

An Executive Order Relative to Open Data and Protected Data Sharing



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EXECUTIVE ORDER

OF

MAYOR MARTIN J. WALSH

An Order Relative to Open Data and Protected Data Sharing

Whereas, it is the policy of the City of Boston to practice Open Government, favoring participation, transparency, collaboration and engagement with the people of the City and its stakeholders; and

Whereas, information technologies, including web-based and other Internet applications and services, are an essential means for Open Government, and good government generally; and

Whereas, the City of Boston should continue, expand and deepen the City's innovative use of information technology toward the end of Open Government, including development and use of mobile computing and applications, provision of online data, services and transactions; and

Whereas, the City of Boston also has an obligation to protect some data based upon privacy, confidentiality and other requirements and must ensure that protected data not be released in violation of applicable constraints; and

Whereas, clarification and definition of open data, privacy, security requirements, interoperability and interaction flows is necessary for the City's Open Government agenda;

NOW THEREFORE, pursuant to the authority vested in me as Chief Executive Officer of the City of Boston by St. 1948, c. 452 Section 11, as appearing in St. 1951, c. 376, Section 1, and every other power hereto enabling, I hereby order and direct as follows:

1. The City of Boston recognizes Open Government as a key means for enabling public participation, transparency, collaboration and effective government, including by ensuring the availability and use of Open Data, appropriate security and sharing of Protected Data, effective use of Identity and Access Management and engagement of stakeholders and experts toward the achievement of Open Government.
2. The City of Boston Chief Information Officer ("CIO"), in consultation with City departments, is authorized and directed to issue a City of Boston Open Data Policy.
 - a) The Open Data Policy shall include standards for the format and publishing of such data and guidance on accessibility, re-use and minimum documentation for such data;
 - b) The Open Data Policy shall include guidance for departments on the classification of their data sets as public or protected and a method to report such classification to the CIO. All departments shall publish their public record data sets on the City of Boston open data portal to the extent such data sets are determined to be appropriate for public disclosure, and/or if appropriate, may publish their public record data set through other methods, in accordance with API, format, accessibility and other guidance of the Open Data Policy.
3. The City of Boston CIO, in consultation with City departments, is authorized and directed to issue a City of Boston Protected Data Policy applicable to non-public data, such as health data, educational records and other protected data;
 - a) The policy shall provide guidance on the management of Protected Data, including guidance on security and other controls to safeguard Protected Data, including appropriate Identity and Access Management and good practice guidelines for compliance with legal or other rules requiring the sharing of Protected Data with authorized parties upon the grant of consent, by operation of law or when otherwise so required;
 - b) The policy shall provide a method to ensure approval by the Corporation Counsel of the City of Boston to confirm Protected Data is only disclosed in accordance with the Policy.
4. This Executive Order is not intended to diminish or alter the rights or obligations afforded under the Massachusetts Public Records Law, Chapter 66, Section 10 of the Massachusetts General Laws and the exemptions under Chapter 4, Section 7(26). Additionally, this Executive Order is intended to be interpreted consistent with Federal, Commonwealth, and local laws and regulations regarding the privacy, confidentiality, and security of data. Nothing herein shall authorize the disclosure of data that is confidential, private, exempt or otherwise legally protected unless such disclosure is authorized by law and approved by the Corporation Counsel of the City of Boston.
5. This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City of Boston, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
6. The City of Boston CIO is authorized and directed to regularly consult with experts, thought leaders and key stakeholders for the purpose of exploring options for the implementation of policies and practices arising under or related to this Executive Order.

[Comment on the Open Data Policy Draft](#)

