

# SUMMARY ANALYSIS OF AMENDED BILL

Author: Pan Analyst: Janet Jennings Bill Number: SB 573  
 Related Bills: See Prior Analysis Telephone: 845-3495 Amended Date: May 5, 2015  
 Attorney: Bruce Langston Sponsor \_\_\_\_\_

<b>SUBJECT:</b>	Statewide Open Data Portal
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## SUMMARY

This bill would, under the Government Code, create a centralized data Internet Web site, with the ability to display and export data published from state agencies (Statewide Open Data Portal).

This analysis only addresses the provisions of this bill that impact the department’s programs and operations.

## RECOMMENDATION

No position.

## SUMMARY OF AMENDMENTS

The May 5, 2015, amendments added language relating to publishing data sets to the internet. As a result of the amendments, the “This Bill” section has been revised, the remainder of the department’s analysis of the bill as introduced February 26, 2015, still applies. The “Implementation Considerations” are restated for convenience.

## THIS BILL

The bill would create the Statewide Open Data Portal and require that state agencies publish inventory on the portal. The bill would also allow state agencies to post the same information to their own Internet Web site. If the agency utilizes its own Internet Web site, the agency must include a link on its Internet Web site to the statewide open data portal site.

This bill would require the Franchise Tax Board (FTB), as a state agency, to identify and publish data sets.

This bill would provide the following definitions:

- “Agency” means, but is not limited to, a state agency , authority, board, bureau, commission, council, department, division, or office.
- “Data set” generally means any information comprising a collection of information held in electronic form where all or most of the information has been compiled for the purpose of providing the agency with information to provide for any function or service of the agency. The compiled information is to be factual and not a product of analysis or interpretation other than calculation, and is to be presented as data not adapted or otherwise materially altered since it was compiled.

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- “Inventory” means a summary listing of all available data sets within an agency. The listing would include, but is not limited to, a descriptive title of the data set as well as a brief informative description of what information may be found within the data set.
- “Open data roadmap” means a strategic plan describing the process by which 100 percent of the data held by an agency will be made publicly available, subject to any state or federal law or regulation relating to privacy. The roadmap would include, but is not limited to, an agency’s data inventory, a concrete timeline for the release of data sets on a statewide or agency basis, and a methodology for compliance with any state or federal law or regulation relating to privacy.
- “Statewide open data portal” means a centralized data Internet Web site, with the ability to display and export data published from state agencies.

This bill would require each agency to do the following on or before:

- August 1, 2016, appoint a data coordinator to be responsible for compliance with this bill’s provisions and participate in the open data working group headed by the Chief Data Officer. The agency data coordinator could appoint a data steward for each data set the agency will publish.
- October 1, 2016, identify any data set within the agency and transmit the inventory to the Chief Data Officer in the form he or she prescribes.
- November 1, 2016, create a plan for publication of any inventory that may be published.

Additionally, the bill would require any inventory published to comply with all state and federal privacy laws and regulations.

The bill would require each agency to publish its data sets as specified:

- 10 percent by January 1, 2018
- 35 percent by January 1, 2019
- 65 percent by January 1, 2020
- 90 percent by January 1, 2021
- 100 percent by January 1, 2022

Each agency would be required to update any published data sets as necessary.

On or before January 1, 2017, in consultation with the Attorney General, the Chief Data Officer would publish a set of guidelines for use by each agency. The guidelines would include definitions and assessments of security, privacy, and legal concerns related to the creation of an inventory and publication of data.

## **IMPLEMENTATION CONSIDERATIONS**

The department has identified the following implementation concerns. Department staff is available to work with the author’s office to resolve this and other concerns that may be identified.

The definition of “data set” lacks the precision necessary for the department to implement this bill. For example, it is unclear whether data sets containing confidential information would be excluded from publication or the confidential information would be removed prior to the data set’s publication. Additionally, the existing definition could be interpreted to include information such as agency phone listings, agency facility detail, agency asset inventories, human resources data, and third party information. To clearly express the author’s intent, and for efficient and accurate implementation, the bill should be amended.

This bill uses the undefined term “data” and the defined term “data sets” interchangeably. To clearly express the author’s intent and avoid disputes between taxpayers and the department, the bill should be amended for consistent use of terms.

The bill would require published data sets to be updated as necessary, but is silent as to the publication of data sets created after January 1, 2022. The bill should be amended to clearly express the author’s intent regarding data sets established in the future.

### **SUPPORT/OPPOSITION<sup>1</sup>**

Support: City of Los Angeles, GROW Holdings, Health Officers Association of California, Milken Institute California Center, Sunlight Foundation, Urban Strategies Council.

Opposition: None on file.

### **LEGISLATIVE STAFF CONTACT**

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<sup>1</sup> According to the Senate Committee on Governmental Organization.