

OPEN DATA POLICY BEST PRACTICES

Examples of stipulations that provisions apply to contractors or quasi-governmental agencies

Overview

Sunlight recommends that an Open Data policy [stipulate that provisions apply to contractors or quasi-governmental agencies](#). Below, we've included some examples of policy language that fulfills this goal. As you can see from these examples, a city does not necessarily need to craft or mandate the actual contract language in an Open Data policy itself, but can instead direct [an oversight authority](#) to work with the purchasing office to develop procurement policies and modular contract clauses that will ensure that government data produced or maintained by third-parties remains accessible to the public.

Sample contract language

Our friends and partners on the What Works Cities Initiative at the [Johns Hopkins Center for Government Excellence \(GovEx\)](#) have created [this gitbook](#) featuring sample language for data ownership and usage for government contracts. The language is designed to preserve government's ownership over its data while simultaneously observing the intellectual property rights of a contractor's products that are used to store or use the data. The language also aims to protect the government's right to discretion over the release of data.

Open Data Policy Examples: Application to Contractors or Quasi-Governmental Agencies:

From [Pittsburgh's Administrative Code Chapter 162 "Open Data Sets"](#):

(d) The Open Data Management Team shall develop policies to amend existing procurement, contracting, or planning processes to create new defaults and requirements for IT systems and databases to ensure that open data requirements are included in new systems as they are being planned.

From [Chicago's Executive Order No. 2012-2](#):

10. Technology-related procurements

The chief data officer shall work with the chief procurement officer to develop contract provisions to promote open data policies in technology-related procurements. These provisions shall promote the City's open data policies, including, where appropriate, requirements to post data on data.cityofchicago.org or to make data available through other means.

From [San Francisco Administrative Code Chapter 22D](#):

SEC. 22D.3. STANDARDS AND COMPLIANCE.

(a) The CDO and COIT shall work with the Purchaser to develop contract provisions to promote Open Data policies. The provisions shall include rules for including open data requirements in applicable City contracts and standard contract provisions that promote the City's open data policies, including, where appropriate, provisions to ensure that the City retains ownership of City data and the ability to post the data on data.sfgov.org or make it available through other means.

Language can also be relevant to a "Scope" section of the policy, as in [Washington DC's Mayor's Order 2014-170](#)

c. Scope.

a. The requirements of this Order shall be applied to any District of Columbia department, office, administrative unit, commission, board, advisory committee or other division of the District government ("agency"), including the records of third party agency contractors that create or acquire information, records, or data on behalf of a District agency.

b. Any agency that is not subject to the jurisdiction of the Mayor under the Freedom of Information Act or any other law is strongly encouraged to comply with the requirements of this Order.