RECOMMENDATIONS FOR FINAL

New York State
Open Data Handbook

August 30, 2013

1.0 Summary

On March 11, 2013, Governor Cuomo issued Executive Order 95, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement". Executive Order 95 instructs agencies to put qualifying data sets online in an open format, where data can be used to "spark innovation, improve efficiency, promote accountability, and bring the people back into government."[1]

This Handbook was written to help agencies implement Executive Order 95. In addition to the schedule created by the executive order, it adds three key provisions to help agencies order their data publishing efforts. First, agencies are asked to publish Publishable Data Sets already on their websites by March 11, 2014 (one year after the executive order). Second, agencies are asked to adopt a "One Strike and You're In" policy of publishing data sets released via FOIL request to the open data website. Third, ITS will create an online "dashboard" to track agency progress toward publishing all data on the open data website.

1.1 Timeline for Implementing NYS Open Data Policy

(Post June 17, 2013 publishing of provisional open data Handbook.)

Action	Date
Agencies Publish Data Catalogue	Sep. 7, 2013
Agencies Publish Data Schedule	Sep. 7, 2013
Final Open Data Handbook Published	Nov. 6, 2013
Open Up Data Already on Agency Websites	Mar. 11, 2014
Create Published Data Dashboard	Mar. 11, 2014
Agencies Update Data Publication Schedule	Sep. 7, Annually
Final Deadline for Uploading All Data	Nov. 2019

2.0 Introduction

2.1 Open Data

"Open Data" is data that is publicly available in convenient, modifiable, and open (non-proprietary) formats; it is data that can be retrieved, downloaded, indexed, and searched via internet search engines. Open data is reusable (provided under permissive licenses), complete, and published in a timely fashion. Note that tabular data which is already posted on a website and viewable via a web browser, but which cannot be downloaded, modified, reused, indexed, or searched by machines is not open.

Data should be made available in an open format by default unless its release is restricted by federal or state law due to concerns about privacy, security or proprietary information.

Successful open data initiatives have been established in city and state governments around the world, with New York City's and Great Britain's regarded as two of the most innovative. [2] At the federal level, the Obama Administration's Project Open Data[3] and the international G8 governments' Open Data Charter[4] have each prescribed a series of principles and best practices for open data initiatives.

2.2 Open NY

New York State's open data initiative, Open NY, is centered around a web-based public data portal which serves as a publicly accessible catalog of the state's open data. The portal contains state data which can be accessed and reused by citizens, businesses, researchers, journalists, developers, and other government entities to process, trend, and innovate utilizing a singular dataset or combinations of datasets.

Governor Cuomo launched the open data portal, Open.NY.gov, on March 11, 2013,[5] saying it would "spark innovation, improve efficiency, promote accountability, and bring the people back into government." Concurrent with the launch of Open.NY.gov, Governor Andrew Cuomo issued Executive Order No. 95, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement."[6] Under the Executive Order, covered State entities are now required to identify, catalogue, and publish state data on Open.NY.gov.

Open NY encourages transparency, accountability, and innovation with an easy to use interface. Additionally, Open NY encourages data sharing between government agencies and levels of government. Opening data also helps the public better understand what is happening in government on all levels – federal, state, and local.

2.3 Data is Open By Default

New York State's Freedom of Information Law establishes the basic premise that state records, and therefore data, is open by default and should be published unless there is a specific reason it cannot be. Opening data can help agencies reduce their workload by reducing the number of FOIL requests, and requests for data from other agencies or levels of government.

2.4 Open Data Handbook

This Handbook provides guidelines for agencies to identify and catalog data sets and schedule them for publication. (For ease of use, the Handbook will refer to all participating government entities as "agencies," although other government organizational structures may participate in Open NY, such as state authorities and localities.) The Handbook applies to agencies covered by Executive Order 95, as well as entities which are not subject to the Order but are participating voluntarily.

Open NY, the state's open data initiative marks a major shift in the way New York State government agencies share information. The goal of Open NY, and the publishing of state agency data, is to promote efficiency, accessibility, and transparency; to engage citizens; and to foster innovation and discovery in the scientific and business communities. This Handbook standardizes the open data publication process, which will make it easier for government workers and the public to discover and use the data.

