

AMENDED IN ASSEMBLY JULY 9, 2015
AMENDED IN ASSEMBLY JUNE 23, 2015
AMENDED IN SENATE JUNE 2, 2015
AMENDED IN SENATE MAY 5, 2015

SENATE BILL

No. 573

Introduced by Senator Pan
(Principal coauthor: Assembly Member Ting)

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 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. 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. *The bill would prohibit these provisions from affecting the obligation of an agency to provide notices or information to the public.*

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.

1 (d) “Open data roadmap” means a strategic plan describing the
2 process by which 100 percent of the data held by an agency will
3 be made publicly available, subject to any state or federal law or
4 regulation relating to privacy. The roadmap shall include, but is
5 not limited to, an agency’s data inventory, a proposed timeline for
6 the release of data sets on a statewide or agency basis, and a
7 methodology for compliance with any state or federal law or
8 regulation relating to privacy.

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

13 11795.1. (a) There is in state government an executive officer
14 known as the Chief Data Officer, who shall report to the Secretary
15 of Government Operations.

16 (b) On or before June 1, 2016, a Chief Data Officer shall be
17 appointed by the Governor, subject to Senate confirmation.

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

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

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

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

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

38 (E) The statewide open data portal shall include a link to the
39 Internet Web site of any agency that publishes its data on that site
40 pursuant to subparagraph (B) of paragraph (3) of subdivision (f),

1 including a link to any existing open data Internet Web site,
2 including, but not limited to, <https://bythenumbers.sco.ca.gov/> and
3 <https://chhs.data.ca.gov/>.

4 (F) The Chief Data Officer shall make the statewide open data
5 portal available to any city, county, city and county, district, or
6 other local agency interested in using the statewide open data portal
7 to publish its own data. Any data published by a city, county, city
8 and county, district, or other local agency shall comply with all
9 state or federal privacy laws or regulations, including, but not
10 limited to, privacy provisions in the California Public Records Act
11 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
12 Title 1) and the Health Insurance Portability and Accountability
13 Act of 1996 (42 U.S.C. Sec. 300gg).

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

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

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

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

39 (f) (1) On or before August 1, 2016, state agencies identified
40 by the Chief Data Officer shall appoint a data coordinator who

1 shall be responsible for compliance with this chapter. The data
2 coordinator may appoint a data steward for each data set the agency
3 intends to publish.

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

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

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

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

21 (g) Agencies are authorized to apply for and accept public,
22 private, and not-for-profit funding for the purpose of developing,
23 implementing, or managing the statewide open data portal
24 infrastructure and software pursuant to this chapter. These funds
25 shall be expended for this purpose upon appropriation by the
26 Legislature.

27 *11795.2. This chapter shall not affect the obligation of an*
28 *agency to provide any notice or information to the public under*
29 *any other law.*