



MetroGIS Policy Board Meeting Summary

Wednesday, April 24, 2013 (Approved Oct 23, 2013)

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

Members Present:

Terry Schneider, Board Chair, City of Minnetonka/Metro Cities
David Bitner, db Spatial, MetroGIS Coordinating Committee Chair
Debbie Goettel, City of Richfield/Metro Cities
Jim Kordiak, Anoka County Commissioner
John Slusarczyk, Anoka County (Alternate)
Chris Gerlach, Dakota County Commissioner
Randy Knippel, Dakota County (Alternate), Data Producers Work Group Chair
Randy Johnson, Hennepin County Commissioner
Gary Swenson, Hennepin County (Alternate)
Janice Rettman, Ramsey County (Alternate)
Dave Menden, Scott County Commissioner
James Bunning, Scott County (Alternate)
Peter Henschel, Carver County (Alternate)
Mjyke Nelson, Washington County, Director of Information Technology
David Brandt, Washington County, MetroGIS Coordinating Committee Vice-Chair
Mary Texer, Minnesota Association of Watershed Districts
Dave Hinrichs, Metropolitan Council (Alternate), CIO

Guests:

William Brown, Hennepin County, MetroGIS Coordinating Committee Member
Mark Kotz, Metropolitan Council, MetroGIS Coordinating Committee Member
Nancy Read, Metropolitan Mosquito Control District, MetroGIS Coordinating Committee Member
Dan Ross, Minnesota Geospatial Information Office, MetroGIS Coordinating Committee Member
Rick Gelbmann, Resident, City of North St. Paul, former MetroGIS Coordinating Committee Member

Staff:

Geoffrey Maas, MetroGIS Coordinator

- 1) **Call To Order**, Chair Schneider called the meeting to order at 6:04 PM.
- 2) **Approve Agenda** Motion: Texer; Second, Kordiak; motion carried, agenda approved.
- 3) **Approve January 23, 2013 Meeting Summary** Motion: Schneider, Second: Texer, motion carried.

4) Introduction of new members

Chair Schneider introduced and welcomed the four new members of the Policy Board, these included:

Debbie Goettel	Mayor, City of Richfield, Metro Cities Representative
Dave Menden	Commissioner, Scott County
Chris Gerlach	Commissioner, Dakota County
Mary Texer	Board Manager, Capitol Region Watershed District <i>(representing the interests of the Minnesota Association of Watershed Districts)</i>

5) Update on SF 1298/HF 1390

Minnesota Chief Geospatial Information Officer Dan Ross provided the Board an update on the current status of SF 1298/HF 1390 presently in process at the State Legislature; as of April 24, the proposal has gone through both committees. One of the key tenets of the bill directly relevant to MetroGIS is the proposition that geospatial data shared between government entities should be free and open; specifically, the notion that once a government entity obtains the data, it can then be shared again with other government entities so long as it is accompanied by the metadata and clear indication of the originating authoritative source (please see **Section 4** below for more detail).

The bill makes no provision for private or non-government entities requests for data. These requests would be referred back to the authoritative sources to be handled at their discretion.

Key aspects of the legislation include the following:

Section 1 language changes the nature of certain discretionary powers of the Minnesota Geospatial Information Office;

Section 2 limits the authority of the Chief Information Officer to use a single advisory council and offers language on the composition, function and duration of said council;

Section 3 provides a clear definition of 'electronic geospatial data';

Section 4 provides for the sharing at no cost of electronic geospatial government data with government entities, higher education, and federal and tribal government agencies. This section allows reproduction and redistribution of all data received by a government entity to another government entity but does not allow redistribution to private or non-profit with the exception of Gopher State One Call;

- All shared data must include metadata that identified the original authoritative source;
- Requests for data from non-government entities will be re-directed to the original authoritative source;
- Government entities sharing and receiving electronic geospatial data are immune from civil liability for their use of electronic geospatial data shared at no cost;
- This provision does not require data to be provided in an alternate format;
- This provision does not require an entity to provide data more than 4 times per year;

- This provision does not include **not public** data as defined in Chapter 13 or purchased data classified as trade secret or copyrighted;

Section 5 repeals a portion of the Geospatial Information Office section of statute that set duties for a chief information officer in the Geospatial Information Office to establish fees that reflected the actual cost of providing information products and services, and provided for deposit of those fees into a revolving account and removes a standing appropriation of those fees to the office.

