



House of Representatives

General Assembly

File No. 489

February Session, 2018

Substitute House Bill No. 5517

House of Representatives, April 12, 2018

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING EXECUTIVE BRANCH DATA MANAGEMENT AND PROCESSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in this section and
2 sections 2 and 3 of this act:

3 (1) "Data" means the final version of statistical or factual information
4 that: (A) Is reflected in a list, table, graph, chart or other non-narrative
5 form that can be digitally or nondigitally transmitted or processed; (B)
6 is regularly created or maintained by, or on behalf of, an executive
7 branch agency; and (C) records a measurement, transaction or
8 determination related to the mission of the agency or is provided to the
9 agency by third parties pursuant to law.

10 (2) "Executive branch agency" includes any agency listed in section
11 4-38c of the general statutes, except the Board of Regents for Higher
12 Education.

13 (3) "High value data" means any data that (A) is critical to the
14 operation of an executive branch agency; (B) can increase executive
15 branch agency accountability and responsiveness; (C) can improve
16 public knowledge of the executive branch agency and its operations;
17 (D) can further the core mission of the executive branch agency; (E) can
18 create economic opportunity; (F) is frequently requested by the public;
19 (G) responds to a need and demand as identified by the agency
20 through public consultation; or (H) is used to satisfy any legislative or
21 other reporting requirements.

22 (4) "Open data" means any data that (A) is freely available in
23 convenient and modifiable format and can be retrieved, downloaded,
24 indexed and searched; (B) is formatted in a manner that allows for
25 automated machine processing; (C) does not have restrictions
26 governing use; (D) is published in primary forms, with the finest
27 possible level of detail that is practicable and permitted by law; and (E)
28 is described in enough detail so consumers of the data have sufficient
29 information to understand (i) the strengths, weaknesses, analytical
30 limitations and security requirements of the data, and (ii) how to
31 process such data.

32 (5) "Public data" means any data collected by an executive branch
33 agency that is permitted to be made available to the public, consistent
34 with any and all applicable laws, rules, regulations, ordinances,
35 resolutions, policies or other restrictions, requirements or rights
36 associated with the data, including, but not limited to, contractual or
37 other legal restrictions, orders or requirements.

38 (6) "Protected data" means any data the public disclosure of which
39 would (A) violate federal or state laws or regulations; (B) endanger the
40 public health, safety or welfare; (C) hinder the operation of
41 government, including criminal and civil investigations; or (D) impose
42 an undue financial, operational or administrative burden on the
43 executive branch agency.

44 Sec. 2. (NEW) (*Effective from passage*) (a) The Secretary of the Office
45 of Policy and Management shall designate an employee of the Office of

46 Policy and Management to serve as Chief Data Officer, who shall
47 report directly to the secretary. The Chief Data Officer, in consultation
48 with the Connecticut Data Analysis Technology Advisory Board
49 established in section 3 of this act, and in accordance with the state
50 data plan created pursuant to subsection (c) of this section, shall be
51 responsible for (1) directing executive branch agencies on the use and
52 management of data to enhance the efficiency and effectiveness of state
53 programs and policies, (2) facilitating the sharing and use of executive
54 branch agency data (A) between executive branch agencies, and (B)
55 with the public, (3) coordinating data analytics and transparency
56 master planning for executive branch agencies, and (4) creating the
57 state data plan in accordance with subsection (c) of this section.

58 (b) Each executive branch agency shall designate an employee of the
59 agency to serve as the agency data officer, who shall be responsible for
60 implementing the provisions of this section under the supervision of
61 the Chief Data Officer and the executive branch agency head, and who
62 shall serve as the main contact person for inquiries, requests or
63 concerns regarding access to the data of such agency, unless the Chief
64 Data Officer designates another person for such task. The agency data
65 officer, in consultation with the Chief Data Officer and the executive
66 agency head, shall establish procedures to ensure that requests for data
67 that the agency receives are complied with in an appropriate and
68 prompt manner. Each agency data officer shall also advise the agency
69 head on how data collected by the agency could be useful to the
70 agency, recommend additional data to be collected and implement
71 improvements in data management procedures, in accordance with the
72 state data plan.

