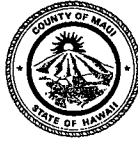


Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



Director of Council Services
Sandy K. Baz

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 26, 2017

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OFFICE OF THE
COUNTY CLERK

The Honorable Mike White
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair White:

SUBJECT: **OPEN DATA** (PAF 17-011)

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, RELATING TO OPEN DATA," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink that reads "Yuki Lei K. Sugimura".

YUKI LEI SUGIMURA
Councilmember

paf:tntf:17-011b

Enclosure

COUNTY COMMUNICATION NO. 67-77

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE,
RELATING TO OPEN DATA

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Openness in government strengthens our democracy, promotes the delivery of efficient and effective services to the public, and contributes to economic growth. The intent of this ordinance is to continue and ensure the efforts to expand the County's open data portal. Government information shall be managed as an asset.

SECTION 2. Title 2, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

"Chapter 2.99

OPEN DATA

Sections:

- 2.99.010 Definitions.**
- 2.99.020 Electronic data set availability; updates.**
- 2.99.030 County liability for data sets.**
- 2.99.040 Data set licensing.**
- 2.99.050 Data set policies and procedures.**

2.99.010 Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the following meanings:

"Data" means final versions of statistical or factual information:

1. In alphanumeric form reflected in a list, table, graph, chart, or other non-narrative form, that can be digitally transmitted or processed.

2. Regularly created or maintained by or on behalf of and owned by an agency that records a measurement, transaction, or determination related to the mission of that agency.

“Data set” means a named collection of related records on an electronic storage device, with the collection containing individual data units organized or formatted in a specific and prescribed way, often in tabular form, and accessed by a specific access method that is based on the data set organization; provided that a data set shall not include any data that is protected from disclosure under applicable federal or state law, or contract, or data that is proprietary.

2.99.020 Electronic data set availability; updates. A. Each agency shall use reasonable efforts to make appropriate and existing electronic data sets maintained by the agency electronically available at no cost to the public through the County’s open data portal designated by the chief technology officer; provided that:

1. Nothing in this chapter shall require agencies to create new electronic data sets or to make data available upon demand.

2. Data licensed to the County by another person or entity shall not be made public under this chapter unless the person or entity licensing the data agrees to the public disclosure.

3. Proprietary, privileged, and other information protected from disclosure by law or contract shall not be disclosed.

Such disclosure shall be consistent with the procedures and standards developed by the chief technology officer and consistent with applicable law, including chapter 92F, Hawaii Revised Statutes, and other state and federal laws related to security and privacy. No personally identifiable information shall be posted online unless the identified individual has consented to the posting, or the posting is necessary to fulfill the lawful purposes or duties of the agency.

B. Nothing in this chapter shall supersede chapter 27G, Hawaii Revised Statutes.

C. Each agency shall update its electronic data sets in the manner prescribed by the chief technology officer, and as often as is necessary to preserve the integrity and usefulness of the data sets to the extent that the agency regularly maintains or updates the data sets.

2.99.030 County liability for data sets. Data sets shall be made available for informational purposes only. The County does not warrant, either expressly or impliedly, the completeness, accuracy, content or fitness of any data set for a particular purpose and shall not be liable for any deficiencies in the completeness or accuracy of any data set, or third-party application utilizing any data set.

2.99.040 Data set licensing. The chief technology officer may make the agencies' data sets on the open data portal available to third parties pursuant to a license, which may require the licensee to allow any user to copy, distribute, display, or create derivative works at no cost and with an appropriate level of conditions placed on the use.

2.99.050 Data set policies and procedures. A. The chief technology officer shall adopt rules, pursuant to chapter 91, Hawaii Revised Statutes, to establish policies to implement this chapter, including standards to determine which data sets are appropriate for online disclosure; provided that the standards shall not require the agencies to post information that is otherwise required to be disclosed under chapter 92F, Hawaii Revised Statutes, but is personally identifiable information, information that may pose a personal or public security risk, or is otherwise inappropriate for online disclosure as part of a data set. The rules shall include the following:

1. Technical requirements with the goal of making data sets available to the greatest number of users and for the greatest number of applications, including whenever practicable, the use of machine readable, non-proprietary technical standards for web publishing.

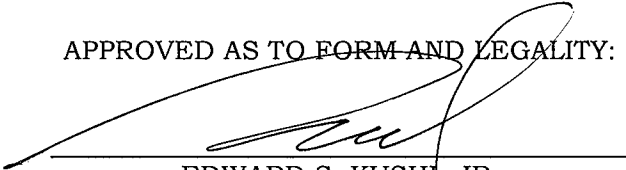
2. Guidelines for agencies to follow in making data sets available.

B. Notice of the public hearing to be held on the draft rules pursuant to section 91-3, Hawaii Revised Statutes, shall be published within 180 days of the effective date of this ordinance.”

SECTION 3. The Chief Technology Officer shall report to the Council within one year of the effective date of this ordinance on the implementation progress of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Edward S. Kushi, Jr.', is written over a horizontal line. The signature is fluid and cursive.

EDWARD S. KUSHI, JR.
Department of the Corporation Counsel
County of Maui
2017-0084

paf:tntf:17-011a