Additional questions about the details, contents or timeline of **SF 1298/HF 1390** may be directed to Dan Ross at 651.201.2460 or dan.ross@state.mn.us;

6) Free and Open GIS Data: Benefits and Challenges Discussion

In response to the request of the Policy Board at its January 23, 2013 meeting, the MetroGIS Data Producers Work Group developed a 'white paper' resource document and a one-page summary fact sheet relating to the issues surrounding the benefits and challenges to free and open geospatial data. These documents were completed and distributed to the members of the Policy Board one week prior to the April 24 meeting.

Schneider: I wish to thank the work group for producing a very sound and concise document and I wish to stress that our goal this evening is to walk away with a consensus that this is a good idea, and begin to think about how we move forward toward formal approval and advance the issue within our individual jurisdictions.

Randy Knippel, Dakota County GIS Manager and Data Producer Work Group Chair gave a presentation on the past development and present conditions of county data policies and the technological and practical conditions in which these policies now operate. The presentation can be accessed here in PDF format: http://www.metrogis.org/teams/pb/meetings/13_04_24/index.shtml

Knippel: By way of introduction, the GIS managers of the metropolitan counties including Olmsted County have been working together (as the Data Producers Work Group/Eight county Collaborative) to compare our various approaches; GIS has been included in the larger context of IT; we are working to identify areas of cost savings, collaboration and to determine and report on differences in our practices.

The state statutes under which we operate and conduct business include Chapter 13, 13.03 (subd. 3) which governs access to government data. This rule enables the responsible authority to charge a reasonable fee for distributing that data; this originally spawned the idea of recovering initial costs, however our focus became the use of disclaimers, license agreements and copyrighting the data (to which intellectual property rights are applied), as well as limiting the redistribution of the data and not allowing for derivative uses. One of our key observations is that the rules put in place thirty or so years ago may not be the best way to accommodate for the significant technological changes we have encountered and are now working with.

Since the 1980s the expense of deploying the hardware, software and data development for GIS in government and private sector use has dropped dramatically while the uses have expanded; major expenses once associated with deploying GIS have dropped.

The 1990s saw the advent of the Internet and its opening for public use, the first county GIS applications begin to appear and MetroGIS' first licensing agreement between the Seven Metropolitan Counties and the Metropolitan Council for parcel data.

The 2000s saw the continual 'democratization' and wide spread use of GIS coupled with the ease and ability for data to be created and dispersed.

Gerlach: Can I ask when GPS was merged with GIS?

Knippel/Ross: In the late 1990s/early 2000s; the introduction of civilian GPS access dramatically changed the commercial use of the GIS data, particularly streamlining the data collection aspect.

The following was added *conventu dimisso*:

Reference Note: In 1996, recognizing the importance of GPS to civilian users as well as military users, U.S. President Bill Clinton issued a policy directive declaring GPS to be a dual-use system and establishing an Interagency GPS Executive Board to manage it as a national asset. In 1998, United States Vice President Al Gore announced plans to upgrade GPS with two new civilian signals for enhanced user accuracy and reliability, particularly with respect to aviation safety and in 2000 the United States Congress authorized the effort, referring to it as GPS III. On May 2, 2000 "Selective Availability" was discontinued as a result of the 1996 executive order, allowing users to receive a non-degraded signal globally.

Source: National Archives and Records Administration. U.S. Global Positioning System Policy

Knippel: As the need for data continued to climb, general recognition by higher orders of government that the locally created data was the best (parcels, streets, etc. created by counties and municipalities); federal entities looked to consume that data for a variety of uses, including homeland security.

Knippel: With the dramatic rise in computing power, Internet use, smart phone and tablet device use, mobile computing, social media, the entire 'app economy', there remains a large appetite for data and more potential for that data to be used in creative ways. These changes and this demand are challenging the policies we presently maintain at the local level. Even within the state of Minnesota we do not have uniformity among our counties on how these issues are handled. This represents a need for a shift in the general philosophy on how we should be treating the data. Federal agencies are working toward the development of a national dataset; the National Map is leveraging volunteers to update its content. Even the Department of Homeland Security, which has purchased commercial base layer data needs to still engage local units of government for updates.

