

Administrative Process and Procedures to Implement ORS 276A.509

Approved by the Oregon Geographic Information Council

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Version 1.0

Purpose

Oregon's Framework Program is a collaborative network of GIS practitioners across the state who support the creation and maintenance of authoritative geospatial Framework data (defined in ORS 276A.500(5))¹. The Program develops data standards, stewardship, and governance processes to promote and advance geospatial data use and sharing. Framework data are fundamental geospatial data sets intended to serve the purposes of a broad range of users. Framework datasets are shared openly and maintained through a voluntary, collaborative, community-based effort participated in by local, regional, state, tribal, and federal governments.

As stated in Oregon Revised Statute (ORS) 276A.503 and 506², the Oregon Geographic Information Council (OGIC) serves as the statewide governing body for sharing and managing geospatial Framework data, coordinates data sharing by public bodies, identifies best practices for managing geographic information, and how to apply these practices within the state. OGIC also specifies the geospatial Framework data that is to be shared between public bodies, and reviews and endorses the data standards by which Framework data is to be created, maintained, and shared.

ORS 276A.509 requires the State's Geographic Information Officer to secure geospatial Framework data in a data library so that it can be shared with other public bodies. The data may be restricted and shared with prohibitions a public body places on sharing or redistribution. In order to meet the requirements of ORS 276A.509, a new geospatial data library, called [GEOHub](#), was created and launched June 30, 2023. GEOHub

¹ https://oregon.public.law/statutes/ors_276a.500 (OGIC Definitions)

² https://oregon.public.law/statutes/ors_276a.503 (OGIC Information Council)
https://oregon.public.law/statutes/ors_276a.506 (Powers of Council)

provides both public access to geospatial data and secured access for public bodies to access restricted data.

This guidance document defines the administrative process and procedures that OGIC and its Data Sharing and Governance Committee (DSC) will use to coordinate with public bodies, consult with data custodians, designate geospatial data for sharing in GEOHub, and process written appeals submitted to OGIC by public bodies.

Definitions

“Critical Infrastructure Information” means information about infrastructure that is so vital to this state or the United States that the incapacity or destruction of the infrastructure would detrimentally affect the personal and economic security, health or safety of residents of this state, including information about the security of items listed in ORS 192.355 (33). See ORS 276A.500(1).

“Custodian” means a public body mandated, directly or indirectly, to create, maintain, care for or control a public record. “Custodian” does not include a public body that has custody of a public record as an agent of another public body that is the custodian unless the public record is not otherwise available (ORS 192.311 (2)(b)). See ORS 276A.500(2).

“Geographic Data” means digital data that consists of geographic or projected map coordinate values, identification codes and associated descriptive data to locate and describe boundaries or features on, above or below the surface of the earth, demographic data or related data (ORS 276A.203 (4)(b)(B)). These data are also commonly referred to as GIS data.

“Geospatial Framework Data” means geographic information that a public body, under applicable provisions of law or on the basis of scientific methodology, technical standards or technical expertise, creates, generates, provides or aggregates and that the Oregon Geographic Information Council, in consultation with the public body, identifies as necessary to support the business processes of a governmental agency (ORS 276A.500 (5)). The Framework Program also refers to these data as **“Framework data elements”**.

“Steward” means an agency or organization that has volunteered to be accountable for a geospatial Framework data element for the well-being of the State of Oregon. This agency or organization may be the data custodian defined in ORS 276A.500(2), or it may serve as the steward charged with aggregating data provided by data custodians into a statewide dataset, coordinate access to the data, and facilitate its maintenance.

“Public Body” has the meaning given that term in ORS 174.109 (ORS 276A.500 (6)). Public body means state government bodies, local government bodies and special government bodies (ORS 174.109) [2001 c.74 §2].

“State government” is defined in ORS 174.111 as the executive department, the judicial department and the legislative department. [2001 c.74 §3] For more information on these definitions, see ORS 174.112-114.

