CITY OF GAINESVILLE

every path starts with passion

FLORIDA

Staff Analysis

Smart City Update:

Data Ownership and Privacy

Presented by:
Dan Hoffman
Assistant City Manager

October 12th, 2017

CITY OF GAINESVILLE STAFF ANALYSIS

Legistar No: 170261

Title: **Smart City Update**

City Staff Contact: **Dan Hoffman, Assistant City Manager**

_____

Summary of Issue

Cities are generating and collecting more data than ever before. New "smart" systems and infrastructure with embedded sensors as well as citizen generated data (such as data coming from cell phones) are now subject to regulations and policies developed long before this data was under consideration. This and existing data should be viewed as an asset that we protect and distribute based on the best interest of residents and the efficient and effective operation of city government. No specific recommendations or decisions are required at this time, but guidance in the discussed areas would allow staff to move forward to move forward with great confidence.

Other brief updates:

- General Government and GRU staff members have been communicating regarding technical standards for streetlights. General government has also issued a memo guiding staff towards a particular technical standard for all new streetlights with an eye towards future interoperability. Initial conversations have also been had with the University of Florida staff to ensure on-campus deployments also have a similar degree of interoperability. We anticipate that the next Smart City Update will focus on the topic of multipurpose infrastructure such as streetlights.
- An internal staff work group has been formed to focus on smart city deployments. This group will help coordinate smart city deployments and generate analysis where needed. This work group will be led by the Director of Technology, a new position which will be advertised in the coming weeks. The Director of Technology is already in the budget but identified as a Digital Services Director. The position will report to an Assistant City Manager.
- Discussions about a joint smart city lab between UF and the City are under way and tied to the Partnership which you are also being briefed on during this meeting.
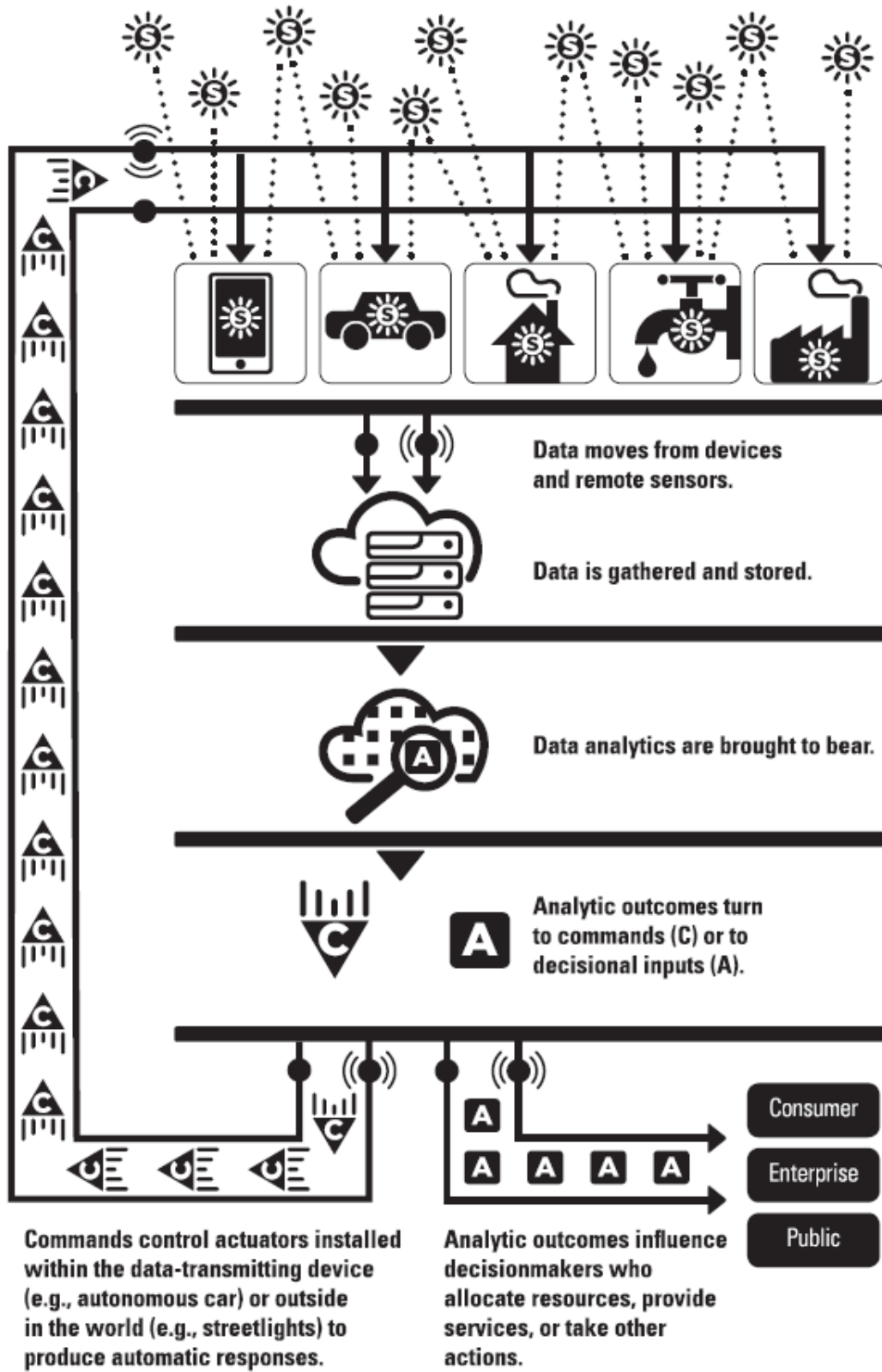
Data moves from devices and remote sensors.