Federal, state, regional, county and local governments can maximize the cost savings by working on these issues collectively and ensuring the best data by promoting the use from the authoritative source.

Mr. Knippel described examples of volunteer and citizen engagement in data creation including Open Street Map and crisis event mapping groups where volunteers contributed to assist with disasters; these are primary ways of having value added to existing government-produced datasets.

Knippel: In the 'white paper' and one-page resource we have provided the assumed direct and indirect benefits that we are likely to encounter and we recognize the following general challenges we will need to address:

- Making data freely available has the potential to decrease revenue collected from data;

- May be an increase in potential for liability; we will need to develop consistent disclaimers among governments that cover us from liability
- Issues of privacy, only truly public data should be shared;

A short group discussion took place of county applications which allow users to search properties by name versus using addresses and how these considerations are related to the actual county business need for collecting and providing that data for internal use or external use;

Knippel: We make the following foundational assumptions:

- Investment in GIS and data development is justified;
- The primary reason is to support county (or city) business needs and purposes but that others can benefit in that investment;
- The data is created and prepared not with the expressed purpose of charging fees and collecting revenue;

We also need to address the notion of value, particularly the value of closed data vs. open data; With 'open data' the value is less defined in terms of revenue than in terms of how widely the data is used and how useful the data is to other users and to our own purposes;

With 'closed data' the value may be termed in how revenues from fees are collected versus the cost of administering those fees; time and effort spent on keeping the data locked down may keep us from realizing the other values which arise from allowing the data to be used openly;

Rettman: *Ramsey County Commissioner Rettman made reference to the needs of her constituents in regard to the 'digital divide'. The issues that communities of color, communities of economic need and traditionally under-represented communities are presently lacking technology access or resources and would benefit greatly from increased access to this part of the economy. Commissioner Rettman asked if costs are presently borne unfairly by those groups that perhaps have less exposure and access to or skill with these technologies.*

Schneider: These are of course important considerations but not directly addressed in the specifics we are discussing tonight, that of benefit and risk to the producers of the data. At present, non-profit and community support groups that in many cases already work to serve these under-represented populations do not themselves have, at present, free access to this data, we are looking to address that hurdle with our discussion.

Kordiak: We create the data for county use and purpose, we then put it out there and they can just take it, what are the reciprocal benefits to the county with what they do with our data?

Knippel: Granted, the residual impact and benefit may not always be immediately evident or tangible, but we are creating an environment of data sharing, derivative products will emerge that we can capitalize on.

Kotz: I can provide a solid example, at the Metropolitan Council, we have freely allowed our transit data to be made available, Google maps have picked it up and are using it; transit customers now access it directly via Google, developers can use it create their own uses as well. By making the data available, the developer community can make use of it for public benefit.

Ross: *Dan Ross described the upcoming 'hackathon' events in the Twin Cities ("May 25, Visualizing Neighborhoods: A Hackathon for Good" and June 1-2 "Hack for MN"), described what a 'hackathon' was and that the focus of these events was to determine benefits for communities and neighborhoods from working with publicly available data, look at trends, gaps, needs, etc. Volunteers come together use public data to build applications for general public and government use.*

Bitner: These events are co-sponsored by the Center for Urban and Regional Affairs (associated with the University of Minnesota), with the intent of fostering public good: how do we use this data to help people do things with their neighborhoods, they have a very humanitarian purpose in their intent.

Gelbmann: To follow up on Commissioner Kordiak's comment, what might MetroGIS stand to benefit from having the data freely available? It leverages or frees the way for other organizations to free up their data in kind. Also, with the parcels out there, it being acknowledged as the best data available from the authoritative source, it's trusted and can be relied upon, and from which many projects and ideas can emerge.

Kordiak: We have discussed in the past the ability to search parcel data by owner name, does this remain an issue?