The state is issuing this Handbook with the understanding that the uses and value of public data are constantly changing. To this end, ITS will collaborate with state agencies to supplement the Handbook with technical and working documents. These documents will address specific requirements and questions related to preparing, formatting, submitting, and updating data on Open.NY.gov. ITS also welcomes input from academics, researchers, developers,

businesses, entrepreneurs, and the general public to help identify data that would be useful to them and the best ways of providing it.

The final version of this Handbook will be published **November 6, 2013**.

3.0 Definitions

3.1 Covered State Entity

Covered State Entity shall mean:

(i)   any State agency or department, or any office, division, bureau, or board of such State agency or department, except where the head of such agency or department is not appointed by the Governor,

(ii) any State board, committee, or commission, at least one of whose members is appointed by the Governor, and

(iii) all public-benefit corporations, public authorities and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey.

3.2 Chief Data Officer

Chief Data Officer shall mean the New York State Chief Data Officer in the Office of Information Technology Services or a designee thereof;

3.3 Data

Data shall mean final versions of statistical or factual information that:

(i)   are in alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and

(ii) are regularly created or maintained by or on behalf of a covered State entity and are controlled by such entity; and

(iii) record a measurement, transaction or determination related to the mission of the covered State entity.

The term "data" shall not include image files, such as designs, drawings, photos or scanned copies of original documents; provided, however, that the term "data" shall include statistical or factual information about image files and geographic information system data.

3.4 Data Set

Data Set shall mean a named collection of related records maintained on a storage device, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.

3.5 ITS

ITS shall mean the New York State Office of Information Technology Services.

3.6 Publishable State Data

Publishable State Data shall mean data that is collected by a covered State entity where the entity is permitted, required or able to make the data available to the public, consistent with any and all applicable laws, rules, regulations, ordinances, resolutions, policies or other restrictions, requirements or rights associated with the State data, including but not limited to contractual or other legal orders, restrictions or requirements.

Data shall not be Publishable State data if making such data available on the Open Data Website would violate statute or regulation (e.g., disclosure that would constitute an unwarranted invasion of personal privacy), endanger the public health, safety or welfare, hinder the operation of government, including criminal and civil investigations, or impose an undue financial, operational or administrative burden on the covered State entity or State.

4.0 Agency Requirements

Executive Order 95 requires ITS and covered state agencies to work together to open Publishable State Data to the public. The following table shows the timeline from Executive Order 95 through the final deadline for uploading all Publishable State Data.

Action	Date
Executive Order 95 Issued	Mar. 11, 2013
Data Coordinators Named at Each Agency	Apr. 10, 2013
ITS Created Statewide Data Working Group	Apr. 25, 2013
Provisional Open Data Handbook Published	Jun. 10, 2013
Agencies Publish Data Catalogue	Sep. 7, 2013
Agencies Publish Data Schedule	Sep. 7, 2013
Final Open Data Handbook Published	Nov. 6, 2013
Open Up Data Already on Agency Websites	Mar. 11, 2014
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4.1 Designate a Data Coordinator

Each agency was required to designate a Data Coordinator, who has the authority equivalent to that of a Deputy Commissioner or the head of a division or department within the covered State entity. The Data Coordinator is responsible for her agency's compliance with Executive Order 95, and should be knowledgeable about the data and resources of the agency.

4.2 Create a Data Working Group

ITS was required to create a Data Working Group ("DWG"). The DWG is made up of representatives from ITS, the New York State Office of General Services, the Division of Budget, a local government expert from the Department of State, and eight to twelve Data Coordinators. The DWG assists agency CDO in carrying out his or her duties under this Order, which includes liaising between the CDO and Data Coordinators.

4.3 Catalogue Publishable Data

Each agency will conduct an internal review of all data sets and create a catalogue of all Publishable Data Sets. This catalogue will be published on Open.NY.gov on **September 7, 2013**.

4.4 Schedule Release of Publishable Data

Each agency must propose a schedule to ITS and the CDO for uploading all Publishable State Data publicly to Open.NY.gov. The schedule should provide for updating the data catalogue as Data Sets are created/updated.

