DRAFT MINUTES
Open Government Advisory Group
July 7, 2016
4pm @ Shaw Library
(Final meeting minutes to be published on the next meeting date/TBD)

Attendees:

Chair – Jenny Reed
Host- Manya Sharr
Josh Touber, public member
Betsy Cavendish, OGC, EOM
Traci Hughes, Office of Open Government
Jen Comey, DME
Bob Becker, Public member
Jesse Grimes, Code for DC, public member
Shannon Turner
Barney Krucoff, OCTO

   I.   **No Quorum at outset, so no votes**
   II.   **Jenny convenes and welcomes, thanks host DCPL, Manya**
   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 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 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 2014 bylaws & now she is circulating redline that reflects Mayor Bowser's Mayors Order, 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 M.O.

Betsy: But it could reflect this admin's values and not send people hunting for a new Mayor's order; 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 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 l.

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 Collab
    D. Transparency and understandability of Info.

Jenny explains these four buckets (on sheet of paper), 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 everting 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 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 1 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 2d sentence of bucket 2.
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 being public, since all students were below standards. So it's a point about being thoughtful about privacy and impacts as 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 PIO's so they can decide.
Bob:	Some areas clear – eg. 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 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 – get it done by September
Background-   BOE 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 – 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 HR puts out a survey saying 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.

Jenny:	Question about data on a share 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 statures 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 S. Ct. 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-
	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 first Tuesday in November- making it too easy

Highlights of differences with February draft-

See page 30 of slide deck

Need to think not default

Bob:	government collects too much data wouldn't need to disclose it if didn't collect it.

Page 31 – what's new
Christiana flags leaving-
Jenny: talk thru 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 WaPo 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: Next time –
working groups
open data update
reserve public comment
bylaws and minutes
Next meeting: Let's plan for August 18th – (some discussion of whether August is feasible for quorum)
          We'll look for another library
5:45 **Adjourn**