Knippel: The bottom line is that it is that, yes, this is public information; and that no one is truly anonymous, if you are active member of the community, land owner or not, you can be found one way or another; there are obvious ways to protect yourself if you need to due to your job or other condition. Given the national trend on data of this kind, we see the discussion is happening on a national level, the direction is continually toward more free and open GIS data. Our question to ourselves is do we want to follow or lead?

Schneider: I remember the discussions from the early days of MetroGIS and how 'sticky' some of the topics became, however, many years down the road we now have a region full with shared data, that is always getting better at lower and lower cost. Do we remain in a maintenance mode or do we embrace this opportunity to leverage what we've accomplished at the regional cooperative level and move forward? With making the data free, perhaps we could take a look at phasing it out, begin with making things available to the quasi-publics and utilities to test it out; open it up gradually and include phasing in the agreements on the data's use. Here is our free data, but here are the restrictions.

Johnson: In the early days of these discussions, I championed the idea of selling our data for recovering the costs of developing it, and I have changed my mind on that. Even in Hennepin County, arguably one of the most valuable databases in the state, it is just not a cash cow for us anymore.

We should have our County Attorney's Office carefully examine the statutes that make us immune from intentional tortes.

We still need to be prepared for when data is potentially acquired and misused (*Commissioner Johnson cited an example of someone searching for homes valued at \$500,000 or more without a security system*) If more and more and more people are coming for the data and county staff is spending increased amounts of time with licensing and administering the licenses, this isn't efficient.

Are there opportunities to remove names or and scrub the data or redact the private data prior to its release and then have an agency such as MetroGIS or the Metropolitan Council or MnGeo handle the disbursement of the data itself to the requestors?

Kotz: Much of that dispersal mechanism is already in place, each county updates their data to the Council quarterly and we distribute it to the licensed users under the MetroGIS license agreement. Under that same agreement, all three (3) year old and older is presently available.

Group discussion: If we were to release the data only to organizations engaged in public purpose. How do we determine who is fit to receive the data, and if they are in fact using it for public purpose?

Knippel: We (the GIS managers) would have significant concerns on evaluating the fitness of the requestor, their status and their intention. We are simply not equipped to be making those kind of subjective determinations. Currently, at least in Dakota County, if a non-profit or similar group asks for the data, we encourage them to seek out a government sponsor and work it out in a third-party agreement; we would likely need some kind of legal protection (or be inviting litigation) if we turned someone down.

Texer: Could the dispersion issue be solved if we give everything (all the data) to the MetCouncil?

Kotz: If the data is free, there is no problem, we have the ability to take in the data, aggregate it and publish it through the [MetroGIS] DataFinder; we do this already.

Ross: The intention is for this to eventually be statewide, all state data can be acquired in one place, the Geospatial Commons; if we work collectively on this, we will all benefit. These discussions and our future work together will—with the county attorney’s—will lead to a standard that we can make use of and all share the data.

Schneider: Exactly, our charge is to refine this work and this process, to discuss what are the pro’s and con’s of evolving that idea.

Knippel: The phased approach might work best on which data we make available; non-sensitive layers, aerials, topography, others that are easy to distribute. We simply cannot distribute some private data (even at a fee). Perhaps we begin with a subset of our data and expand from there.

Kordiak: Well, we tried to sell the data, and it didn’t pan out, so now we give it away with protection and get the indirect benefits.

Johnson: It is evident we are no longer protecting a huge revenue stream by selling it, however, we still need to protect sensitive populations (*Commissioner Johnson provided the examples of women’s shelters and of certain people who by statute do not have their data publicly available*);

Brief group discussion of merits of exclusion or “scrubbing” of owner name from publicly available data. Several members revealed that is it possible and likely that with some work owner name can be determined; not including owner name might diminish the value of the data for certain user groups such as real estate interests; group discussion on how it gets harder and harder to hide in the data and the diminishment of anonymity in our society.

Johnson: One of my favorite movies of all time is “Doctor Zhivago”, and one of the quotes that stays with me in light of this discussion (when the Red Army are assuming control of Russia) is *‘The private life is gone’*; how true that is happening now with the advent and proliferation of these databases.