73 (c) Not later than December 31, 2018, and every two years
74 thereafter, the Chief Data Officer, in consultation with the agency data
75 officers, executive branch agency heads and Connecticut Data Analysis
76 Technology Advisory Board, shall create a state data plan. The state
77 data plan shall (1) establish uniform management and data analysis
78 standards across all executive branch agencies, including particular
79 standards for individual agencies, (2) include specific, achievable goals

80 within the two years following adoption of such plan, as well as longer
81 term goals, (3) make recommendations to achieve more
82 standardization and cross-compatibility of data systems and data
83 management practices across all executive branch agencies, (4) provide
84 a timeline for a review of any state or federal legal concerns or other
85 obstacles to the internal sharing of data among agencies, including
86 security and privacy concerns, (5) set goals for improving the online
87 repository established pursuant to subsection (h) of this section, and
88 (6) detail the agency's plan to publish, as open data, any public data
89 that each executive branch agency has identified and any protected
90 data that can be made public through aggregation, de-identification or
91 other means sufficient to satisfy applicable state or federal law or
92 regulation. Each state data plan shall provide for a procedure and
93 timeline for each agency head, in consultation with the agency data
94 officer, to report in writing to the Chief Data Officer regarding the
95 agency's progress toward achieving the plan's goals. Such plan may
96 make recommendations concerning data management for the
97 legislative or judicial branch agencies, but such recommendations shall
98 not be binding on such agencies.

99 (d) The Chief Data Officer shall submit a preliminary draft of such
100 plan to the Connecticut Data Analysis Technology Advisory Board not
101 later than November 1, 2018, and every two years thereafter. Said
102 board shall hold a public hearing on such draft and shall submit any
103 suggested revisions to the Chief Data Officer after such hearing.

104 (e) After the public hearing and if applicable, receiving any
105 recommended revisions from the board, the Chief Data Officer shall
106 finalize such plan and submit the final plan to the board for its
107 approval. The plan shall be deemed approved if the board does not
108 meet to approve or disapprove such plan within thirty days after
109 receiving such plan. The board may disapprove such plan by a
110 majority vote of the board's total membership. If the draft is
111 disapproved, the board shall notify the Chief Data Officer and advise
112 him or her of the reasons for such disapproval. The Chief Data Officer
113 shall revise and resubmit such plan not later than thirty days after such

114 disapproval. If such plan is again disapproved, the process set forth in
115 this subsection shall be repeated until the plan is approved by the
116 board.

117 (f) The Chief Data Officer shall send a copy of the approved state
118 data plan to all agency data officers and shall post such plan on the
119 Internet web site of the Office of Policy and Management.
120 Notwithstanding any provision of the general statutes, such state data
121 plan shall govern the information technology-related actions and
122 initiatives of all executive branch state agencies, including, but not
123 limited to, the acquisition of hardware and software and the
124 development of software.

125 (g) On or before December 31, 2018, and not less than annually
126 thereafter, each executive branch agency shall conduct an inventory of
127 any high value data that is collected or possessed by the agency. Such
128 inventory shall be in a form prescribed by the Chief Data Officer. In
129 conducting such inventory, data shall be presumed to be public data
130 unless otherwise classified by federal or state law or regulation. On or
131 before December 31, 2018, and not less than annually thereafter, each
132 executive branch agency shall submit such inventory to the Chief Data
133 Officer and the Connecticut Data Analysis Technology Advisory
134 Board.

135 (h) The Office of Policy and Management, in consultation with the
136 Connecticut Data Analysis Technology Advisory Board, shall operate
137 and maintain an online repository for the publication of open data by
138 executive branch agencies.

139 (i) Any state agency that is not an executive branch agency and any
140 municipality may voluntarily opt to comply with the provisions of this
141 section and, upon submission of written notice of the agency's or
142 municipality's decision to the Office of Policy and Management, the
143 provisions of this section shall apply to such agency or municipality.
144 The Office of Policy and Management shall create and maintain a list
145 of all agencies subject to the provisions of this section, including those
146 agencies and municipalities that have voluntarily opted to comply, and

147 shall publish such list on the office's Internet web site.