This schedule will be published on Data.NY.gov on **September 7, 2013**. Further, all Publishable State Data must be published on Open NY by **November 2019**.

4.5 Open Data Handbook

ITS is required to create an Open Data Handbook to guide agencies through the process of implementing Executive Order 95. This Provisional Open Data Handbook was published, as required, within 90 days of Executive Order 95. ITS will consult with the DWG to create the Final Open Data Handbook.

This final Handbook will be published on **November 6, 2013**.

4.6 Dashboard of Published Data

ITS will create a public open data dashboard to promote public and internal accountability. The dashboard will track agency compliance plans and interim progress – specifically which data sets have been published through the Open.NY.gov site. The dashboard will also display agency statistics for:

- Scheduled data set publication;
- Inventory of data sets to be published; and
- Data set publication behind schedule.

This dashboard will be created by **March 11, 2014**.

4.7 Open Data Already on Agency Websites

Tabular or geospatial data which is already on an agency's web site in a non-open format, or has been made available in a restricted form, must be published on Open.NY.gov in an open format by **March 11, 2014**.

4.8 Update Publication Schedules Annually

Agencies will update their publication schedules annually, and these updated schedules will be published on Open NY no later than **September 7** of each year.

4.9 Voluntary Participation By Other Government

Executive Order 95 applies only to "Covered State Entities," defined within the Executive Order. However, New York State agencies and authorities which are not Covered State Entities are encouraged to participate in Open NY and submit data to Open.NY.gov in accordance with guidelines set forth in this Handbook.

Likewise, localities are invited and encourage to submit data to Open.NY.gov in accordance with these guidelines.

5.0 Publishing Data

5.1 Cataloging Publishable State Data

Executive Order No. 95 provides a specific definition of "Publishable State Data" to guide covered State agencies. When identifying Publishable State Data, agencies should include analyses from their executive and program staff, data coordinators, FOIL officers, data stewards, public information officers, security and privacy officers, and legal counsel.

In creating a data catalogue, agencies must identify those datasets that fit the definition of "Publishable State Data" within Executive Order 95:

> *"Data that is collected by a covered State entity where the entity is permitted, required or able to make the data available to the public, consistent with any and all*

applicable laws, rules, regulations, ordinances, resolutions, policies or other restrictions, requirements or rights associated with the State data, including but not limited to contractual or other legal orders, restrictions or requirements.

"Data shall not be Publishable State data if making such data available on the Open Data Website would violate statute or regulation (e.g., disclosure that would constitute an unwarranted invasion of personal privacy), endanger the public health, safety or welfare, hinder the operation of government, including criminal and civil investigations, or impose an undue financial, operational or administrative burden on the covered State entity or State."

Agencies vary widely in terms of size, personnel, functions, responsibilities, mission, and data collected and maintained. As such, the identification and prioritization of Publishable State Data will vary across agencies and entities. These guidelines serve to provide assistance across a broad spectrum of agencies, with the stipulation that agencies look to their governing laws, rules, regulations, and policies in identifying their publishable state data.

5.2 Data That is Not Publishable

As agencies classify data sets and catalogue Publishable State Data, they should be mindful of legal and policy restrictions on publication of certain kinds of data.

5.2.1 Is This Data Disclosable Under FOIL?

All Publishable State Data is disclosable under FOIL. Data which falls under one of FOIL's exceptions may not be classified as publishable. FOIL creates a presumption that government records shall be made available to the public unless excludable under a set of specific exemptions.[7] Agencies should not publish data which would:

- Constitute an invasion of personal privacy; or
- Impair contractual or collective bargaining negotiations; or
- Expose protected trade secrets; or
- Interfere with law enforcement or judicial proceedings, endangering life or safety.

5.2.2 Would Publication Violate Other Laws or Rules?

FOIL is not the only law which regulates privacy or security. Rules or laws more specific to each agency may pre-empt the public posting of data sets which pose any information security risks, either alone or if the data are combined with other publicly available data. Agencies should consider whether public posting of the data violates any individual privacy, or contain individually identifying information that could be used in harmful ways if combined with other data sets.

