

Introduced by Senator PanFebruary 26, 2015

An act to add Chapter 7.7 (commencing with Section 11795) to Part 1 of Division 3 of Title 2 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 573, as introduced, Pan. Statewide open data portal.

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. Existing law also requires every public agency to comply with the California Public Records Act and with any subsequent statutory enactment amending the act, or enacting or amending any successor act.

This bill would require the Governor, on or before January 1, 2016, to appoint a Chief Data Officer, who would report to the Secretary of Government Operations. The bill would require the Chief Data Officer to, among other things, create the statewide open data portal, as defined, to provide public access to data sets from agencies within the state. The bill would require each agency, as defined, to appoint a data coordinator, who would be responsible for compliance with these provisions. The bill would require any data published on the statewide open data portal or other open data portal operated by an agency to comply with all state and federal privacy laws and regulations.

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

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

1 SECTION 1. Chapter 7.7 (commencing with Section 11795)
2 is added to Part 1 of Division 3 of Title 2 of the Government Code,
3 to read:

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CHAPTER 7.7. STATEWIDE OPEN DATA PORTAL

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11795. For purposes of this chapter, the following terms have
8 the following meanings:

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10 (a) "Agency" means, but is not limited to, a state agency,
11 authority, board, bureau, commission, council, department,
12 division, or office.

13 (b) "Data set" means any information comprising a collection
14 of information held in electronic form where all or most of the
15 information in the collection has been obtained or recorded for the
16 purpose of providing an agency with information in connection
17 with the provision of a service by the agency or the carrying out
18 of any other function of the agency, is factual information that is
19 not the product of analysis or interpretation other than calculation,
20 and remains presented in a way that has not been organized,
21 adapted, or otherwise materially altered since it was obtained or
22 recorded.

23 (c) "Inventory" means a summary listing of all available data
24 sets within an agency. The listing shall include, but is not limited
25 to, a descriptive title of the data set as well as a brief informative
26 description of what information may be found within the data set.

27 (d) "Open data roadmap" means a strategic plan describing the
28 process by which 100 percent of the data held by an agency will
29 be made publicly available, subject to any state or federal law or
30 regulation relating to privacy. The roadmap shall include, but is
31 not limited to, an agency's data inventory, a concrete timeline for
32 the release of data sets on a statewide or agency basis, and a
33 methodology for compliance with any state or federal law or
34 regulation relating to privacy.

35 (e) "Statewide open data portal" means a centralized data
36 Internet Web site, with the ability to display and export data
published from state agencies.

1 11795.1. (a) There is in state government an executive officer
2 known as the Chief Data Officer, who shall report to the Secretary
3 of Government Operations.

4 (b) On or before June 1, 2016, the Governor shall appoint the
5 Chief Data Officer.

6 (c) (1) On or before October 1, 2016, the Chief Data Officer
7 shall create an inventory of all available data in this state.

8 (2) (A) On or before January 1, 2017, the Chief Data Officer
9 shall, in cooperation with the Department of Technology, create
10 a statewide open data portal that is accessible to the public.

11 (B) The Chief Data Officer shall publish a listing of all data that
12 may be provided to the public, subject to any state or federal
13 privacy laws or regulations, including, but not limited to, privacy
14 provisions in the California Public Records Act (Chapter 3.5
15 (commencing with Section 6250) of Division 7 of Title 1) and the
16 Health Insurance Portability and Accountability Act of 1996 (42
17 U.S.C. Sec. 300gg).

18 (C) The Chief Data Officer shall, after each agency assesses its
19 data inventory, create a statewide open data roadmap and shall
20 publish the open data roadmap on the statewide open data portal.

21 (D) On or before June 1, 2017, the Chief Data Officer shall
22 ensure that at least 150 data sets have been published on the
23 statewide open data portal.

24 (E) The statewide open data portal shall include a link to the
25 Internet Web site of any agency that publishes its data on that site
26 pursuant to subparagraph (B) of paragraph (3) of subdivision (f),
27 including a link to any existing open data Internet Web site,
28 including, but not limited to <https://bythenumbers.sco.ca.gov/> and
29 <https://chhs.data.ca.gov/>.

30 (F) The Chief Data Officer shall make the statewide open data
31 portal available, at no cost, to any city, county, city and county,
32 district, or other local agency interested in using the statewide open
33 data portal to publish its own data. Any data published by a city,
34 county, city and county, district, or other local agency shall comply
35 with all state or federal privacy laws or regulations, including, but
36 not limited to, privacy provisions in the California Public Records
37 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
38 of Title 1) and the Health Insurance Portability and Accountability
39 Act of 1996 (42 U.S.C. Sec. 300gg).

1 (3) Notwithstanding Section 10231.5, on or before January 1,
2 2017, and each year thereafter, the Chief Data Officer shall publish
3 a progress report for open data within the state. The progress report
4 shall include, but is not limited to, an assessment of outcomes from
5 the implementation of this section, innovation of the statewide
6 open data portal, whether there has been any cost savings as a
7 result of implementation of this section, and an assessment of
8 agency collaboration.

9 (d) On or before January 1, 2017, in consultation with the
10 Attorney General, the Chief Data Officer shall publish a set of
11 guidelines for use by each agency. The guidelines shall include,
12 but are not limited to, definitions and assessments of security,
13 privacy, and legal concerns related to the creation of an inventory
14 and publication of data.

15 (e) On or before October 1, 2016, the Chief Data Officer shall
16 create an open data working group. The open data working group
17 shall consist of each agency's data coordinator, appointed pursuant
18 to paragraph (1) of subdivision (f), and shall be headed by the
19 Chief Data Officer. The open data working group shall meet at
20 least quarterly, and shall do, but is not limited to, all of the
21 following:

- 22 (1) Assess progress on the open data roadmap.
- 23 (2) Discuss and recommend statewide policies and guidelines.
- 24 (3) Share best practices across agencies.
- 25 (4) Coordinate data sharing between agencies.

26 (f) (1) On or before August 1, 2016, each agency shall appoint
27 a data coordinator who shall be responsible for compliance with
28 this section. The data coordinator may appoint a data steward for
29 each data set the agency intends to publish.

30 (2) On or before October 1, 2016, each agency shall identify
31 any data set within the agency and shall transmit the inventory to
32 the Chief Data Officer in the form he or she prescribes.

33 (3) (A) On or before November 1, 2016, each agency shall
34 create a plan for publication of any inventory that may be
35 published.

36 (B) The agency may publish its inventory on its own Internet
37 Web site, or may utilize the statewide open data portal. If the
38 agency chooses to publish the inventory on its own Internet Web
39 site, the agency shall include on that site a link to the statewide
40 open data portal site.

1 (C) Any inventory published by an agency shall comply with
2 all state and federal privacy laws and regulations, including, but
3 not limited to, privacy provisions in the California Public Records
4 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
5 of Title 1) and the Health Insurance Portability and Accountability
6 Act of 1996 (42 U.S.C. Sec. 300gg).

7 (4) (A) On or before January 1, 2018, each agency shall have
8 published at least 10 percent of its data sets.

9 (B) On or before January 1, 2019, each agency shall have
10 published at least 35 percent of its data sets.

11 (C) On or before January 1, 2020, each agency shall have
12 published at least 65 percent of its data sets.

13 (D) On or before January 1, 2021, each agency shall have
14 published at least 90 percent of its data sets.

15 (E) On or before January 1, 2022, each agency shall have
16 published at least 100 percent of its data sets.

17 (F) Each agency shall update any published data sets as
18 necessary.