“Local government” and **“local service district”** is defined as all cities, counties and local service districts located in this state, and all administrative subdivisions of those cities, counties and local service districts (ORS 174.116). The definition of local service districts includes many specific district types. Metropolitan service districts, also commonly referred to as regional governments, are included in ORS 174.116 (2)(h). See the ORS specified for more information.

“Special government body” is defined in ORS 174.117 and includes commonly known special districts such as school districts and other specifically defined districts. The definition of special government body includes public universities listed in ORS 352.002 including University of Oregon, Oregon State University, Portland State University, Oregon Institute of Technology, Western Oregon University, Southern Oregon University, and Eastern Oregon University. See ORS 174.117 for more information.

Administrative Process to Implement ORS 276A.509

There are several key components to the administrative process needed to implement [ORS 276A.509](#). These components provide a high-level summary of actions to be taken by OGIC, or its official advisory committees, in order to implement [ORS 276A.509](#). The process components are:

- 1) Determine if geographic data meets the criteria for being geospatial Framework data.
- 2) OGIC designation of geographic data as geospatial Framework data to be shared by public bodies.
 - a. Identify the update frequency and data standard for geospatial Framework data.
 - b. OGIC designation of geospatial Framework data as “critical infrastructure” and exempt from OGIC designation for data sharing. (Note that a data custodian may choose to share these data under conditions the public body specifies.)
 - c. Consultation by OGIC with the public body who serves as the custodian of the geospatial Framework data.
- 3) Process written appeals sent to OGIC upon public body consultation and designation of geographic data as geospatial Framework data.
- 4) Share data in a GEOHub – the state’s library for geospatial Framework data which provides access to public geospatial data and secured access to restricted data for public bodies.

The following diagram provides the high-level summary of the process required to implement ORS 276A.509.

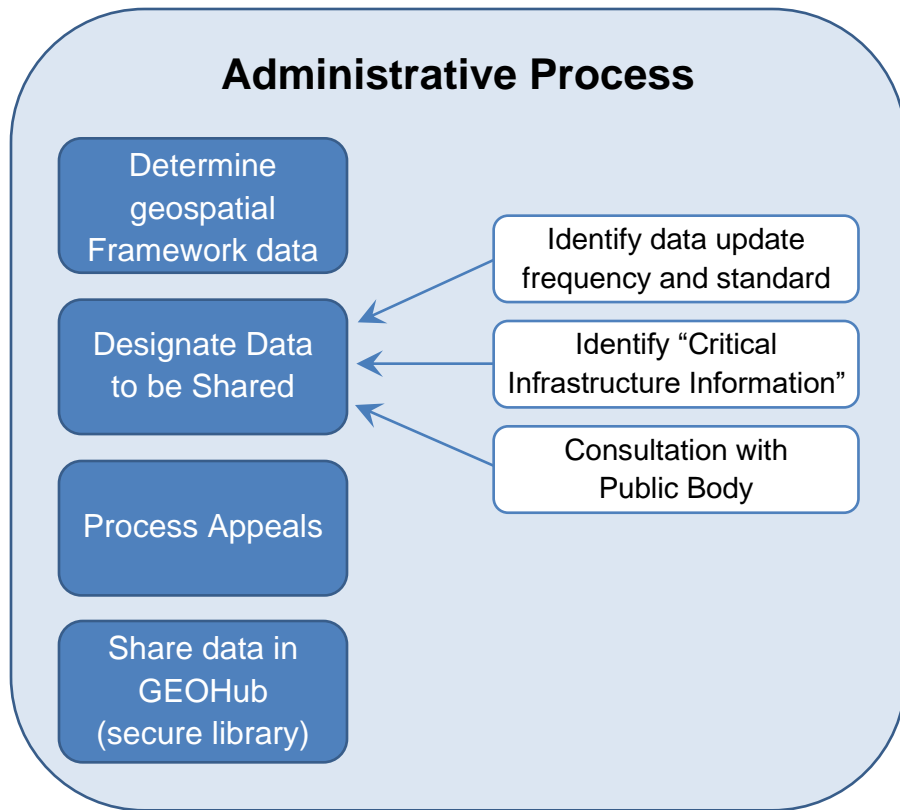


Figure 1 High-Level Summary of Administrative Process to Implement ORS 276A.509.

