

**\*Please note: No official action was taken at this meeting\***

The July 7, 2016 meeting minutes were adopted by roll call vote on September 8, 2016. Voting members and their vote included:

**Yays:**

Jennifer Reed  
Barney Krucoff  
Shannon Turner  
Josh Tauberer  
Traci Hughes  
Betsy Cavendish  
Manya Shorr

**No:**

Bob Becker. Bob had stated that he did not feel the meeting minutes were detailed enough and so he could not vote on favor of them.

**Attendees:**

Chair – Jenny Reed, Office of the City Administrator  
Manya Shorr, DC Public Library  
Josh Tauberer, public member  
Betsy Cavendish, Office of the General Counsel, Executive Office of the Mayor  
Traci Hughes, Office of Open Government  
Jen Comey, Deputy Mayor for Education  
Bob Becker, public member  
Justin Grimes, Code for DC, public member  
Shannon Turner, public member  
Barney Krucoff, Office of the Chief Technology Officer

- I. No Quorum at outset, so no votes
- II. Jenny convenes and welcomes, thanks host DC Public Library (DCPL), and Manya Shorr
- III. Jenny reviews order of business
- IV. **Minutes** from June 9 meeting. – We cannot approve, but are there any comments?

Traci: Concerned about minutes

Need them according to Open Meetings Act

It's better to just record to make sure topics get covered

Jenny: Will reach out to MOTA re: digital audio recorder; it didn't work as expected at the last meeting in the John A. Wilson Building, Room G9.

Bob Becker: Some ANC's are video streaming meetings in Ward 3 – maybe we could meet at one of those facilities.

Traci: May be the Office of the Chief Technology Officer (OCTO) Option  
Ask Barney – does OCTO have a Go-Kit?  
Barney will check

Barney: OCTO could host, but it's not as public-friendly a venue as a library.

On Minutes themselves:

Bob: I wouldn't understand if I hadn't been there; not complete sentences. And Minutes were in a PDF – hard to edit.

Jenny: I'll circulate in WORD. I could use help if you were speaking to flesh out what you said we were ready with recordings, but sound quality didn't pick up.

Directive to all members: Get back in a week to Jenny, with any amendments to the June 9 minutes for an updated set of both minutes to be considered at next meeting for a vote.

Traci: We're in compliance with OMA – draft went out

Jenny: Also we will explore ways of recording

## V. Bylaws

Jenny circulated the 2014 Bylaws and now she is circulating redline version that reflects Mayor Bowser's Mayors Order (MO), 2016-94.

Purpose & Duties

New Members

Who appoints Chair and Vice Chair?

Discussion:

Bob: Bylaws should be a structure; shouldn't be updated for each admin.

Jenny: But M.O. has new purpose and duties.

Bob: Just reference current MO.

Betsy: But it could reflect this admin's values and not send people hunting for a new MO; could have it in one place.

Bob: That's too political, could create legal problems.

Jenny: I'm not sure I see legal problems.

Bob: To the extent that this document raises issues about how it relates to FOIA, there could be problems.

Manya: It's pretty generic. What were the worries about the strike throughs?  
Bob: Hasn't read it – but he's concerned with changes.  
Bob: Bylaws should be a structure for operating.  
Bob thought it was too specific before too.  
Traci: Let's look at the changes not just to open data, but also records.  
Bob: Let's set it aside – and come back next month.  
Sharon: We can look at it now; vote next time after we've thought more.  
Traci: Say "any successive Mayor's Order"  
Eliminate that strikethrough in I.  
Jenny- will send redline around.

## **VI. Draft of potential working groups**

Jenny: Last time we talked about bucketing work in four groups

- A. OGAG Engagement
- B. Info Access
- C. Participation and Collaboration
- D. Transparency and Understandability of Information.

Jenny explains these four buckets (see full list in Appendix 1), thanks Josh for the blog- external communications. We'd talked about working groups or do we use these as guiding principles and basically keep working in the committee of the whole?

Josh: It's great.  
Bob: More efficient to try to work in groups, not do everything as a group of 20  
Traci: These seem more like guideposts.  
But we need to decide our deliverables.  
Jenny: I'd like some broader conversations then dive deeper.  
Traci: Any guidance from the Mayor?  
Jenny: Coming to conclusions on an open data policy is a key deliverable but we could have 3-4 deliverables from each of these working groups.  
Traci: Can we be in more than one group?  
Bob: Regarding the second bucket: Privacy is important, but there are about 16 exemptions in FOIA – don't single out privacy as an exception to openness.  
Josh: I'd strike the second sentence of bucket two.  
Jenny: I'd go broader, not strike it.  
Bob: FOIA Statute/law – says exemptions should be construed narrowly  
Jenny: Where this came from was from the discussion about schools – where individuals' records were not being disclosed, but the gist of the disclosure was that individuals' poor test results were in fact made public, since all students were below standards. So it's a point about being thoughtful about privacy and impacts us we release datasets.

- Bob: I disagree – need to put in a statute. We shouldn't think about group level, that's not privacy.
- Manya: Exemptions are crystal clear?
- Barney: I've been spending a lot of time on FOIA but our websites aren't always clear.
- Traci: We need a volunteer to rewrite that sentence. There's also room for us to find a way. We tried to put FOIA in plain language. Maybe it failed.
- Barney: I'd like to get a questionnaire for the Public Information Officers so they can decide.
- Bob: Some areas are clear – e.g. SSNs, but there always will be iffy areas.
- Barney: You'll see with policy; FOIA was reactive; thinks there may be a middle ground
- Traci: 911 calls a great example because can't redact, don't have to release under FOIA, but the executive branch can make a policy decisions to release. By mentioning privacy or investigatory exceptions, we're not just blocking data from being released; we're building in some discretion and judgment.
- Bob: Can have locked fields when we release datasets.
- Jenny: Takes Traci up on her offer to recraft the sentences.

