

**SENATE . . . . . No. 212**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Eric P. Lesser*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish the Massachusetts Open Data Standard.

PETITION OF:

| NAME:                 | DISTRICT/ADDRESS:                  |                  |
|-----------------------|------------------------------------|------------------|
| <i>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> |                  |
| <i>José F. Tosado</i> | <i>9th Hampden</i>                 | <i>1/30/2019</i> |

**SENATE . . . . . No. 212**

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By Mr. Lesser, a petition (accompanied by bill, Senate, No. 212) of Eric P. Lesser and José F. Tosado for legislation to establish the Massachusetts Open Data Standard. Economic Development and Emerging Technologies.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act to establish the Massachusetts Open Data Standard.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The General Laws are hereby amended by inserting after chapter 66A the  
2 following chapter:-

3           CHAPTER 66B. MASSACHUSETTS OPEN DATA STANDARD

4           Section 1. As used in this chapter, the following words shall have the following  
5 meanings:

6           “Open data”, public data or information made readily available online, utilizing best  
7 practice structures and formats when possible.

8           “Open data portal”, an Internet site established and maintained by or on behalf of the  
9 commonwealth.

10 “Public data”, all data that is collected by a state agency in pursuit of that state agency’s  
11 responsibilities that are otherwise subject to disclosure under section 7 of chapter 4 or chapter 66  
12 of the General Laws.

13 “State agency”, an agency of the commonwealth.

14 “Strategic plan”, a state agency’s evaluation, over a period of up to five years, of its  
15 strategy and direction, including, but not limited to, a framework for decision-making with  
16 respect to resource allocation to achieve defined goals.

17 Section 2. There shall be a chief data officer of the commonwealth, who shall be  
18 appointed by, and serve at the pleasure of, the governor. The chief data officer shall report to the  
19 secretary of administration and finance. The chief data officer shall create an inventory of all  
20 available public data in the state and establish an open data portal to achieve the purposes of this  
21 chapter. The chief data officer shall establish a data working group and appoint two individuals  
22 with expertise in open data information technology to serve on the data working group with the  
23 chief data officer.

24 Section 3. (a) The chief data officer shall establish the Massachusetts Open Data Standard  
25 for state agencies to make public data available on an open data portal and shall consult with  
26 subject matter experts from state agencies, organizations specializing in technology and  
27 innovation, academia, and other pertinent stakeholders according to the chief data officer. The  
28 goal of the Massachusetts Open Data Standard is to: (1) increase agency accountability and  
29 responsiveness of state agencies; (2) improve public knowledge of state agencies and their  
30 operations; (3) further the mission of state agencies; (4) create economic opportunity; (5)

31 respond to an online demand for the public data; and (6) respond to a need or demand identified  
32 by public outreach.

33 (b) The Massachusetts Open Data Standard shall include, but not be limited to, the  
34 following: (1) requirements to update public data on an open data portal as often as necessary to  
35 preserve the integrity and usefulness of public data to the extent a state agency regularly  
36 maintains or updates public data; (2) the ability for members of the public to electronically  
37 search public data using external information technology; (3) the availability of public data  
38 without registration or license requirements, to the extent possible; (4) a format that permits  
39 public notification of update where possible.

40 (c) The chief data officer may establish and maintain an online forum located on the open  
41 data portal to solicit feedback from the public and to encourage discussion on the Massachusetts  
42 Open Data Standard and public data available.

43 (d) The chief data officer may establish guidelines in order to implement the  
44 Massachusetts Open Data Standard.

45 (e) A local government agency may adopt said standard.

46 Section 4. (a) The chief data officer shall prepare and publish a technical standards  
47 manual for publishing public data through the open data portal by state agencies for the purpose  
48 of making public data available to the greatest number of users and for the greatest number of  
49 applications and shall, whenever practicable, use open standards for open data publishing in a  
50 machine-readable format. The manual and related policies may be updated as necessary. The  
51 chief data officer may utilize a currently existing open data portal.

52 (b) The chief data officer shall consult with organizations specializing in technology and  
53 innovation, the state agencies, academic institutions, and other stakeholders in the development  
54 of technical and open standards.

55 Section 5. (a) A state agency that releases public data shall do so in compliance with this  
56 chapter and on the designated open data portal that is maintained by, or on behalf of, the state for  
57 the purposes of this chapter. If a state agency cannot make all public data available on the open  
58 data portal, the state agency shall report to the chief data officer: (1) the public data it is unable to  
59 be made available, (2) the reasons why it is no possible to make said public data available, and  
60 (3) the date by which the state agency expects the public data to be made available on the open  
61 data portal. This section shall not affect the obligation of an agency to provide notice or  
62 information to the public under chapter 4 section 7 or chapter 66 of the General Laws.

63 (b) Annually on December 1, each state agency shall submit a strategic plan consistent  
64 with this chapter to the chief data officer and shall make the plan available to the public on the  
65 designated open data portal. Each state agency shall collaborate with the chief data officer in  
66 formulating its plans. The strategic plan shall include, but not be limited to, the following: (1) a  
67 description of public data under the control of the state agency; and (2) an explanation of how  
68 said state agency's plans, budgets, capital expenditures, contracts, and other related documents  
69 and information for each information technology and telecommunications project it proposes to  
70 undertake can be utilized to support the Massachusetts Open Data Standard and related savings  
71 and efficiencies.

72 Section 6. Public data available on the open data portal are provided for informational  
73 purposes only. The commonwealth does not warrant, nor is the commonwealth liable for, the

74 completeness, accuracy, content, or fitness for any particular purpose or use of any public data  
75 made available on the open data portal, nor are any warranties to be implied or inferred with  
76 respect to the public data furnished pursuant to this chapter. All public data shall be entirely in  
77 the public domain for purposes of applicable copyright laws.

78 SECTION 2. This act shall take effect on July 1, 2020.