148 Sec. 3. (NEW) (*Effective from passage*) (a) There is established the
149 Connecticut Data Analysis Technology Advisory Board, which shall be
150 part of the Legislative Department.

151 (b) The board shall consist of the following members: (1) Two
152 appointed by the speaker of the House of Representatives; (2) two
153 appointed by the president pro tempore of the Senate; (3) two
154 appointed by the minority leader of the House of Representatives; and
155 (4) two appointed by the minority leader of the Senate. All appointed
156 members shall have professional experience or academic qualifications
157 in data analysis, data management, data policy or related fields and
158 may not be a member of the General Assembly. Additional nonvoting
159 members shall include the following officials, or their designees: The
160 Commissioner of Administrative Services, the executive director of the
161 Freedom of Information Commission, the Attorney General, the Chief
162 Court Administrator, the State Librarian, the Treasurer and the
163 Comptroller. The Chief Data Officer shall serve as the nonvoting
164 chairperson of the board.

165 (c) All initial appointments to the board shall be made not later than
166 July 1, 2018, and shall terminate either on June 30, 2019, or June 30,
167 2020, as applicable, in accordance with subsection (e) of this section,
168 regardless of when the initial appointment was made. Any member of
169 the board may serve more than one term. The chairperson shall
170 schedule the first meeting of the board, which shall be held not later
171 than August 1, 2018. All nonvoting members of the board shall attend
172 such initial meeting.

173 (d) The administrative staff of the joint standing committee of the
174 General Assembly having cognizance of matters relating to
175 government administration shall serve as administrative staff of the
176 board, with assistance as needed provided by employees of the Offices
177 of Legislative Research and Fiscal Analysis.

178 (e) Appointed members of the board shall serve for two-year terms

179 which shall commence on the date of appointment, except as provided
180 in subsection (c) of this section, and members first appointed shall
181 have the following terms: (1) One of the members each appointed by
182 the speaker of the House of Representatives, the president pro tempore
183 of the Senate, the minority leader of the Senate and the minority leader
184 of the House of Representatives shall initially serve a term of one year,
185 and (2) one of the members each appointed by the speaker of the
186 House of Representatives, the president pro tempore of the Senate, the
187 minority leader of the Senate and the minority leader of the House of
188 Representatives shall initially serve a term of two years. Members shall
189 continue to serve until their successors are appointed.

190 (f) Any vacancy shall be filled by the appointing authority. Any
191 vacancy occurring other than by expiration of term shall be filled for
192 the balance of the unexpired term.

193 (g) Five voting members of the board shall constitute a quorum for
194 the transaction of any business. The members of the board shall serve
195 without compensation, except the Joint Committee on Legislative
196 Management may reimburse the members for reasonable expenses.

197 (h) The board shall have the following powers and duties: (1) To
198 advise the Chief Data Officer, the legislative and judicial branches of
199 government and municipalities concerning data policy, including, but
200 not limited to, best practices in the public, private and academic
201 sectors for data analysis, management, storage, security, privacy and
202 visualization; (2) to issue an annual report in accordance with
203 subsection (j) of this section; (3) upon the request of at least two
204 members of the board, to request any agency data officer or agency
205 head to appear before the board to answer questions; (4) to obtain from
206 any executive department, board, commission or other agency of the
207 state such assistance and data as necessary and available to carry out
208 the purposes of this section; (5) to establish bylaws to govern its
209 procedures; and (6) to perform such other acts as may be necessary
210 and appropriate to carry out the duties described in this section.

211 (i) The Chief Data Officer and the chairperson of the Freedom of

212 Information Commission shall submit a summary at least twice
213 annually of requests for public data received and the fulfillment status
214 of such requests to the board, in a format prescribed by the board. The
215 board may, by majority vote, recommend that the Chief Data Officer or
216 executive branch agency reprioritize certain open data requests. By
217 unanimous vote of the board, the board may require the Chief Data
218 Officer to fulfill a data request within sixty days of such vote. The
219 Attorney General may overrule such vote within such sixty-day period
220 on the grounds that such fulfillment would violate state or federal law.

