

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1215

Introduced by Assembly Member Ting

February 27, 2015

An act to add Chapter 5.8 (commencing with Section 11549.30) to Part 1 of Division 3 of Title 2 of the Government Code, relating to open government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1215, as amended, Ting. ~~Open government.~~ *California Open Data Standard.*

Existing law establishes the Department of Technology, within the Government Operations Agency, headed by the Director of Technology, who is also known as the State Chief Information Officer. The department is responsible for the approval and oversight of information technology projects in state government by, among other things, consulting with agencies during initial project planning to ensure that project proposals are based on well-defined programmatic needs and consider feasible alternatives to address the identified needs and benefits consistent with statewide strategies, policies, and procedures.

This bill would enact the California Open Data Act and create the position of the Chief Data Officer, who would be appointed by, and serve at the pleasure of, the Governor, and report to the Secretary of Government Operations. This bill would require the Chief Data Officer to establish the California Open Data Standard, as specified, and require state agencies to make public data, as defined, available on an Internet Web portal pursuant to that standard. This bill would authorize a local government to adopt that standard. This bill would require the

Chief Data Officer to create a Data Working Group, composed of data coordinators from specific state agencies and 2 individuals with expertise in open data information technology, who are appointed by and serve at the pleasure of, the Chief Data Officer. This bill would further require each state agency, on or before July 1, 2016, to submit a strategic plan and a strategic enterprise application plan, as specified, to the Chief Data Officer and to post the reports on the Internet Web portal. This bill would also require specified legal policies for public data to be posted on the Internet Web portal. This bill would make legislative findings and declarations relating to this act.

~~Existing law requires, with specified exceptions, that all meetings of state and local government entities be open and public and that all persons be permitted to attend and participate. Existing law also requires that public records be open to inspection at all times during the office hours of a state or local government entity and that every person has a right to inspect any public record, except as specifically provided.~~

~~This bill would state the intent of the Legislature to enact legislation to strengthen the state’s commitment to an open and transparent government.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *State agencies contain great amounts of valuable information*
- 4 *and reports on all aspects of life for Californians, including, but*
- 5 *not limited to, health, business, public safety, labor data,*
- 6 *transportation, parks, and recreation.*
- 7 (b) *New information technology has fundamentally changed the*
- 8 *way people search for, and expect to find, information, and can*
- 9 *aggregate large quantities of data to allow the state to provide*
- 10 *information to the public with increasing efficiency and*
- 11 *thoroughness.*
- 12 (c) *The state can use these powerful information technology*
- 13 *tools to enhance public access to public data, thus making the state*
- 14 *more transparent and promoting public trust.*
- 15 (d) *Ensuring the quality and consistency of public data is*
- 16 *essential to maintaining its value and utility.*

1 (e) It is the intent of the Legislature by this act to establish an
2 open data policy for state agencies to post public data directly
3 onto a central online Internet Web site at data.ca.gov and provide
4 a single-stop access to public data that is owned, controlled,
5 collected, or maintained by state agencies.

6 SEC. 2. Chapter 5.8 (commencing with Section 11549.30) is
7 added to Part 1 of Division 3 of Title 2 of the Government Code,
8 to read:

9
10 CHAPTER 5.8. THE CALIFORNIA OPEN DATA ACT

11
12 Article 1. General Provisions

13
14 11549.30. This chapter shall be known and may be cited as
15 the California Open Data Act.

16 11549.32. Unless the context requires otherwise, the following
17 definitions shall apply to this chapter:

18 (a) "Public data" means all data that is collected by a state
19 agency in pursuit of that state agency's responsibilities that is
20 otherwise subject to disclosure pursuant to the California Public
21 Records Act (Chapter 3.5 (commencing with Section 6250) of
22 Division 7 of Title 1).

23 (b) "State agency" has the same meaning as in Section 11000.

24 (c) "Strategic enterprise application plan" means a
25 comprehensive program developed by a state agency, articulating
26 both principles and goals related to the application of its services
27 and programs to the current and future needs of enterprise in the
28 state.

29 (d) "Strategic plan" means a state agency's evaluation, over a
30 period of up to five years, of its strategy and direction, including,
31 but not limited to, a framework for decisionmaking with respect
32 to resource allocation to achieve defined goals.

33
34 Article 2. Chief Data Officer

35
36 11549.34. There is in state government the Chief Data Officer,
37 who shall be appointed by, and serve at the pleasure of, the
38 Governor. The Chief Data Officer shall report to the Secretary of
39 Government Operations.

1 11549.36. (a) *The Chief Data Officer shall create an inventory*
 2 *of all available public data in the state.*
 3 (b) *The Chief Data Officer shall establish an Internet Web portal*
 4 *at data.ca.gov to achieve the purposes of this chapter.*

5
 6 Article 3. *Open Data Standard*
 7

8 11549.38. (a) *The Chief Data Officer shall establish the*
 9 *California Open Data Standard for state agencies to make public*
 10 *data available. A local government agency may adopt the standard.*

11 (b) *In establishing the California Open Data Standard pursuant*
 12 *to subdivision (a), the Chief Data Officer shall consult with the*
 13 *subject matter experts from all state agencies, organizations*
 14 *specializing in technology and innovation, the academic*
 15 *community, and other interested groups designated by the Chief*
 16 *Data Officer.*

17 (c) *The California Open Data Standard shall include, but not*
 18 *be limited to, all of the following:*

19 (1) *A format that permits public notification of all updates*
 20 *whenever possible.*

