

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2023 Legislative Session**

Bill No. CB-010-2023

Chapter No. 17

Proposed and Presented by Council Member Burroughs

Introduced by Council Members Burroughs, Dernoga, Blegay, Ivey, Watson, Oriadha,

Franklin and Fisher

Co-Sponsors Council Member Hawkins

Date of Introduction March 21, 2023

**BILL**

1 AN ACT concerning

2 Prince George's County Open Data

3 For the purpose of requiring the County to make certain public data sets available through a web  
4 portal prominently displayed on the internet; requiring the County to maintain technical  
5 standards for publishing public data sets; requiring the County Executive or their Designee to  
6 enhance the County Open Data Portal and develop an Open Data Plan; and generally relating to  
7 general provisions.

8 BY adding:

9 SUBTITLE 2. ADMINISTRATION.

10 Sections 2-528 through 2-536

11 The Prince George's County Code

12 (2019 Edition; 2022 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
14 Maryland, that Sections 2-528 through 2-536 of the Prince George's County Code be and the  
15 same are hereby added:

16 SUBTITLE 2. ADMINISTRATION.

17 DIVISION 47. OPEN DATA.

18 **Sec. 2-528. Title.**

19 (a) This section is known as the "Open Data Act."

20 **Sec. 2-529. Definitions.**

1 In this section, the following words and phrases have the following meanings indicated:

- 2 (a) “Agency” means any department or office of the County Government.
- 3 (b) (1) “Data” means the final version of digital information regularly created or  
 4 maintained by or on behalf of and owned by the County that records a file,  
 5 measurement, transaction, or final decision related to the mission of an agency.  
 6 (2) “Data” does not include any information provided to an agency by another  
 7 government entity, information that may not be made available for privacy or  
 8 security reasons, or data otherwise protected by law.
- 9 (c) “Measurement” means to quantify any characteristic of an observable event,  
 10 occurrence, or object by comparison to a reference standard.
- 11 (d) “Open data plan” means a plan developed by the County Executive or their designee to  
 12 implement this title.  
 13 (1) “Public Data Set” means data identified as eligible for publication by the Open  
 14 Data Plan.  
 15 (2) “Public Data Set” does not include any portion of a data set that is not subject to  
 16 disclosure under any federal or state law or any data that is subject to copyright or  
 17 trademark protections.
- 18 (e) “Web portal” means a specifically designed website platform that brings information  
 19 from diverse sources and serves as the single point of access for the information.

20 **Sec. 2-530. Open data plan.**

- 21 (a) The County Executive or their Designee shall develop and submit to the County  
 22 Council for approval, an open data plan within one year of the effective date of this bill.
- 23 (b) The open data plan shall:  
 24 (1) Include a summary description of the public data under the control of each  
 25 agency data owner;  
 26 (2) Assign and prioritize the order in which public data sets should be published  
 27 by the data owners on the web portal based on whether the public data set:  
 28 a. Can be used to increase agency accountability and  
 29 responsiveness;  
 30 b. Improves public knowledge of the agency and its operations;  
 31 c. Further the mission of the agency;

- d. Creates economic opportunity; or
- e. Responds to a need or demand identified through public input;
- (3) Create a timeline for the inclusion of public data sets on the web portal;
- (4) Address when and how an agency may change or terminate collection of data or remove the public data set from the web portal;
- (5) Designate an employee in each agency as a contact for public data set management and otherwise address appropriate staffing to manage the public data sets published on the web portal;
- (6) Prescribe the frequency of updates for public data sets on the web portal;
- (7) Be subject to County Council approval by resolution.