221 (j) Not later than January 1, 2019, and annually thereafter, the board
222 shall submit a report, in accordance with the provisions of section 11-
223 4a of the general statutes, to the joint standing committees of the
224 General Assembly having cognizance of matters relating to
225 government administration, appropriations and the budgets of state
226 agencies and the judiciary. Such report shall include the board's
227 recommendations for the legislative, judicial and executive branches
228 and the Chief Data Officer regarding data practices in all agencies, the
229 sharing of data and compatibility of data systems across the three
230 branches of government, improvements to the formatting and
231 accessibility of all public open datasets and any other matter the board
232 has recommendations concerning, including legislation necessary to
233 implement such recommendations.

234 (k) The board shall meet at least twice a year and may meet at such
235 other times as deemed necessary by the chairperson or a majority of
236 the members of the board.

237 Sec. 4. Section 4-68z of the general statutes is repealed and the
238 following is substituted in lieu thereof (*Effective July 1, 2018*):

239 The Office of Policy and Management, within available
240 appropriations, shall [enter into an agreement for consultant services
241 to apply LEAN practices and principles to the permitting and
242 enforcement processes of the Departments of Energy and
243 Environmental Protection, Economic and Community Development,
244 Administrative Services and Transportation that are most frequently

245 utilized by business entities. Such agreement shall also require the
246 consultant to apply LEAN practices and principles to the licensure
247 procedures for commercial bus drivers that are currently performed by
248 the Departments of Consumer Protection, Emergency Services and
249 Public Protection, and Children and Families. Such consultant shall
250 develop recommendations for the implementation of a prepermitting
251 system for commercial bus drivers that enables businesses to utilize
252 commercial bus drivers who await the applicable licensing authority's
253 performance of a criminal background check] establish and oversee a
254 state-wide process improvement initiative, to assist executive branch
255 state agencies with business process analysis for purposes of (1)
256 streamlining processes, (2) optimizing service delivery through
257 information technology, (3) eliminating unnecessary work, (4)
258 establishing standardized work flows, and (5) prioritizing available
259 resources to promote economic growth, improve services and increase
260 workforce productivity. On and after the date the state data plan is
261 approved pursuant to section 2 of this act, such initiative shall be
262 implemented in accordance with such state data plan. The Secretary of
263 the Office of Policy and Management shall establish a steering
264 committee to support such initiative. The secretary, or the secretary's
265 designee, shall be the chairperson of such committee.

266 Sec. 5. Section 4-60s of the general statutes is repealed and the
267 following is substituted in lieu thereof (*Effective July 1, 2018*):

268 (a) Each state agency of the Executive Department shall explore the
269 feasibility of converting all applications and forms used by the public
270 to electronic format and create an inventory of all forms used by such
271 agency.

272 (b) Notwithstanding the provisions of chapter 54, an agency, as
273 defined in section 4-166, may suspend any requirements for paper
274 filing or service of documents requirements contained in any
275 regulation adopted by such agency pursuant to subdivision (1) of
276 subsection (a) of section 4-167 and may establish an electronic filing
277 system for formal and informal agency proceedings. Such agency,

278 before establishing such a system, shall give at least thirty days' notice
 279 by posting on its Internet web site and publishing in the Connecticut
 280 Law Journal a notice of its intended action and the instructions for the
 281 use of such system. Any agency establishing such a system shall grant
 282 a request from a person, as defined in section 4-166, for an exemption
 283 from any electronic filing requirements due to a hardship
 284 communicated in writing to the agency, including, but not limited to, a
 285 lack of access to a device capable of electronic filing or the
 286 incompatibility of a specific filing with the electronic filing system.