Various statutes and regulations, such as Health Insurance Portability and Accountability Act ("HIPAA") and its privacy regulations, have very exacting requirements for determining whether data have been sufficiently de-identified so as not to compromise individual privacy. For example, the presence of medical conditions per geographic location might constitute high-value, useful, and sought-after data; however, exposing it might identify the individuals who have these medical conditions.

5.2.3 Aggregate Data and Protecting Privacy

Under the Family Educational Rights and Privacy Act of 1974, the Federal Government has established guidelines for data privacy to prevent individuals from being identified indirectly from aggregation of data. Agencies that deal with student educational data should be aware of guidelines that restrict publication of some data.

5.2.4 Intellectual Property Rights and Publishing Data

Agencies should ensure that they possess all rights for publishing data, and publishing it in a particular form. Specifically, they should be sure that data collected or compiled by a third party does not have a contractual limitation on its publication.

Do third parties hold any intellectual property rights to the data set? If so, has the agency licensed the right to reproduce this data?

6.0 What to Publish First

Agencies should seek to publish the Publishable State Data which the public has the most interest in. They should begin with:

1. Data already posted on an agency's web site, but not published in an open format.[8]

2. Data most released under Freedom of Information Law requests.

3. Data most often used by the agency or other units of government.

6.1 Data Posted in Closed Formats

Agencies already have an enormous amount of data already posted on their web sites. They often know which data the public is most interested in, and have posted their data on their websites. However, the data, or information, on agency websites is often not in an open format.[9] That is, it is not made available in a machine-readable, searchable, or usable form. For instance, a simple table of information posted on an agency website that is readable through a web browser, and is not downloadable, is not open. That table must be downloadable as a csv or excel format to be considered open. To maximize the public value of the data in the table, it should be published in an open format.

6.2 Use FOIL to Identify Valuable Data

The New York State Freedom of Information Law ("FOIL") can be used as a tool to determine what data the public is most interested to see opened. All agencies should adopt a "**One Strike and You're In**" policy, and should publish any data sets which have been disclosed in fulfillment of a FOIL request.[10]

6.3 Additional Ways to Identify High Value Data

After opening all data on their websites, and frequently FOILed data, agencies can look at a number of other criteria to decide what they should publish next.

- What data is most frequently used in published agency reports?
- What data does the agency collect most frequently?

- What data are reported to, or frequently requested by, other government entities (federal, state local)?

- What published data is a subset of a larger data set? (For example, if an agency publishes wine sale data for March 2013, why not publish all of 2013, 2012, etc.?)

7.0 Pre-Publication Approval

Executive Order 95 directs agencies to engage in an internal review process and approve Publishable State Data for publication to Open.NY.gov. Agencies are responsible for the accuracy of published data, as well as complying with applicable security, privacy, confidentiality, and intellectual property laws or rules.

For any particular dataset, at a minimum, agencies must receive explicit approval and sign-off from the individuals listed below. ITS will create standardized approval forms, which must be completed prior to dataset publication.

7.1 Required Signatures

7.1.1 Data Owner

This is typically the head of an agency department, a bureau director, or person situated similarly within the agency and likely to have been directly involved with the collection of the data. The Data Owner will have the greatest familiarity with and knowledge of the dataset and the data it contains, and the purpose for the collection of the data. The Data Owner should know the accuracy and currency of the data, and be best able to describe and fill in the metadata elements describing the data.

Approval by the Data Owner confirms that the agency has obtained permission and knowledge from the department which is most responsible for the specific data.

7.1.2 Legal Counsel

Legal counsel (whether in-house or an outside attorney) will likely be in the best position to determine whether the dataset has internally been reviewed sufficiently to ensure compli-

ance with privacy and security requirements, intellectual property rights, and FOIL responsibilities.

It is recommended that the legal counsel consult with the agency's chief privacy official, chief security officer, FOIL officer, or records access officer.

7.1.3 Data Coordinator

Each agency's Data Coordinator is the liaison between Open NY and the agency. This person is best-positioned to convey to the Data Owner any specific needs of the Open.NY.gov regarding data set format. (For example, an individual dataset may need to be cleansed to remove extraneous, non-machine-readable elements).

The Data Coordinator also serves as an additional internal control ensuring the dataset has been properly evaluated before being provided to Open.NY.gov.

