

## Geographic Information System Data Sharing

### Summary

The 2005-2006 Ventura County Grand Jury (Grand Jury) became aware that the data sharing process of the County of Ventura Geographic Information System (GIS) could be inconsistent with State and Federal grant-funded program requirements. These regulations require that digital data developed using grant funds must be provided in digital format to requesting agencies and individuals at no charge except for the cost of reproduction. This information led the Grand Jury to investigate the GIS Division of the County Information Systems Department (ISD), which provides a storage repository of most of the GIS data developed and/or collected by County agencies. The Grand Jury investigation also included the Resource Management Agency (RMA) digital data sharing process.

The Grand Jury became aware, during the investigation, of a recent State Attorney General Opinion (AG Opinion) and State law related to the issue of digital data sharing by State and local agencies. The Grand Jury also learned that the Counties of Los Angeles and Santa Barbara decided to comply with the AG Opinion by providing their digital data on request for the cost of reproduction.

The County GIS Division of ISD and RMA, at the time the investigation was started, were charging subscription fees for their respective agencies' digital data and/or one time cost for a one-time only data request.

County Counsel, during the course of the Grand Jury investigation, determined that County agencies are required to provide digital data at the cost of reproduction only to individuals making a request for the data under the California Public Records Act (PRA).

The County Counsel determination effectively dealt with the Grand Jury concerns regarding the County agencies' process of assessing charges in excess of the cost of reproduction for digital data requests.

### Background

GIS is a computer technology that uses a geographic information system as an analytic framework for managing and integrating data; solving problems; or understanding past, present, or future situations. GIS is most often associated with maps. A map, however, is only one way individuals can work with geographic data in GIS, and only one type of product generated by GIS. This is important, because it means that GIS can provide more problem-solving capabilities than using simple mapping programs or adding data to an online mapping tool. The digital information used in GIS can include aerial imagery, multiple layers of geological and man-made boundaries, utility infrastructure, assessor parcel information and associated data.

## Methodology

The Grand Jury interviewed County officials, State officials, private individuals and staff from several cities.

## Findings

- F-01.** In Ventura County, this type of GIS information is most helpful, and in some instances, absolutely essential for cities, special districts, municipalities, various local, state and federal agencies, private enterprises, and the public to complete their tasks of sensible planning and development.
- F-02.** In Ventura County, and most other counties, GIS related data development is funded through grant funds, general funds, and special district assessments. All of these funds derive from tax-payer dollars.
- F-03.** The AG Opinion issued October 3, 2005, recognized this tax-payer funding as a source of funding for development of GIS data. Therefore, the opinion states that this data should be made available to everyone making a PRA request for the data for the cost of reproduction only, with no additional fees or subscriptions.
- F-04.** The AG Opinion noted that the Public Records Act (Government Code §§6250-6276.48) applies to data regardless of which local agency controls the data:
- “Local agency” includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; (special) district; political subdivision; or any board, commission or agency thereof; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

## Conclusions

- C-01.** The County Counsel opinion issued on April 28, 2006, stated that the GIS data should be made available for the cost of reproduction initially applied to one specific request. However, if others in the County or any enterprise should make a similar request for data the response to them will be the same as the response given to the entity that initiated this opinion. Therefore, other entities making similar requests should be able to obtain the requested GIS data for the cost of reproduction only. (F-01 – F-04).

## Recommendations

- R-01.** The County should develop a specific GIS request format for any one to use when requesting GIS data from any County agency, division, or section. (C-01).
- R-02.** The County should develop a price list or some other means that makes clear to any one requesting GIS data the exact cost of reproduction and any other fees that may become applicable. The cost of reproduction could include making GIS data available on CD, DVD or other electronic storage means depending on the size of the GIS data requested. The availability and cost of the data in a printed format should also be identified. (C-01)

- R-03.** The Board of Supervisors should adopt in the form of a resolution, or ordinance, as appropriate, the AG Opinion that has been recently supported by County Counsel. This action should be implemented as soon as possible. (C-01)
- R-04.** The County should develop procedures to ensure that responses to GIS PRA data requests are made in a timely manner consistent with PRA legal requirements. (C-01)

**Responses Required From:**

- Ventura County Board of Supervisors (R-03, R-04)
- Ventura County Information Systems Department (R-01, R-02, R-04)
- Ventura County Resource Management Agency (R-01, R-02, R-04)
- Ventura County Public Works Agency (R-01, R-02, R-04)

**Commendations**

County Counsel is to be commended for a timely response to the issue and to the AG Opinion.

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