287 (c) Notwithstanding the provisions of chapter 54, an agency, as
 288 defined in section 4-166, may suspend any requirement established in
 289 any regulation adopted by such agency for the paper or facsimile
 290 submission of documents or data required to be submitted to such
 291 agency by federal or state statute or regulation, or a license, as defined
 292 in section 4-166, and require electronic filing of such documents or
 293 data or any other information required to be submitted to such agency
 294 in writing, in a manner prescribed by the agency. Prior to the
 295 establishment of such electronic filing requirements, the agency shall
 296 provide at least thirty days' notice on its Internet web site and in the
 297 Connecticut Law Journal and include with the notice the agency's
 298 instructions for electronic filing. Such instructions shall be maintained
 299 on the agency's Internet web site as long as the agency requires
 300 electronic filing of such documents and data.

| | | |
|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | New section |
| Sec. 2 | <i>from passage</i> | New section |
| Sec. 3 | <i>from passage</i> | New section |
| Sec. 4 | <i>July 1, 2018</i> | 4-68z |
| Sec. 5 | <i>July 1, 2018</i> | 4-60s |

Statement of Legislative Commissioners:

In Section 2(a), "existing" was deleted to avoid redundancy, in Section 2(a)(4), "formulating of" was changed to "creating" for consistency,

Section 3(c) was rewritten for clarity, and in Section 4, "adopted" was changed to "approved" for consistency.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

Section 3 establishes the Connecticut Data Analysis Technology Advisory Board. This has no fiscal impact as PA 17-236 prohibits transportation allowances for task force members

The other provisions of the bill have no fiscal impact, as it is codifying current practice of state agencies and the Office of Policy and Management.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 5517*****AN ACT CONCERNING EXECUTIVE BRANCH DATA MANAGEMENT AND PROCESSES.*****SUMMARY**

This bill establishes data requirements for executive branch agencies, including (1) authorizing the Chief Data Officer (CDO) to direct agencies on data-related topics, (2) requiring a biennial state data plan, and (3) establishing a Connecticut Data Analysis Technology Advisory Board. In current practice, Executive Order 39 established similar requirements for executive branch agencies (see BACKGROUND).

The bill authorizes the existing CDO within the Office of Policy and Management (OPM) to direct executive branch agencies (defined by the bill to exempt the Board of Regents of higher education) on data use, management, sharing, coordination, and formulation of the state data plan and transparency plans.

The bill requires the CDO, in consultation with others, to create the state data plan to govern the information technology-related actions and initiatives of all executive branch state agencies. It correspondingly requires the agencies to (1) annually inventory their data assets and submit the inventory to OPM and (2) designate an agency data officer, conforming to current practice. It allows other agencies to voluntarily comply with these open data requirements.

The bill establishes a 16-member Connecticut Data Analysis Technology Advisory Board within the legislative branch to advise the CDO, legislative and judicial branches, and municipalities on data policy. The board must annually report to the legislative committees of cognizance on its recommendations for data practices, sharing, and

compatibility of systems across the three branches of state government and improvements to the formatting and accessibility of all public open datasets. It also requires OPM, in consultation with the board, to operate and maintain the Open Data Portal.

The bill also expands participation in LEANCT, the statewide government process improvement initiative, to all executive agencies (including higher education) and codifies the Statewide Process Improvement Steering Committee.

Finally, the bill expands state agencies' ability to suspend paper filing or document service requirements. It allows them to require the electronic filing or service of any documents or data (1) required to be submitted to them by any (a) provision of federal or state law, (b) regulation adopted by an agency, (c) order, or (d) license or (2) otherwise filed with the agency or served on others in formal or informal proceedings.

EFFECTIVE DATE: Upon passage, except that provisions on the process improvement initiative and electronic filing take effect on July 1, 2018.

§ 1 — OPEN DATA CATEGORIES

The bill categorizes data based on how it is used or applied. In regard to executive branch agencies, it defines “high value data” as any data that:

1. can increase an agency's accountability and responsiveness, improve public knowledge of an agency and its operations, further its core mission, or create economic opportunity;
2. is critical to the agency's operation, frequently requested by the public, or used to satisfy any legislative or other reporting requirements; or
3. responds to a need and demand identified through public consultation.