7.1.4 Chief Executive

Approval by the head of the agency (or her designee) confirms that the agency is aware it is providing the data set to Open.NY.gov and has the authority to do so; it also confirms that proper evaluations of the datasets have been completed.

8.0 Data Preparation & Access

Data sets must be released in open file formats which are machine-readable and allow reuse. Closed and proprietary file formats (e.g., PDF, PPT, DOC, DOCX, etc.) are not appropriate formats for publishing tabular data on the open data platform. Non-tabular data may be published in DOC and DOCX formats. Open data is meant to be reusable by the broadest possible user base: standardized, open file formats permit re-use by the widest range of users on the widest range of application systems.

Open.NY.gov is a platform for presenting machine-readable data to the public; end-users will process, access, discover, extract and combine data elements to discover new insights, observations, and utility regarding the data.

Narrative documentation associated with datasets on Open.NY.gov should be kept to the minimum necessary for end users to understand the agency's interpretation of the data. Limit documentation to 1-2 pages for most datasets. If an agency develops extensive narrative reports about the data, then those reports should be published on the agency's website with a link to the relevant data set(s) on Open.NY.gov.

Open NY's Open Data Platform provides an open, standards-based, RESTful[11] application programming interface ("API") to provide automatic access to the publicly published datasets within the open data catalogue. The Platform will be optimized towards the developer community, technical users, and researchers and enable programmatic reuse.

8.1 Standardization

The way data consumers interact and use the Platform is greatly influenced by the way the data is published. The Platform requires the data publishers to present the data in a machine-readable format to enable software tools, applications & systems to process it. Instead of pre-processing the data, data consumers can directly access the raw data and customize the data for their own consumption needs.

Standardizing the data publishing model on the Platform in a machine-readable format enables automation leading to the development of new, user-friendly analysis tools. The same data can be reused for another business use case without extra processing.

As part of the standardization process, Open NY's Platform has identified the following minimum requirements:

8.1.1 Metadata Attributes

The Platform will support a common and fully described core metadata scheme for each hosted dataset and API within the data catalogue. The metadata scheme would allow data publishers to classify selected contextual fields or elements within their dataset as well as adhere to common Meta attributes identified platform-wide empowering the data consumers to build automated discovery mechanisms at a granular-level. Using a common metadata taxonomy will allow Open.NY.gov to convey and increase discoverability of high-value datasets

8.1.2 Machine-Readable File Formats

In order to facilitate automatic processing of the data, make it easily accessible and available in machine-readable formats, standardized open data file formats for data publishers and data consumers would be made available so that they can be uploaded, retrieved, indexed and searched.

Datasets published to the Open New York platform are machine-readable and have a clear separation of metadata from the original source data. Data Consumers will be able to auto-mate the process of discovery, accessibility and ingestion by using the uniform open data formats supported by the Platform.

8.1.3 Domain Categories

The Platform supports a common domain model that allows data publishers to identify, trans-form and anchor datasets in a particular domain. Using a common scheme based on catego-ries and tags, Open New York standardizes the available domains within the Platform, thus helping data consumers to retrieve datasets readily and uniformly using either the standard core metadata or extending the search using domain-specific metadata.

8.2 Metadata Vocabulary

Open.NY.gov adheres to core components of the Dublin Core[12] standard for metadata. The ability to search and find information is enhanced by the adherence to metadata standards required with each dataset. In addition, metadata is linked to subject categories which pro-vides for more precise searching and document management.

 The Dublin Core Metadata Initiative (DCMI) is incorporated as a non-profit organization hosted at the National Library Board of Singapore. Its lists of elements, glossary, and FAQs were last revised in 2005, but an effort to update its User Guide is being developed at the wiki page.[13] Open NY uses the current set of elements, which are required to accompany each da-taset and are incorporated as shown on the ITS GitHub page.[14] Adoption of the Dublin Core, together with standards for Open Data, maximizes adaptability and interoperability.

8.3 Dataset Formats

The Open Data Platform supports two classifications of datasets: **tabular** and **geospatial**. A tabular dataset is a flat file that conforms to a predefined schema. The schema defines the characteristics of a fixed number of columns, including the column name and data type. A geospatial dataset contains information that can be readily rendered on an underlying map. Examples of geospatial features include points (buildings), polylines (bus routes), and polygons (school districts), along with attribute information that describes characteristics of each spatial feature.