Data is gathered and stored.

Data analytics are brought to bear.

Analytic outcomes turn to commands (C) or to decisional inputs (A).

Consumer

Enterprise

Public

Commands control actuators installed within the data-transmitting device (e.g., autonomous car) or outside in the world (e.g., streetlights) to produce automatic responses.

Analytic outcomes influence decisionmakers who allocate resources, provide services, or take other actions.

Figure 1 - The Flow of Smart City Data (Aspen Institute, 2015)

<u>**Topic One: Data Privacy**</u>

For discussion today are the dual and sometimes conflicting concepts of data ownership and data privacy. If the data we collect and maintain has value, then it follows that we should control access to it and charge for it where needed. However, as proponents of a transparent government we are subject to laws that broadly require us to distribute government data to anyone that asks and we have set up open data programs to make the exchange of that data more liquid. So when someone asks us for all of the personal email addresses of our residents who have signed up of an informational city newsletter, we are likely forced to comply due to existing law. If you were to ask our residents whether or not they'd like to have their personal email address distributed to a third party, many may not be in favor of this. This concept is repeated on a regular basis across most of the new "smart city" systems we may deploy. We cannot save thousands of lives a year through advancements like autonomous vehicles if all data is deemed as sensitive as medical data. Conversely, we cannot effectively use that data to save lives if all data is open and readily available to the public.

<u>**Questions**</u>

    A.   How do we determine what data (new and possibly existing) constitutes personally identifiable information (PII) or protected data?
    B.   What data is required to conduct a transparent government versus data that has value and could/should be treated as a commodity?
    C.   In cases where the City owns valuable data, should we sell this data?
    D.   In cases where we are required by law to openly distribute data we feel should be held securely, should we advocate for changes to those laws?
    E.   How do we ensure equity without ignoring opportunities for improvement?

Topic Two: Data Ownership

To be clear, staff is not recommending that we sell resident data like Facebook of Google do. Rather, we need updated policies and guidance to help better collect, manage, secure and distribute data. To do this a first step we must take is to claim control over the data we are currently collecting. Currently some, if not many, of our IT vendor contracts have a data ownership clause that favors the vendor. For example, in the case of one existing RTS contract the vendor claims ownership over all "service data" and in the event the contract ceases they would retain that ownership. To prevent such imbalance in the future the City Attorney has begun working with general government to develop new standard language that gives us greater control and ownership over data gathered in the course of these contracts.

<u>**Questions**</u>

    A.   When acquiring a new IT system or piece of smart city infrastructure, how do we evaluate the potential for new data collection, storage, security and if needed, distribution?
    B.   Should we have a point person that acts as a "data officer" who reviews these agreements and makes the appropriate plans for the new data?

C.   Should staff develop a master data strategy to help guide the management of new and existing data?

D.   Given recent high profile data breaches, what steps should be taken to build community trust in our ownership of their data?

Related Topic: Open Data

As you are aware, currently the City maintains an open data portal. This type of portal is a basic building block of any open and transparent government. If done properly it can be a catalyst for citizen engagement, start-up growth, and additional government efficiencies. The Department of Strategic Initiatives is currently working to create an inventory of City data so that we can plan and prioritize our data publication pipeline. The agreement with What Works Cities (a Bloomberg Philanthropies initiative) will also provide staff with additional resources to build and hone these programs. Staff will bring back a detailed update on the open data program at a future date. In the meantime, the Commission may want to consider having a more detailed conversation about establishing an open data ordinance similar to those in other jurisdictions. Alternatively, a general government administrative procedure may also produce similar results but would only be relevant to one charter entity.

<u>Staff Recommendation</u>

No recommendations are being made at this time. However, broad direction from the Commission on some of these topics would be helpful. Also, staff could develop additional detailed analysis of specific questions if requested.