Under the bill, “open data” is any data that is

1. freely available in a convenient and modifiable format that can be retrieved, downloaded, indexed, and searched;
2. formatted in a manner that allows for automated processing;
3. free of restrictions governing use;
4. published in primary forms, with the finest possible level of detail practicable and permitted by law; and
5. described in enough detail so that the data's consumers can understand the strengths, weaknesses, analytical limitations, and security requirements, and how to process it.

It also defines the terms “data,” “public data,” and “protected data.” Under the bill, “data” means final versions of statistical or factual information that (1) is reflected in a list, table, graph, chart, or other non-narrative form and can be digitally or non-digitally transmitted or processed; (2) is regularly created or maintained by or on behalf of an executive agency; and (3) (a) records a measurement, transaction, or determination related to the agency's mission or (b) is provided to the agency pursuant to law.

It defines “public data” as any data collected by an agency that may be made public, consistent with any and all applicable laws, rules, regulations, ordinances, resolutions, policies or other restrictions, requirements, or rights associated with the data, including, but not limited to, contractual or other legal orders, restrictions, or requirements.

The bill defines “protected data” as any data the public disclosure of which would (1) violate federal or state laws or regulations; (2) endanger the public health, safety, or welfare; (3) hinder the operation of government, including criminal and civil investigations; or (4) impose an undue financial, operational, or administrative burden on the executive branch agency.

§ 2 — CHIEF DATA OFFICER

The bill authorizes the existing Chief Data Officer, in consultation with the Connecticut Data Analysis Technology Advisory Board (§ 3) and in accordance with the state data plan created under the bill, to (1) direct executive branch agencies, except the Board of Regents for higher education, on the use and management of data to enhance the efficiency and effectiveness of state programs and policies, (2) facilitate the sharing and use of executive agency data between such agencies and with the public, (3) coordinate data analytics and transparency master planning for executive branch agencies, and (4) create the state data plan. (It is unclear how the CDO and board can create the state data plan in accordance with said plan.)

State Data Plan

By December 31, 2018, and biennially afterwards, the bill requires the CDO, in consultation with the agency data officers, executive branch agency heads, and Connecticut Data Analysis Technology Advisory Board, to create a state data plan. Regardless of any other state statutes, the bill requires the data plan to govern the information technology-related actions and initiatives of all executive branch state agencies, including the acquisition of hardware and software and the development of software.

The plan must:

1. establish uniform management and data analysis standards across all executive branch agencies, including particular standards for individual agencies;
2. include specific, achievable goals within the two years after the plan's adoption, as well as longer term goals;
3. make recommendations to achieve more standardization and cross-compatibility of data systems and data management practices across all executive branch agencies;

4. provide a timeline for a review of any state or federal legal concerns or other obstacles to internal data sharing among agencies, including security and privacy concerns;
5. set goals for improving the online open data repository;
6. detail the agency's plan to publish, as open data, any public data that each executive branch agency has identified and any protected data that can be made public through aggregation, de-identification or other means sufficient to satisfy applicable state or federal law or regulation; and
7. provide a procedure and timeline for each agency head, in consultation with the agency data officer, to report in writing to the CDO regarding the agency's progress toward achieving the plan's goals.

In addition, the bill allows the state data plan to make recommendations concerning data management for the legislative or judicial branch agencies, but specifies such recommendations are not binding on these agencies.

By November 1, 2018, and every two years after, the bill requires the CDO to submit a preliminary draft of the plan to the Connecticut Data Analysis Technology Advisory Board. The board must hold a public hearing on the draft and submit any suggested revisions to the CDO after the hearing. After receiving any recommended revisions from the board, he must then finalize and submit the final plan to the board for its approval.

Under the bill, the plan is deemed approved if the board does not meet within 30 days after receipt to approve or disapprove it. The board may disapprove the plan by a majority vote of its total membership. (Since under the bill, only eight of the board's 16 total members are voting members, it is unclear if the board could disapprove a plan by a vote of its total membership.) If the draft is disapproved, the board must notify the CDO and advise him of its

reasons for disapproval, after which the CDO must resubmit a revised plan within 30 days. If such plan is again disapproved, this process repeats until the board approves the plan. Once approved, the CDO must send a copy of the state data plan to all agency data officers and post it on OPM's website.