8.3.1 Tabular Datasets

Input File Formats: the current Open Data Platform supports a variety of popular and standard tabular input file formats.

- CSV & TSV: Comma/Tab Separated Values
- XLS & XLSX: Microsoft Excel Formats

Export File Formats: datasets can be exported for download in popular human-readable formats, machine-readable standards and streamable file formats. The Platform currently supports the following exportable tabular file formats:

- CSV
- JSON
- PDF
- RDF
- RSS
- XLS
- XLSX
- XML

Large File Support: public data often consists of historical archives, comprised of potentially millions of records collected over an extended period of time. The Platform supports the loading, exporting and visualization of large datasets (1GB or more).

Geocoding: the Open NY Platform supports geocoding services which convert human-readable address information into mappable coordinates (Latitude/Longitude).

8.3.2 Geo-Spatial Datasets

Input File Formats: the Platform supports two data formats for geospatial information. The appropriate format is dependent on the specific characteristics of the underlying geographic data.

- Points: All Tabular File Formats or Shapefile

- Polylines: Shapefile

- Polygons: Shapefile

Point data can be stored in either tabular or shapefile format. Tabular formatting of points requires either columns for latitude and longitude, or complete address information that can be geocoded. In contrast, polylines and polygons define complex geometric structures that are not easily defined as column attributes. Therefore, shapefile format is a preferred format for these complex geographic structures.

Each shapefile (at a minimum) should contain the following files:

- .shp: Defines the geometry (shapes)

- .dpf: Defines the attribute table

- .prj: Projection, ensures the feature locations are accurately rendered on the map

- .shx: Shape indexing file, for efficient processing

Other supported geospatial formats may include KML, KMZ.

Geospatial data is usually organized as a collection of features that define a layer. Layers can be overlaid on top of one another, allowing visualization spatial relations, spatial queries, and analysis.

Export File Formats: Geospatial data contains geographic features and attribute data that defines the properties of geographic features. Attributes are stored in a tabular format with unique key references to the associated geographic features.

Two export methodologies are supported for exporting geographic information: geospatial and attribute. Attribute layers can be exported as tabular data export file formats as identified earlier.

Geospatial information can be exported in the following formats:

- Shapefile

- KML

- KMZ

8.4 Application Program Interface (API)

All data on the Platform can be consumed via an Application Program Interface (API) which provides direct access to the raw data for developers.

8.4.1 Access to Datasets

The Open NY Platform supports the existence of an API Strategy that allows the developer community to dynamically query a dataset within the data catalogue. Each hosted dataset within the data catalogue will:

- Be readily and uniformly accessible.

- Be available for automated processing by applications and systems

- Have a standard API Endpoint

The Endpoint points to a RESTful implementation of the underlying dataset that has been accessed. All communication with the API is done through an HTTPS protocol. The platform provides the following preferred response types which are made available by the "extension" of the API or by HTTP "Accepts" headers:

- JSON

- XML

- CSV

- RDF

8.4.2 Featured API Catalog

Additionally, the Open NY Platform supports the creation of a featured API Catalog that provides custom endpoints to the developer community to dynamically query the raw dataset based on "specified" dataset elements. The featured API Catalog is categorized and tagged using the common domain and metadata schema identified in Section 7.1.

8.5 Data Refresh Process

Specific guidance regarding updating data sets will be addressed in forthcoming technical and working documents. Four mechanisms are supported for refreshing a dataset:

- Replace: All existing records are removed and new records are inserted.
- Append: New dataset records are inserted
- Update: Existing records are modified
- Delete: Existing records are removed

The frequency of updates is included in the metadata provided with each dataset.[15]

9.0 Open NY Terms of Use

These terms may also be found on the Open NY website, Open.NY.gov, and are current as of the date of publication of this Handbook. The terms on the website may be modified as conditions warrant.

9.1 Welcome to Open NY!

This website creates unprecedented transparency across all levels of government and gives the people user-friendly access to incalculable amounts of information about New York. We invite you to connect with government by freely using the information tools we provide here. We ask only that you abide by our Terms of Use, to protect against abuses of this website. Then use our government information however you wish, in private sector projects or in government collaborations, to generate useful apps or to evaluate our performance.