21 (2) *Requirements to update public data as often as is necessary*
 22 *to preserve the integrity and usefulness of public data to the extent*
 23 *that a state agency regularly maintains or updates public data.*

24 (3) *Availability of public data without any registration or license*
 25 *requirement, or restrictions on the use of public data. Registration*
 26 *or license requirements, or restriction on the use of public data*
 27 *do not include measures designed or required to ensure access to*
 28 *public data, protect the Internet Web site housing public data from*
 29 *abuse or attempts to damage or impair the use of the Internet Web*
 30 *site, or analyze the types of public data being accessed to improve*
 31 *service delivery.*

32 (4) *Ability of public data to be electronically searched using*
 33 *external information technology.*

34 11549.40. *The Chief Data Officer may establish policies,*
 35 *standards, and guidelines to implement the California Open Data*
 36 *Standard.*

37 11549.42. *On or before July 1, 2016, the Chief Data Officer*
 38 *shall create a Data Working Group composed of all the following:*

39 (a) *A data coordinator from each agency listed in Section 12800*
 40 *who shall be appointed by the secretary of the agency.*

1 (b) Two individuals with expertise in open data information
2 technology, appointed by and who serve at the pleasure of, the
3 Chief Data Officer.

4 11549.44. (a) (1) On or before March 1, 2016, the Chief Data
5 Officer shall prepare and publish a technical standards manual
6 for publishing public data through the Internet Web portal by state
7 agencies for the purpose of making public data available to the
8 greatest number of users and for the greatest number of
9 applications and shall, whenever practicable, use open standards
10 for Internet Web publishing in a machine-readable format.

11 (2) The manual shall identify the policy for each technical
12 standard and specify which types of data the standard applies to,
13 and may recommend or require that public data be published in
14 more than one technical standard. The manual shall include a
15 plan to adopt or utilize an Internet Web application programming
16 interface that permits application programs to request and receive
17 public data directly from the Internet Web portal. The manual and
18 related policies may be updated as necessary.

19 (b) The Chief Data Officer shall consult with organizations
20 specializing in technology and innovation, the state agencies listed
21 in Section 12800, academic institutions, and voluntary consensus
22 standards bodies. Whenever feasible, the Chief Data Officer shall
23 consult with these types of entities in the development of technical
24 and open standards.

25
26 Article 4. Compliance
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28 11549.46. (a) A state agency that releases public data shall
29 do so in compliance with this chapter and on the Internet Web
30 portal that is linked to data.ca.gov or any successor Internet Web
31 site maintained by, or on behalf of, the state for the purposes of
32 this chapter. If a state agency cannot make all public data available
33 on the Internet Web portal, the state agency shall report to the
34 Chief Data Officer all the public data it is unable to make
35 available, state the reasons why it is unable to do so, and the date
36 by which the state agency expects the public data to be made
37 available on the Internet Web portal.

38 (b) Public data shall be made available in accordance with
39 technical standards established by the Chief Data Officer.

1 (c) On or before July 1, 2016, each state agency shall submit a
 2 strategic plan and a strategic enterprise application plan consistent
 3 with this chapter to the Chief Data Officer and shall make the
 4 plans available to the public on the Internet Web portal at
 5 data.ca.gov. Each state agency shall collaborate with the Chief
 6 Data Officer in formulating its plans. The strategic plan shall
 7 include all of the following:

8 (1) A summary description of public data under the control of
 9 the state agency on or after January 1, 2016.

10 (2) A summary explanation of how its plans, budgets, capital
 11 expenditures, contracts, and other related documents and
 12 information for each information technology and
 13 telecommunications project it proposes to undertake can be utilized
 14 to support the California Open Data Standard and related savings
 15 and efficiencies. The strategic plan shall prioritize public data for
 16 inclusion on the Internet Web portal on or before January 1, 2017,
 17 in accordance with the standards established by the Chief Data
 18 Officer. For purposes of prioritizing public data, a state agency
 19 shall consider whether public data does any of the following:

- 20 (i) Increases agency accountability and responsiveness.
- 21 (ii) Improves public knowledge of the state agency and its
 22 operations.
- 23 (iii) Furthers the mission of the state agency.
- 24 (iv) Creates economic opportunity.
- 25 (v) Responds to an online demand for the public data.
- 26 (vi) Responds to a need or demand identified by public
 27 consultation.

28
 29 Article 5. Legal Policies
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31 11549.48. (a) The Chief Data Officer shall post the legal
 32 policies for the California Open Data Standard on the Internet
 33 Web portal.

34 (b) The Chief Data Officer may establish and maintain an online
 35 forum to solicit feedback from the public and to encourage
 36 discussion on the California Open Data Standard and public data
 37 available on the Internet Web portal.

38 (c) Use of the public data provided pursuant to this chapter
 39 shall be subject to all of the following legal policies:

1 (1) *Public data available on the Internet Web portal are*
2 *provided for informational purposes only. The state does not*
3 *warrant the completeness, accuracy, content, or fitness for any*
4 *particular purpose or use of any public data made available on*
5 *the Internet Web portal, nor are any warranties to be implied or*
6 *inferred with respect to the public data furnished pursuant to this*
7 *chapter.*

8 (2) *The state is not liable for any deficiencies in the*
9 *completeness, accuracy, content, or fitness for any particular*
10 *purpose or use of any public data or any third-party application*
11 *utilizing a public data.*

12 (3) *All public data shall be entirely in the public domain for*
13 *purposes of applicable copyright laws.*

14 ~~SECTION 1. It is the intent of the Legislature to enact~~
15 ~~legislation to strengthen the state's commitment to an open and~~
16 ~~transparent government.~~