Open Data Portal

The bill requires OPM to continue operating and maintaining the portal in consultation with the Connecticut Data Analysis Technology Advisory Board. It requires each executive branch agency, by December 31, 2018, to annually (1) inventory its high value data in a format determined by the CDO, and (2) submit the inventory to the CDO and the Connecticut Data Analysis Technology Advisory Board. In doing so, agencies must presume the data to be public unless it is classified otherwise.

Agency Data Officers

The bill requires executive agencies to designate one employee in each agency as the agency data officer, conforming to current practice. It expands their associated responsibilities under the supervision of the CDO and agency head. The data officers serve as the agency point of contact for inquiries, requests, or concerns regarding access to data, unless the CDO designates another person. The bill authorizes these agency data officers, in consultation with the CDO and agency head, to establish procedures to ensure that requests for data are received and complied with in an appropriate and prompt manner. Each agency data officer must also advise the agency head on how data collected could be useful to the agency, recommend additional data to be collected, and implement improvements in data management procedures, according to the state data plan.

Non-Executive Branch Agencies & Municipalities

The bill allows non-executive branch agencies and municipalities to voluntarily opt to comply with the open data provisions and, upon

submission of written notice of the decision to OPM, the provisions must apply to the agency or municipality. It requires OPM to create, maintain, and publish on its website, a list of all agencies subject to the open data provisions, including those that have voluntarily opted to comply.

§ 3 — CONNECTICUT DATA ANALYSIS TECHNOLOGY ADVISORY BOARD

The bill establishes the Connecticut Data Analysis Technology Advisory Board to, among other things, advise the CDO and various agencies on data policy.

Board Membership

Under the bill, the board has 16 members who serve without compensation, except the Legislative Management Committee may reimburse them for reasonable expenses. The eight voting board members must have professional experience or academic qualifications in data analysis, management, policy, or related fields and not be legislators. By July 1, 2018, the House speaker, Senate president pro tempore, House minority leader, and Senate minority leader must each initially appoint two board members; one serves a one-year term and the other serves a two-year term. After these initial appointments expire, appointed members serve two-year terms beginning on the date of their appointment. Members continue to serve until their successors are appointed. The bill authorizes the appointing authority to fill any vacancy. Vacancies occurring other than by term expiration are filled for the remainder of the term.

Eight additional non-voting members must include the following officials, or their designees:

1. the Commissioner of Administrative Services;
2. the executive director of the Freedom of Information Commission;
3. the Attorney General;

4. the Chief Court Administrator;
5. the State Librarian;
6. the State Treasurer;
7. the State Comptroller; and
8. the Chief Data Officer, serving as the board chairperson.

The bill allows any board member to serve more than one term.

Board Procedures

The bill requires all nonvoting members to attend the first meeting, which under the bill, the CDO, as chairperson, must schedule to occur by August 1, 2018. The board must meet at least twice a year and may meet additional times as deemed necessary by the chairperson or a majority of the board members. It assigns the administrative staff of the Government Administration and Elections Committee to staff the board, with assistance as needed provided by employees of the offices of Legislative Research and Fiscal Analysis.

Under the bill, five voting board members constitute a quorum for the transaction of any business.

Board Powers & Duties

The bill authorizes the board to have the following powers and duties:

1. advise the CDO, legislative and judicial branches, and municipalities on data policy, including best practices in the public, private, and academic sectors for data analysis, management, storage, security, privacy and visualization;
2. upon the request of at least two board members, request any agency data officer or agency head to appear before the board to answer questions;
3. obtain from any executive department, board, commission or

other agency of the state such assistance and data as necessary and available to carry out its power and duties;

4. establish bylaws to govern its procedures; and
5. perform such other acts as may be necessary and appropriate to carry out its duties.