**Sec. 2-531. Public data set availability.**

- (a) The County shall make public data sets available, and update those already available on the web portal within one year of the effective date of this bill.
- (b) A public data set shall be made available for download
- (c) A public data set shall be published in a format that permits automated processing. Does not require a software license or the use of specialized software, and uses appropriate technology to notify the public of updates.
- (d) Once published, a public data set shall be updated as often as is required by the open data plan, to maintain the correctness of the data, or circumstances or events that require a change.
- (e) (1) A published public data set shall be made available without any registration or license requirement or restriction on use. The County shall require third-party providers who deliver and host applications and data on behalf of the County, to meet the definition of public data sets and otherwise contracted requirements in securing and management of the data as prescribed.
- (2) In this subsection, “registration or license requirement or restriction” does not include any measure required to:
  - (I) Protect the web portal from unlawful abuse or an attempt to damage or impair use of the portal; or
  - (II) Analyze the type of data being used to improve service delivery.
- (f) A published public data set must be accessible to external and internal search

1 capabilities.

2 (g) This title does not prohibit an agency from:

3 (1) Disclosing information not otherwise defined as data; or

4 (2) Making voluntarily disclosed information accessible through the web portal.

5 **Sec. 2-532. Web portal administration.**

6 (a) The county shall conspicuously publish the open data policy required by this Act, on  
7 the web portal.

8 (b) The County shall implement a mechanism to solicit public feedback and encourage  
9 public discussion on open data policies and public data set availability on the web  
10 portal.

11 (c) An agency shall decide if inclusion of a public data set requested through the public  
12 input mechanism of the web portal should be included on the web portal.

13 **Sec. 2-533. Open data policy.**

14 (a) A public data set made available on the web portal is provided for informational  
15 purposes only.

16 (b) The county makes no express or implied warranty as to the completeness, accuracy,  
17 content, merchantability, or fitness for any particular purpose or use of any public data  
18 set made available on the web portal.

19 (c) The County is not liable for any deficiency in the completeness, accuracy, content, or  
20 fitness for any particular purpose or use of any public data set, or application utilizing  
21 the data set, provided by any third party.

22 (d) This title and the open data plan do not create a private right of action for enforcement.  
23 Failure to comply with this title or the open data plan shall not result in liability of the  
24 County.

25 **Sec. 2-534. Internet data set policy and technical standards manual.**

26 (a) Within one year after the effective date of this bill, the County shall prepare and  
27 publish a technical standards manual for the publication of public data sets on the web  
28 portal to make public data available to the greatest number of users and for the greatest  
29 number of applications.

30 (b) The manual:

31 (1) Shall use open standards for web publishing and government, whenever

1           practicable;

2           (2) Shall identify the reason why each technical standard was selected and to which  
3           types of data it applies;

4           (3) May recommend or require that certain data be published under more than one  
5           technical standard; and

6           (4) Shall include a plan to adopt or utilize a web application programming interface  
7           standard that permits application programs to request and receive public data sets  
8           directly from the web portal.

9           (c) The County shall update the manual as necessary.

10 **Sec. 2-535. Open data implementation plan report.**

11           (a) No later than July 1, 2024, and every July 1 thereafter, the County Executive or their  
12           designee shall submit to the County Council, and post on the web portal, a report on  
13           progress under the open data plan until all public data sets required to be published  
14           have been made available through the web portal.

15           (b) The report shall include:

16           (1) The actions taken to make public data sets available on the web portal since the  
17           previous report.

18           (2) Any action that will be taken before the next report;

19           (3) Whether the list of public data sets in the open data plan should be updated;

20           (4) Whether the prioritization of public data sets in the open data plan should be  
21           changed; and

22           (5) Whether the timeline outlined in the open data plan for the inclusion of a public  
23           data set on the web portal should be changed.

24 **Sec. 2-536. Legislative branch.**

25           (a) The legislative branch may provide its public data sets to the County Executive or their  
26           designee to be included in the open data plan.

27           (b) The legislative branch may post all of its public data sets included in the open data plan  
28           on the same County web portal established by the County Executive.

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30           SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
31           declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,

1 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
2 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
3 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
4 Act, since the same would have been enacted without the incorporation in this Act of any such  
5 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
6 or section.

7 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
8 calendar days after it becomes law.

Adopted this 11<sup>th</sup> day of April, 2023.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Thomas E. Dernoga  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

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