9.2 Contract

As a public service, the State of New York ("The State") publishes data, datasets, information, content, files, documents, material (collectively, "Content") on Open NY. You are welcome to freely download and use this Content as long as you abide by these Terms of Use ("Terms of Use," or "Terms"), which constitute a contract between you and the State. Using Content from Open NY constitutes your agreement and acceptance of these terms. Other terms may apply generally to the Open NY website, such as its Privacy Policy, or may be imposed specifically on specific Content. You are responsible for reading and abiding by these terms as well. These Terms of Use affect your legal rights and obligations. If you do not agree to be bound by all of these Terms of Use, do not access or use Open NY.

9.3 Lawful Purposes

As a condition of your use of Content published on Open NY, you warrant to the State that you will not use this website or its Content for purposes that are unlawful or prohibited by these Terms of Use. You agree to comply with all laws, rules and regulations (for example, federal, state, local and provincial) applicable to your use of Open NY, including but not limited to, intellectual property laws.

The State may require you, by providing you with a notice in writing with which you shall comply, to cease using or displaying its Content if the State reasonably believes you are violating these Terms of Use, violating other terms posted on Open NY and applicable to the website's Content, or that you are failing to abide by international, federal, state, or local laws, regulations, or ordinances.

9.4 Security of this Website

This website is administered by the NYS Office of Information Technology Services. Actual or attempted unauthorized use of this website may result in criminal and/or civil prosecution. Use of this website may be monitored and disclosed by and to authorized personnel for official purposes without additional prior notice to users. The State has taken reasonable measures to safeguard the integrity of the website, but is not liable to you for any injury caused by security breaches or other acts compromising the website.

You may not use Open NY to upload computer viruses or other computer code or malware that damages or disrupts the State's equipment or communications networks, alters or interrupts Open NY's Content or functionality or causes harm to the website or to any other user of the website.

9.5 Privacy of this Website's Content

The terms of the Open NY Privacy Policy are incorporated into and made a part of these Terms of Use. Content published on Open NY has been vetted by the government agencies supplying the Content in order to reasonably ensure that information protected from disclosure by law is not released therein.

Contact the supplying government agency if you have any questions or concerns about the privacy of particular Content or contact ITS Counsel's Office at (518) 473-5115 or opendata@its.ny.gov.

9.6 Public Participation

To the extent Open NY activates a module or forum for public comment or the uploading of Content or other information from members of the general public, the following provisions concerning acceptable use apply, and uploading such information indicates your agreement to abide by the following:

- You shall use this website and any applications hereon only for public participation purposes directly related to the purposes of the website, and not for any fraudulent, illegal, or nonpublic purpose, including, but not limited to, the transmission of obscene or harassing materials, the pursuit of personal activities, the mass distribution of unsolicited messages ("spamming"), or the promotion of commercial ventures or religious or political causes.

- To the extent this website requires log-in, you are responsible for acquiring and safeguarding your own user ID and password used to access the website, and shall be responsible for any activity attributable to the use of your account whether by you or any other person.

- You shall not engage in activities that may cause interference with or disruption to any network, information service, equipment or user thereof.

- You shall comply with the website's confidentiality and security requirements and shall not seek information on other users or attempt to obtain access to, copy, or modify other users' files without express permission.

- You shall not violate the rights of any person or entity protected by copyright, trademark, trade dress, trade secret, patent, or other similar laws or regulations.

- Report any abuse or misuse of Open NY's public participation application to the NYS Office of Information Technology Services, Counsel's Office at (518) 473-5115 or opendata@its.ny.gov, and cooperate in any investigation into any such abuse or misuse.

We welcome your feedback concerning Open NY, but offer no guarantee your feedback will result in changes to the website.

9.7 Intellectual Property

These Terms of Use were created to protect against abuses of the Open NY website. We invite you to access, read, discuss, share, and use the Content found on Open NY to connect with government and evaluate our performance.

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We welcome you to Open NY, and hope you find the information here useful. If you are dissatisfied in any manner with these Terms of Use, please let us know.

