SENATE DOCKET, NO. 1608 FILED ON: 2/17/2021

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:	DISTRICT/ADDRESS:
Eric P. Lesser	*First Hampden and Hampshire*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*

SENATE DOCKET, NO. 1608 FILED ON: 2/17/2021

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:

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

CHAPTER 66B.

MASSACHUSETTS OPEN DATA STANDARD.

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

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

"Open data", public data or information made readily available online, utilizing best practice structures and formats when possible.

"Open data portal", an Internet site established and maintained by or on behalf of the commonwealth.

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

"State agency", an agency of the commonwealth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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