

AMENDED IN SENATE JUNE 2, 2015

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 July 1, 2016, to appoint a Chief Data Officer, who~~ *a Chief Data Officer to be appointed by the Governor, on or before July 1, 2016, subject to Senate confirmation. The Chief Data Officer* 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~~ *portal. The bill would*

also require state agencies identified by the Chief Data Officer 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:

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~~ *proposed*

1 timeline for the release of data sets on a statewide or agency basis,
2 and a methodology for compliance with any state or federal law
3 or regulation relating to privacy.

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

8 11795.1. (a) There is in state government an executive officer
9 known as the Chief Data Officer, who shall report to the Secretary
10 of Government Operations.

11 (b) On or before June 1, 2016, ~~the Governor shall appoint the~~
12 ~~Chief Data Officer.~~ *a Chief Data Officer shall be appointed by the*
13 *Governor, subject to Senate confirmation.*

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

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

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

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

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

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

1 (F) The Chief Data Officer shall make the statewide open data
2 portal ~~available, at no cost,~~ *available* to any city, county, city and
3 county, district, or other local agency interested in using the
4 statewide open data portal to publish its own data. Any data
5 published by a city, county, city and county, district, or other local
6 agency shall comply with all state or federal privacy laws or
7 regulations, including, but not limited to, privacy provisions in the
8 California Public Records Act (Chapter 3.5 (commencing with
9 Section 6250) of Division 7 of Title 1) and the Health Insurance
10 Portability and Accountability Act of 1996 (42 U.S.C. Sec. 300gg).

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

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

25 (e) On or before October 1, 2016, the Chief Data Officer shall
26 create an open data working group. The open data working group
27 shall consist of ~~each agency's data coordinator,~~ *state agencies'*
28 *data coordinators*, appointed pursuant to paragraph (1) of
29 subdivision (f), and shall be headed by the Chief Data Officer. The
30 open data working group shall meet at least quarterly, and shall
31 do, but is not limited to, all of the following:

- 32 (1) Assess progress on the open data roadmap.
- 33 (2) Discuss and recommend statewide policies and guidelines.
- 34 (3) Share best practices across agencies.
- 35 (4) Coordinate data sharing between agencies.

36 (f) (1) On or before August 1, 2016, ~~each agency~~ *state agencies*
37 *identified by the Chief Data Officer* shall appoint a data coordinator
38 who shall be responsible for compliance with this ~~section.~~ *chapter.*
39 The data coordinator may appoint a data steward for each data set
40 the agency intends to publish.

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

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

7 (B) The agency shall publish its inventory on the statewide open
8 data portal and may additionally publish its inventory on its own
9 Internet Web site. If the agency chooses to publish the inventory
10 on its own Internet Web site, the agency shall include on that site
11 a link to the statewide open data portal site.

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

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

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

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

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

26 ~~(E) On or before January 1, 2022, each agency shall have~~
27 ~~published 100 percent of its data sets.~~

28 ~~(F) Each agency shall update any published data sets as~~
29 ~~necessary.~~

30 *(g) Agencies are authorized to apply for and accept public,*
31 *private, and not-for-profit funding for the purpose of developing,*
32 *implementing, or managing the statewide open data portal*
33 *infrastructure and software pursuant to this chapter. These funds*
34 *shall be expended for this purpose upon appropriation by the*
35 *Legislature.*