The following sections of this document will provide more details on the individual components shown above.

Identifying Geospatial Framework Data and Other Critical Information

Oregon's Framework Program uses a data inventory to assist the Program participants and the Framework Coordinator with the management of the data catalog. The inventory is maintained by the Framework Program Coordinator in partnership with Program participants, data custodians, and stewards. The inventory specifies the following key information for each geospatial Framework data element:

- datasets with an approved OGIC standard,
- contact information for the data custodian and steward,
- datasets identified by OGIC as critical infrastructure,
- the update frequency of a specific dataset, and
- a flag to indicate if a dataset has been designated by OGIC for data sharing.

In October 2022, OGIC approved a document, Framework Data Element Management Guidelines, that provides details on how the Framework Data Inventory is managed, and the process to add, remove, or edit geographic data included in the Inventory. Once edits are approved by OGIC, the inventory will be updated to reflect the approved changes. Changes to the data inventory will trigger the following procedures regarding consultation and public body sharing outlined below.

Public Body Consultation

The definition of geospatial Framework data in ORS276A.500(5) requires OGIC to consult with public bodies for geographic data to be identified for data sharing by public bodies. OGIC’s Data Sharing and Governance Committee (DSC) leads the consultation process on behalf of OGIC and will use a variety of communication methods to conduct the official consultation. The DSC will use a multi-tiered communication approach including both the data custodians and OGIC leadership, while utilizing both USPS mail and email as the primary communication avenues.

The consultation strategy will need to be flexible as different public bodies (state agencies, local government) are consulted. The procedure outlined below describes the minimum consultation required.

Table 1. Procedural steps to be used to consult with public bodies.

<p>Step 1. Informal (email) Communication</p>	<p>An appropriate OGIC member identified by the DSC will reach out to the data custodian or steward of the geospatial Framework dataset to let them know about ORS 276A.509, give them an opportunity to ask questions, and notify them of the intent of OGIC to follow-up with formal consultation.</p>
<p>Step 2. Formal (letter) Communication</p>	<p>Following the informal consultation, the OGIC Chair will send a formal letter to leadership of the public body (Agency Directors, County Commissioners, etc.) to inform them of Oregon Revised Statute ORS 276A.500-509. The GIS data custodian/steward will be provided a copy of the letter as a courtesy.</p> <p>The formal letter will introduce OGIC and GEOHub, provide an overview of ORS276A.509, list geospatial Framework data to be shared, update frequency requirement, and the data standard to be followed. The letter will also provide directions for the appeal process.</p>

Appeal Process

As stated in [ORS 276A.509](#), a public body may notify OGIC in writing of its intention to withhold geospatial Framework data based on one of the exceptions outlined below:

1. Data are exempt from disclosure under ORS 192.311 to 192.478.
2. Additional costs would incur outside of normal operating costs already incurred as the data custodian of the data.
3. Additional data or resources must be acquired in order to share the data.
4. Data should be considered “Critical Infrastructure Information” as defined in ORS276A.500(1).

Formal communication from the Public Body Consultation Process will include directions to appeal the OGIC decision for the public body to share specific geospatial Framework data. The appeal process must be initiated by the public body with the submission of a Geospatial Data Sharing Appeal Form. (see Form below)

All appeals will be logged in the DSC Appeal Log and reviewed by the OGIC Chair and the DSC. The DSC will take actions on the appeal on a case-by-case basis, but helping agencies and jurisdictions overcome challenges to data sharing will be the focus of the communications with the public body. The DSC will report to OGIC every quarter a list of all appeals received, the issue raised, and the next step or potential outcome.

Because the DSC intent is to have a dialogue with the public body regarding the appeal and the issue at hand, there are a variety of potential outcomes that could occur from the appeal process, such as:

- Data is identified in the Data Inventory as “appealed by public body”.
- Data identified as critical infrastructure information.
- Mitigate the data sharing issue via the Framework Grant Program.