

Missouri's Local Government GIS Data

Who Really Ought to Own It?

I am:

Christopher W. Dunn, MA, AICP

I worked in local government for about 20 years. (in Kansas)

I am **not** a trained GIS technician.

I am/was an urban planner who had some GIS talent.

Now I am a JD Candidate (2014) at the University of Missouri – School of Law

Contact Information:

cwdfkf@mail.missouri.edu

(816) 752-0449

www.geovelo.org

Q: Why am I here today?

The Short Answer

- I inadvertently kicked the Missouri hornets nest of:
RSMo § 67.1850
 - **Geographical information system may be created, purpose, open records policy, fees for information, licensing, liability.**
- This is the state statute governing GIS data sales under the state Sunshine Act laws.

Q: Why am I here today? (1of6)

The Long Answer

- I am formerly a city Planning and Development Office Department Head. (in Kansas)
- I am now a second year law student at the University of Missouri - Columbia.
- To support my law habit I make thematic maps for a number of clients; mostly hospitals and non- profits.
- In early 2012 I needed some local GIS data for a map.

Q: Why am I here today? (2of6)

The Long Answer

- The map was for a not-for-profit hospital.
- They wanted to perform a site selection analysis for a clinic designated to serve the underprivileged and at-risk population. Mostly prenatal and neonatal care.
- The local government thought their data were worth upwards of \$20,000.
- The firm I was working through was going to charge about \$1000 for their and my work on the project.

Q: Why am I here today? (3of6)

The Long Answer

- When I realized I wasn't going to get the data without paying full retail price I made a Sunshine Law request – **NOT for the data** – but for the documents relating to how the local government developed its policies relating to GIS data sales.

Q: Why am I here today? (4of6)

The Long Answer

- The XXXXXXXX Clerk and GIS Coordinator cannot be said to have effectively complied with the Sunshine Act in this case.
- The email record shows the local government was displeased with my request.

Q: Why am I here today? (5of6)

The Long Answer

- The timeline and email record show the local government Clerk and GIS Coordinator cannot fairly be said to have completely and effectively complied with my Sunshine Act request.
- The documents I did receive will show that the local government eventually adopted a GIS sales policy as a result of my request.

Q: Why am I here today? (6of6)

The Long Answer

- In my prior career I've personally handled numerous Sunshine Act requests.
- While all this was going on I needed a topic for a research paper at law school.
- My initial research showed that in the law journals and CE's there didn't appear to have been much written on the subject.
- My advisor approved the project.

My Sunshine Act Request (1of2)

The Long Answer

Dear XXXXXX

This is a request for records under the Missouri Sunshine Law (§ 610.10 RSMo et al.) I am requesting a copy of the following documents:

- All records which relate to how XXXXXXXXX Missouri has developed, adopted, and operates its policy of providing and charging third parties for GIS data. More specifically I am requesting:
 - All XXXXXXXXX resolutions relating to the pricing, availability, or security of Geographic Information Systems (GIS) data either kept, maintained, distributed, or loaned to or from the XXXXXXXXX since Jan 1, 2000.
 - All internal and external correspondence regarding either the pricing and availability of Geographic Information Systems (GIS) data between XXXXXXXXX officials or employees since Jan 1, 2000.
 - All correspondence with the state of Missouri regarding GIS data availability and pricing since Jan 1, 2000.
 - All written XXXXXXXXX policies regarding the pricing and availability of GIS data either kept, maintained, distributed, or loaned to or from the XXXXXXXXX since Jan 1, 2000.
 - All worksheets notes or other documents used by XXXXXXXXXX staff to provide price quotes or invoicing for the cost of GIS data to other data requesters since Jan 1, 2000.

My Sunshine Act Request (2of2)

- As a law student at the University of Missouri I've selected the topic of GIS data availability policies of various local government regarding its obligations under the applicable Sunshine act laws for examination.
- As I have previously made a genuine commercial use request for GIS data to XXXXXXX and the XXXXXXX response stated the cost for various data files –without referencing any cost regime.
- Thus, I am unsure of the manner in which those data cost numbers were developed and your website does not provide any related information on the subject. Thus, my request serves a true public interest as the request will be used to support the subject of a law review article submission, which may influence state GIS data policy, and the article may be further developed into a Continuing Legal Education (CLE) class. Therefore I ask that the XXXXXXXX waive any fees associate with this request.
- Please let me know in advance of any search or copying if the fees will exceed \$100.
- If portions of the requested records are closed, please segregate the closed portions and provide me with the rest of the records.

Kind Regards - **Christopher W. Dunn, AICP** - JD Candidate 2014 - University of Missouri, School of Law

My Research Paper's Questions:

1. What is the current status of the law in Missouri regarding a local government's responsibilities when it receives a request for GIS data?
2. What public policies would be most efficient in such cases?
3. What changes to RSMo § 610.023 would better support efficient public policy?

My Research Paper's Questions:

1. What is the current status of the law in Missouri regarding a local government's responsibilities when it receives a request for GIS data?
 - **Status:** I've completed my research and have performed a legal analysis for my paper.
 - **Conclusion:** The law is a long way from settled in this matter. Details in the paper.

My Biases:

1. What public policies would be most efficient in such cases?

I am an unapologetic open local data advocate; except in cases of public safety.

2. What changes to RSMo § 610.023 would better support efficient public policy?

I have drafted some recommendations. They will be published in my paper.

These are my Questions for YOU:

I will include your feedback in my paper.

1. What public policies would be most efficient in such cases?

~ I need your feedback here ~

2. What changes to RSMo § 610.023 would better support efficient public policy?

~ I need your feedback here ~

What's Next?

- Please send me:
 - Your on-the-record written comments.
 - Your off-the-record written comments.
 - Your links to articles on the subject
 - Anything else you may think is important
- My paper is due mid-May.
- If this body wishes I will return and present my conclusions.

Please send your written comments to:

Chris Dunn

AKA Christopher W. Dunn, MA, AICP

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