The bill requires the CDO and the chairperson of the Freedom of Information Commission to submit to the board, at least twice a year in a format the board prescribes, a summary of requests for public data received and the fulfillment status of such requests. It allows the board, by majority vote, to recommend that the CDO or executive agency reprioritize certain requests. By unanimous vote, the board may require the CDO to fulfill a data request within sixty days of such vote. The bill allows the Attorney General to overrule such a directive during the sixty-day period on the grounds that it would violate state or federal law.

By January 1, 2019, and annually after, the bill requires the board to submit a report to the Appropriations, Government Administration and Elections, and Judiciary committees. The report must include the board's recommendations for the legislative, judicial and executive branches and the CDO regarding (1) data practices in all agencies, (2) the sharing of data and compatibility of data systems across the three branches of government, (3) improvements to the formatting and accessibility of all public open datasets, and (4) any other matter the board has recommendations concerning, including legislation necessary to implement such recommendations.

§ 4 — LEANCT

The bill expands the scope of LEANCT, a statewide process improvement initiative. It requires OPM to establish and oversee the initiative to assist executive branch state agencies with business process analysis to (1) streamline processes; (2) optimize service delivery through information technology; (3) eliminate unnecessary

work; (4) establish standardized work flows; and (5) prioritize available resources to promote economic growth, improve services, and increase workforce productivity. Under the bill, the initiative must be implemented in accordance with the state data plan once it is adopted. The bill also codifies the Statewide Process Improvement Steering Committee which supports the initiative. It designates the OPM secretary, or his designee, as the committee's chairperson.

Under current law, OPM, within available appropriations, must contract for consultant services to apply LEAN practices and principles to the (1) permitting and enforcement processes of the departments of Energy and Environmental Protection, Economic and Community Development, Administrative Services, and Transportation that are most frequently used by business entities and (2) licensure procedures for commercial bus drivers that the departments of Consumer Protection, Emergency Services and Public Protection, and Children and Families currently perform.

§ 5 — ELECTRONIC FILING SYSTEM

The bill expands state agencies' ability to suspend paper filing or document service requirements. Under current law, a state agency may (1) suspend any requirements in its regulations governing its rules of practice for paper filing or document service for formal and informal agency proceedings and (2) establish an electronic filing system for the filings and service.

The bill expands this authority by allowing agencies to do the following:

1. suspend paper and facsimile submission requirements contained in any agency regulation, not just regulations governing the rules of practice; and
2. suspend paper data filing requirements, not just paper document filing requirements.

The bill allows agencies to require the electronic filing or service of

such documents or data (1) required to be submitted to such agency by any (a) provision of federal or state law, (b) regulation adopted by an agency, (c) order, or (d) license or (2) otherwise filed with the agency or served on others in formal or informal proceedings.

By law, a license includes all or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law (CGS § 4-166(8)).

By law and under the bill, before suspending the regulatory requirements or requiring electronic filing or service, the agency must give 30 days' notice on its website and in the Connecticut Law Journal, including instructions for using the electronic filing system. The bill requires the agency to maintain the instructions on its website for as long as it requires the electronic filing or service of documents or data. As under existing law, agencies must exempt from electronic filing any person that requests an exemption and provides written notice to the agency of a hardship.

BACKGROUND

Executive Order 39

Executive Order 39 established open data requirements for executive branch agencies. It established the Connecticut Open Data Portal and the position of Chief Data Officer, designated by the governor, to manage it with assistance from the Department of Administrative Services and the Bureau of Enterprise Systems and Technology. Among other things, the order required the CDO to coordinate implementation, compliance, and expansion of the portal; assist state agencies in providing data sets to it; and coordinate initiatives to improve the data provided, including encouraging participation by other state entities and non-governmental organizations. It also established the governor-appointed Open Data Advisory Panel to advise the CDO on the performance of his specified duties.

Related Bill

HB 5172, reported favorably by the Government Administration and Elections Committee, also codifies and expands upon Executive Order 39, however it includes additional requirements related to digital parcel data.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 17 Nay 0 (03/23/2018)