

AMENDED IN SENATE MAY 5, 2015

SENATE BILL

No. 573

Introduced by Senator Pan

February 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 amended, 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~~ July 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 publish a summary listing of all of its available data sets on the portal and to appoint a data-coordinator, 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:

4
5 CHAPTER 7.7. STATEWIDE OPEN DATA PORTAL
6

7 11795. For purposes of this chapter, the following terms have
8 the following meanings:

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

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

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

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

1 (e) “Statewide open data portal” means a centralized data
2 Internet Web site, with the ability to display and export data
3 published from state agencies. *For purposes of this chapter,*
4 *data.ca.gov may be utilized as the statewide open data portal.*

5 11795.1. (a) There is in state government an executive officer
6 known as the Chief Data Officer, who shall report to the Secretary
7 of Government Operations.

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

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

12 (2) (A) On or before January 1, 2017, the Chief Data Officer
13 shall, in cooperation with the Department of Technology, create
14 a statewide open data portal that is accessible to the public. *The*
15 *Chief Data Officer may elect to utilize data.ca.gov to satisfy the*
16 *requirements of this section.*

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

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

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

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

36 (F) The Chief Data Officer shall make the statewide open data
37 portal available, at no cost, to any city, county, city and county,
38 district, or other local agency interested in using the statewide open
39 data portal to publish its own data. Any data published by a city,
40 county, city and county, district, or other local agency shall comply

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

6 (3) Notwithstanding Section 10231.5, on or before January 1,
7 ~~2017~~ 2018, and each year thereafter, the Chief Data Officer shall
8 publish a progress report for open data within the state. The
9 progress report shall include, but is not limited to, an assessment
10 of outcomes from the implementation of this section, innovation
11 of the statewide open data portal, whether there has been any cost
12 savings as a result of implementation of this section, and an
13 assessment of agency collaboration.

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

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

- 27 (1) Assess progress on the open data roadmap.
- 28 (2) Discuss and recommend statewide policies and guidelines.
- 29 (3) Share best practices across agencies.
- 30 (4) Coordinate data sharing between agencies.

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

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

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

1 (B) The agency ~~may~~ *shall* publish its inventory on ~~its own~~
2 ~~Internet Web site, or may utilize~~ the statewide open data portal
3 *and may additionally publish its inventory on its own Internet Web*
4 *site*. If the agency chooses to publish the inventory on its own
5 Internet Web site, the agency shall include on that site a link to
6 the statewide open data portal site.

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

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

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

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

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

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

23 (F) Each agency shall update any published data sets as
24 necessary.

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