10.0 Appendix

10.1 Publishable Data Sets

10.1.1 Examples of Closed Data Sets "available" via Restricted Queries

- NYS Department of Environmental Conservation's State Lands Interactive Mapper: http://www.dec.ny.gov/outdoor/45415.html

- NYS Department of Environmental Conservation Air Monitoring tool: http://www.dec.ny.gov/airmon/regionMap.php?national

- NYS Department of Tax and Finance Municipal Profiles search tool: http://orpts.tax.ny.gov/MuniPro/

- NYS Department of Taxation and Finance Assessment Roll Lists: http://www.tax.ny.gov/pit/property/assess/local/index.htm

- NYS Department of Health's map of perinatal health by ZIP Code: http://www.health.ny.gov/statistics/chac/perinatal/

10.1.2 Examples of Data on Agency Web Sites, non-Open Formats

- NYS Department of Health Behavioral Risk Factor Surveillance System Reports: http://www.health.ny.gov/statistics/brfss/reports/

- NYS DOH Influenza Activity, Surveillance and Reports: http://www.health.ny.gov/diseases/communicable/influenza/surveillance

- NYS Department of Motor Vehicles Road Test Locations: http://www.dmv.ny.gov/rtlocation.htm

- NYS Department of Environmental Conservation Interactive Online Maps: http://www.dec.ny.gov/pubs/42937.html

- NYS Empire State Development Corp. Census 2010 Demographic Profiles: http://www.esd.ny.gov/NYSDataCenter/Data/Census2010/DemographicProfiles2010.html

- NYS Education Department Personnel Master Files: http://www.p12.nysed.gov/irs/pmf/2011-12/home.html

- NYS Education Department Statewide Report Cards:
  https://reportcards.nysed.gov/schools.php?district=800000055729&year=2011

- NYS Education Department Statewide Report Card database:
  https://reportcards.nysed.gov/databasedownload.php

- NYS Education Department Statistics for New York State:
  http://www.p12.nysed.gov/irs/statistics/public/

- NYS Office of Temporary and Disability Assistance Performance and Accountability
  Matrix: http://otda.ny.gov/resources/accountability/2011-2012-FFFS-Matrix.pdf

10.2 Endnotes

1. Press Release, "Governor Cuomo Launches Open.NY.Gov Providing Public Unprecedented User-Friendly Access to Federal, State and Local Data" available at:
http://www.governor.ny.gov/press/03112013open-data

2. New York City Open Data Portal: https://data.cityofnewyork.us

3. Project Open Data: http://project-open-data.github.io/

4. G8 Open Data Charter and Technical Annex:
https://www.gov.uk/government/publications/open-data-charter/g8-open-data-charter-and-technical-annex

5. Press Release, "Governor Cuomo Launches Open.NY.Gov Providing Public Unprecedented User-Friendly Access to Federal, State and Local Data" available at:
http://www.governor.ny.gov/press/03112013open-data

6. Executive Order 95 is available at: http://www.governor.ny.gov/executiveorder/95

7 See the full list of New York State Freedom of Information Law's exceptions in §87(2):
http://www.dos.ny.gov/coog/foil2.html

8. See Appendix for Examples of Data on Agency Websites in non-Open Formats.

9. *ibid*

10. In addition to directly measuring interest in state data, uploading FOILed documents saves agency time and money. See Testimony of Larry F. Gottesman, National Freedom of Information Officer, U.S. Environmental Protection Agency, to the House Committee on Oversight and Government Reform on March 18, 2010:
http://epa.gov/ocir/hearings/testimony/111_2009_2010/2010_0318_lfg.pdf

11. REST is a set of design principles for creating an API. For an introduction to RESTful web services, see IBM's Developer Works site:
http://www.ibm.com/developerworks/webservices/library/ws-restful/

12. The Dublin Core Metadata Initiative's Metadata Element Set, Version 1.1 is available at:
http://www.dublincore.org/documents/dces/

13. See the Dublin Core Metadata Initiative's User Guide at:
http://wiki.dublincore.org/index.php/User_Guide

14. See table at http://nys-its.github.io/open-data-handbook/img/MetadataTable.png

15. See the Dublin Core Collection Decription Frequency Vocabulary:
http://dublincore.org/groups/collections/frequency/