## **VII. OPEN DATA**

- Barney: If you put something out use Twitter handle, @OCTODC and someone from our team will get it. Barney presents a PowerPoint on draft data policy. (Attach PowerPoint) 2014-170. Drafts.dc.gov looked at draft by Matt Bailey and responses, but Barney has crafted something new. Draft Data Policy – his goal is to get it done by September.

Background: Board of Elections release of voter file. OCTO 2010-3 / If level of classification Public is one of categories

- Bob: That's exactly backward. IG is auditing security policies. We should have an inventory
- Barney: Reviews draft policy. If you're deciding what's open you're also deciding what's not. There are financial considerations too. FOIA requestors pay. When data is released proactively, costs are on the agency/government.
- Bob: Like FOIA Xpress – the Grosso /Cheh bill requires that if something is provided to someone under FOIA, it should go up on FOIA Xpress for others to see.

More definitions here

- Traci: How are we using "information" – she's working with FOIA all the time, so she thinks in terms of "records"; In FOIA, records are what's important. Definition of dataset also changed from the Matt Bailey draft. Not a bunch of paper records. Records are enterprise in nature.  
e.g. If DC Human Resources puts out a survey saying you do you want to go to the zoo or go bowling, that survey is not releasable data, to be releasable data, must go to the agency's mission.

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Jenny: Questions about data on a shared drive, that's not enterprise-wide?  
Barney: I need to think more about that.  
Traci: Who decides, the agency itself, as to security level?  
Jenny: Some level of openness as to what's not open.  
Traci: Agencies will have a tendency to over mark.  
Barney: But below level 4 should know what those datasets are.  
Manya: I'd be surprised if we did it re: level 2.  
Bob: There are statutes that preclude sharing among agencies.  
Jenny: That would go to level 3.  
Level 1 might hold it for requests.  
Change from Bailey's version to data analyst, same role.  
We are to have this type of security officer. He's going to get legal review, then put on drafts.dc.gov, next to old one. Wants FB or date inventory. Prioritization

Manya: Friendly amendment: we need 180 days from when we get the tool, not the order.  
Barney: Good idea.  
Bob: Might prioritize that which is often sought under FOIA.  
Jenny: We'll always get new data must keep updating.  
Bob: Would inventory include data dictionary? All fields.  
Barney: No, not all fields for inventory.  
Barney: You'll be ahead of where you are now.

Not perfect, never will be, but better than now.

Once a year, go thru data.

Think about generalization and anonymization.

Betsy: At what level would be material that's attorney/client or legally privileged?  
Level 3.  
OCTO will be running FOIA Xpress.  
Bob: Not whenever possible- if FOIA'd and out- it's out.  
Bob: "Practical Obscurity" realistic in internet age Supreme Court. created this category.  
Josh: People who have power can have data leads to problems.  
Barney: But sometimes, the biggest threat to open data is open data.  
Traci: Sometimes, common sense should prevail. The BOE made it too easy to find data that, yes, could get out there, but by proactively putting it out there. You're telling a thief I'm not home on the first Tuesday in November making it too easy. Highlights of differences with February draft.  
See page 30 of slide deck.  
Bob: Government collects too much data wouldn't need to disclose it if didn't collect it. Page 31 – what's new. Christian flags leaving.  
Jenny: Talk through responses

## **IX: Announcements**

Betsy: Discusses body- worn camera release of film. Mayor going beyond strict requirements of FOIA to make discretionary releases in matters of critical public interest, as where there are police involved shootings or deaths in custody. It's a very somber situation, but as this meeting occurred, both NBC and the Washington Post posted stories on today's release of footage. The video shown casts the actions of our officers in DC in a different light than video we've seen from other jurisdictions.

### **X. Comments, Discussions from members of the audience:**

A. Comment on working groups and audiences: "to the public" from Carey Ann Nadeau:

Challenges us to think about what are other audiences?

Internally – for performance management? To publicize what's working? For procurement reform?

Could stakeholders include Montgomery County, other jurisdictions, etc.?

How about other partners; and private companies to manage staff, events etc.?

B. Josh asked Tom MacWright for an update DC Council DC Code

Slowly switched from system Lexis Nexis to open data. He was helping with initiative to create an open version of the law. On track where government maintains the law. He's pushed a lot of redirects so that this open platform will come up first on searches.

### **XI. Conclusion**

Jenny: Topics for the next meeting to include the working groups; open data update; time for public comment; Bylaws and minutes.

Next meeting: Let's plan for August 18<sup>th</sup> – (some discussion of whether August is feasible for quorum).

We'll look for another library

5:45 **Adjourn**

## Appendix 1

### Open Government Advisory Group: Working Groups [DRAFT]

**OGAG Engagement.** The OGAG Engagement group helps ensure OGAG is reaching a wide variety of stakeholders who may want to participate in discussions related to Open Government. This includes thinking about locations of meetings, external communications and outreach to specific groups.

**Information Access.** The Information Access group works on making information accessible to the public and across government. This includes areas like open data and FOIA. Importantly, the group will consider information access under the same guidelines imposed under FOIA for the release or withholding of records.

**Participation and Collaboration.** The Participation and Collaboration group looks for ways to open up policy making in DC government to the public. This includes events like hackathons, as well as design challenges – events that invite the public to be part of solutions to problems facing government.

**Transparency and Understandability of Information.** The Transparency and Understandability of Information group looks for ways to make the increasing amount of information available to the public not only transparent, but also understandable. This includes thinking about how the public accesses information as well providing resources to help residents navigate and understand what is being presented.