Brief group discussion on the context of free data availability beyond just the parcel data.

Is there precedent for collecting fees for one set of data and making other sets free?

Are there consequences and/or diminishing returns on this approach?

What is the investment the public has made in this data?

What are the public’s expectations to be met from this investment?

In order for this to be possible, would counties have to completely re-vamp their licensing agreements?

Draft Resolution Discussion; general consensus statement: there is an articulated need for some foundational base language that each county can take back to its board and review for its relevance and fitness for adoption.

Schneider: It is appropriate for this body to develop that [draft resolution] as a resource to be taken back to each county board; it should be a goal.

Knippel: In Dakota County this is certainly on our radar; doing this in a broader contest, with the guidance of the Policy Board makes it easier for the GIS Managers; it will be stronger if we can do it together.

Kordiak: Am I to understand that licensing agreements aren’t the way we are moving? Would making the data freely available with a click of a disclaimer solve these issues? Maybe make the first few layers available, see how it progresses and add more data layers as we get comfortable.

Ross: If possible, try to avoid the agreement route, there is much more value when you can share. We (MnGeo/MetroGIS/et. al.) can work to research and cover the liability issues; by way of example, Clay County, has had open data for thirteen years and they have never had a suit against them;

Rettmann: In terms to all the issues, is a making the data freely available *fiscally neutral*?

Knippel: No, there is still an impact to county revenue in making the data free. Some revenue is helping to offset county program or department costs, particularly in Greater Minnesota counties and some smaller departments. If that revenue went away they would need an offset in their budget, it certainly doesn’t cost us to just *give* the data away; but the county can dictate how and where the data is available, through MetroGIS handling it or some other option.

Kotz: As we’ve stated we have that mechanism largely already in place with MetroGIS at the Metropolitan Council.

Ross: As we progress, MnGeo, MetroGIS and the Council will continue to work together on that.

Knippel: We (managers and technical staff) need your (Board’s) direction moving forward; we have provided the ‘white paper’ as an overview, what other materials can we provide to you specifically to advance the discussion?

Brief group discussion on the potential means forward; the resulting conversation yielding the following initial request list, broken down into three 'aspects':

Data Aspect:

Goal (1):

To provide a clear understanding of which data is available in full, available in part and/or not available for public release;

- A list of the current data layers that could be readily shared freely presumably without modification and without risk to the counties;
- A list of other layers with the potential to be shared but may be in need of having some information reserved or removed;
- An indication of the kinds of data that are not considered for free and open access to the public;

Legal Aspect:

Goals (2):

To provide proper legal protection and disclaimer language that supports and protects the data providing interests;

To provide framework language and resources for the participating counties and cities to review and suggest modifications which meet their legal and operating requirements;

- A summary resource indicating the existing legal protections presently in place; (state statute language and relevant county ordinance language if such applies)
- A resource indicating where/what parts of the existing language of legal protections does not adequately cover the proposed direction;
- A summary of any desired legal protections not covered or considered in existing statute language or other legal controls;
- A compilation of summary disclaimer language as a reference resource;

Data Transmission Aspect:

Goals (2):

To provide the Policy Board and other officials with a description on how the data would be made publicly available including technical applications, inter-agency transfer and on-going maintenance.

To establish clear roles for each participating entity (city, county, regional and state) on what is expected in ensuring ease-of-use and access to the data consumer community;

- A description on how the data would be provided to the public (what interface, what means);
- An indication of what agencies would be involved and what their specific roles would be;
- An indication of the frequency of data updates;

Schneider: The final language of this does not have to be uniform from county to county; a base or framework of language and other material from which the counties can draw from and build their own would be a beneficial starting point. We can, at the Policy Board level, work toward a resolution to support this.

Motion to proceed with development and presentation of the 'list' above:

Motion: Schneider; Second: Gerlach, motion carried.

Data Producers Work Group with the support of MetroGIS staff will develop and present the requested materials at the next Policy Board meeting and to other appropriate audiences.

7) Next Meeting

The next Policy Board meeting is scheduled for **Wednesday July 24, 2013, 6 pm.**

8) Adjournment

Chair Schneider adjourned the meeting at 8:05 PM.