

SENATE No. 59

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:

Eric P. Lesser

Dylan A. Fernandes

DISTRICT/ADDRESS:

First Hampden and Hampshire

Barnstable, Dukes and Nantucket

SENATE No. 59

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 59) of Eric P. Lesser and Dylan A. Fernandes for legislation to establish the Massachusetts Open Data Standard. Advanced Information Technology, the Internet and Cybersecurity.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 212 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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.

4 MASSACHUSETTS OPEN DATA STANDARD.

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

7 “Municipal agency”, any department or office of a city or town government and any
8 council, division, board, bureau, commission, institution, tribunal or other instrumentality thereof
9 or thereunder.

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

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

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

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

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

21 Section 2. (a) The chief data officer of the commonwealth, established pursuant to
22 section 4A of chapter 7D of the general laws, shall create an inventory of all available public
23 data in the state and establish an open data portal to achieve the purposes of this chapter. The
24 chief data officer may appoint at least two individuals with expertise in open data information
25 technology to serve within the Executive Office of Technology Services and Security established
26 pursuant to chapter 64 of the general laws.

27 (b) The chief data officer shall adhere to the following principles: (1) adherence to user-
28 centric design; (2) commitment to agile management; (3) support for open data platforms and
29 data standardization; and (4) commitment to the privacy of personal identifying information.

30 Section 3. (a) The chief data officer shall establish the Massachusetts Open Data Standard
31 for state and municipal agencies to make public data available on an open data portal and shall
32 consult with subject matter experts from state agencies, organizations specializing in technology
33 and innovation, academia, and other pertinent stakeholders according to the chief data officer.
34 The goal of the Massachusetts Open Data Standard is to: (1) increase agency accountability and
35 responsiveness of state agencies; (2) improve public knowledge of state and municipal agencies
36 and their operations; (3) further the mission of state and municipal agencies; (4) create economic
37 opportunity; (5) respond to an online demand for the public data; and (6) respond to a need or
38 demand identified by public outreach.

39 (b) The Massachusetts Open Data Standard shall include, but not be limited to, the
40 following: (1) requirements to update public data on an open data portal as often as necessary to
41 preserve the integrity and usefulness of public data to the extent a state or municipal agency
42 regularly maintains or updates public data; (2) the ability for members of the public to
43 electronically search public data using external information technology; (3) the availability of
44 public data without registration or license requirements, to the extent possible; (4) a format that
45 permits public notification of update where possible; (5) a format that permits the public to
46 access data through application programming interfaces; and (6) the standardization of public
47 data in a digital format that facilitates data analysis across data sets.

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

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

53 (e) The chief data officer may work with municipal agencies in order for them to adopt
54 said standard and in order to share relevant public data.

55 Section 4. (a) The chief data officer shall prepare and publish a technical standards
56 manual for publishing public data through the open data portal by state and municipal agencies
57 for the purpose of making public data available to the greatest number of users and for the
58 greatest number of applications and shall, whenever practicable, use open standards for open
59 data publishing in a digital format that can be easily analyzed and aggregated. The manual and
60 related policies may be updated as necessary. The chief data officer may utilize a currently
61 existing open data portal.

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

65 (c) The chief data officer shall create standards to ensure data security.

66 Section 5. (a) A state agency that releases public data shall do so in compliance with this
67 chapter and on the designated open data portal that is maintained by, or on behalf of, the state for
68 the purposes of this chapter. If a state agency cannot make all public data available on the open
69 data portal, the state agency shall report to the chief data officer: (1) the public data it is unable to
70 be made available, (2) the reasons why it is no possible to make said public data available, and
71 (3) the date by which the state agency expects the public data to be made available on the open

72 data portal. This section shall not affect the obligation of an agency to provide notice or
73 information to the public under chapter 4 section 7 or chapter 66 of the General Laws.

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

83 Section 6. Public data available on the open data portal are provided for informational
84 purposes only. The commonwealth does not warrant, nor is the commonwealth liable for, the
85 completeness, accuracy, content, or fitness for any particular purpose or use of any public data
86 made available on the open data portal, nor are any warranties to be implied or inferred with
87 respect to the public data furnished pursuant to this chapter. All public data shall be entirely in
88 the public domain for purposes of applicable copyright laws.

89 SECTION 2. This act shall take effect on July 1, 2021.