advance the issues in our respective governments. Also, this has been a long and arduous process of many years of work; I want to acknowledge the staff of the counties and of the Council who deserves the credit for getting us here and making this work.

Maas: The materials to be advanced from this meeting then, are the following:

- The letter of support for the policy of Free and Open data from the MetroGIS Policy Board signed by Chairman Schneider;
- An accompanying parallel letter of support from MnGeo, drafted and signed by Dan Ross;
- A disclaimer language sample drawn from the MetroGIS Regional Parcel Dataset as a reference;
- The sample resolution language;
- A copy of, or web direction to access to the research materials prepared for this body's review;
- Summary statutory references they can work with easily;

Other remaining steps include working with a county to provide a new set of specific questions to IPAD and making those findings available as well when ready; this will likely have a bit longer timeline than the other materials which are largely ready. Dan Ross and I can continue to carry this out.

Schneider: These materials, when ready, are to be directed to the County Administrator and Chair of each County Board, plus each County GIS Manager and other offices or recipient as they see fit for their internal processes. We can then await their responses and work from there. We needn't bring this to every city individually, we can work through LOGIS, Metro Cities and the like.

Schneider: Is there a motion for the support of Free and Open Data by the MetroGIS Policy Board and to advance the materials we have discussed to county governments?

Motion to approve: Reinhardt; Second: Kordiak, motion carried.

[\[Resolution language is found on Page 9 of this document\]](#)

(8) Next Meeting

Schneider: 'Good work' to all involved, our next meeting is scheduled for January 22, 2014.

(9) Adjourn

[Chair Schneider adjourned the meeting at 7:43 PM]

Resolution: MetroGIS Policy Board Resolution of Support for MetroGIS government stakeholder organizations to make their public geospatial data freely and openly available;

WHEREAS, the MetroGIS Policy Board (*herein after referred to as the ‘Board’*)—comprised of county commissioners, mayors, senior management and administration officials representing the diverse set of government and agency stakeholders in the Seven Metropolitan Counties of Minnesota—has been in continuous operation since 1997 to review the policies, practices and investments of governments deploying geographic information systems technology and geospatial data development; and

WHEREAS, the Board has engaged in on-going, in depth discussions and review of the fiscal, legal, policy, technical and functional considerations of making public geospatial data freely and openly available; and

WHEREAS, the Board understands that the government agencies producing public geospatial data in the Seven Metropolitan Counties can provide an enhanced and more transparent level of public service, and leverage a higher return on its investment in geospatial technologies by making its data freely available; and

WHEREAS, the Board understands that the practice of making public geospatial data freely and openly available is occurring in other regions of the United States with amply documented benefits to both the data producer and data user communities; and

WHEREAS, the Board acknowledges the emergence, continued refinement and benefit of new information technologies that have dramatically changed the way citizens search for and expect to find, consume and utilize government information, and that such technological advancements can aggregate ever larger quantities of data and allow government to provide information to the public with increasing efficiency;

NOW, THEREFORE, BE IT RESOLVED, the MetroGIS Policy Board recommends and supports the policy and practice of county, city and other government jurisdictions and agencies making their public geospatial data freely and openly available without charge or licensure to the public including private citizens and private sector interests in accordance with all applicable laws;

AND, BE IT FURTHER RESOLVED, that the MetroGIS Policy Board directs its Chair to publish a letter directed to all MetroGIS government stakeholder organizations encouraging them to pursue such policies and practices;

RESOLVED THIS DAY, the 23rd of October 2013 in St Paul, Minnesota;