

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5517

AN ACT CONCERNING EXECUTIVE BRANCH DATA MANAGEMENT AND

Title: PROCESSES.

Vote Date: 3/23/2018

Vote Action: Joint Favorable Substitute

PH Date: 3/19/2018

File No.: 489

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

The bill helps to promote more transparency in government. It codifies and expands upon Executive Order 39 which created an online Open Data Portal in 2014 so that the public may have access to government data.

Substitute Language: Removes section 5 regarding municipal files. Please note that it does not make the Chief Court Administrator a voting member

RESPONSE FROM ADMINISTRATION/AGENCY:

Benjamin Barnes, Secretary, Office of Policy and Management (OPM)

Secretary Barnes notes that much of the bill is similar in language and intent of House Bill 5172. He shares some recommendations which he believes would enhance the bill and some concerns OPM has identified.

Section 2(c) of the bill would require OPM to formulate a state data plan and incorporates ideas from HB 5172 related to agency plans to publish open data. Importantly, the language in Section 2(d) of HB 5172 would require each agency to develop an “open data access plan.” However, it appears this provision was left out of this bill. OPM favors the language as written in HB 5172.

In addition, we believe the language in HB 5172 would create a more predictable and transparent process related to the publication of open data and ensure that data are updated and maintained.

Sections 2(c) and 2(d) of HB 5517 also set a fairly aggressive deadline of November 1, 2018 for the preliminary draft and December 31, 2018 for the final state data plan. Ultimately, OPM is concerned that, given the number of goals and undertaking associated with this bill, these deadlines may not allow sufficient time for a thorough and thoughtful process.

Section 3 of the bill would create the Connecticut Data Analysis Technology Advisory Board (DATA Board) with various powers and duties. In general, OPM believes this section may require some additional refinement. In particular, we find Section 3(i) to be problematic, specifically the following language contained in lines 215-219. OPM believes this has the potential to be disruptive to the more thoughtful planned approach to the publication of open data contemplated by both this bill and HB 5172, by reinforcing a reactive approach to data access.

As far as LeanCT - Lines 259-561 of HB 5517 appear to tie the implementation of LeanCT to the state data plan. As this work is ongoing, we do not believe this provision is appropriate as drafted.

Kevin Lembo, State Comptroller, State of Connecticut

Comptroller Lembo argues that making raw data regarding state agency performance and operations available to the public increases accountability. And allows third parties to review and critique government performance, thereby helping government become more efficient and responsive.

State agencies are required to publish data on the state's open data website. Section 2 of HB 5517 would make this practice continue. Comptroller Lembo believes that it is important because it ensures the that future administrations continue this practice and also ensures that state agencies comply with the requirements of publishing high value data sets. Thus far, compliance has NOT been consistent across agencies.

The Comptroller initiated and maintains supports open data initiatives such as Open Connecticut (a online hub for state financial data). The purpose is to allow residents to easily search, study and export key state financial information. Codifying Executive Order 39 will help to make sure this is continued in the future.

Section 2 Mr. Lembo argues that this section allows existing transparency efforts to evolve and grow, providing easy access to public data while increasing government accountability and responsiveness.

Michael Brandi, Executive Director and General Counsel, State Elections Enforcement Commission (SEEC)

While SEEC supports the bill, they are concerned about its possible impact on their data, particularly the campaign finance data in the eCRIS database. SEEC suggests that Douglas Frost, SEEC's Agency Information Technology Manager, be included in discussions that might affect their data. They ask that Mr. Frost be considered as an appointee to the Connecticut Data Analysis Technology Advisory Board as well.

The Judicial Branch, State of Connecticut

The Judicial Branch asks the committee to consider removing the reference to the Judicial Branch in section 3(h) line 197. If the Committee keeps the reference to the Judicial Branch

in the bill, then they ask that, "Chief Court Administrator or his appointee" be included as a voting member of the Board.

Colleen M. Murphy, Executive Director and General Counsel, Freedom of Information (FOI) Commission

The FOI Commission supports the bill but it is concerned that the proposal provides that a "state data plan" "shall be deemed approved if the {Data Analysis Technology Advisory Board} does not meet to approve or disapprove such plan...". The Commission suggests that the Board should have to take a vote since this could possibly make big changes to the management and processing of data and public record created by public agencies.

Additionally, the Commission is concerned about the new definitions of "data", "high value data", "open data", "public data" and "protected data" may conflict with the definition of "public record or files" in section 1-200(5) of the FOI Act.

Finally, she states that it would help to include the Commission as a full voting member of the newly established Data Analysis Technology Advisory Board since their experience concerning the disclosure of government records would be of great value to the group.

NATURE AND SOURCES OF SUPPORT:

Martin M. Looney, President Pro Tempore, State Senate

Senator Looney states that HB 5517 will help empower state decision makers in all branches of government by providing them access to high-quality and objective information and also make for a more transparent government by improving public access to state data.

Good data will help lawmakers and state agencies to identify how to become more efficient, which is ever more important considering the budget constraints. Often state agencies have difficulties sharing data internally and across the executive branch because of incompatible software and formatting or bureaucratic obstacles. This limits the state's ability for coordination of services, becoming more efficient and reducing costs.

Additionally, public requests for data are more commonplace and often takes months to compile. This bill could make data available in a timely manner. The bill would also codify the Chief Data Officer's role within statute and also help implement a master State Data Plan that would be updated every two years and create a more standardized data practice across state agencies. Furthermore, the bill would create a legislatively-appointed Data Analysis Technology Advisory Board which would advise the Chief Data Officer and review the CDO's work. Finally, the bill would codify the Connecticut Open Data Portal and provide even more information to the public, academic and policy experts.

Rachel Leventhal-Weiner, Data Engagement Specialist, Connecticut Data Collaborative

The passage of H.B. 5517 would set our state apart in its commitment to transparency and access to public information. We see the passage of H.B. 5517 as an important step in institutionalizing the state's commitment to public open data sharing.

H.B. 5517 ensures broad access to public de-identified data, creates an iterative process of continuous improvement in state agency data practices, and enables the state to improve and standardize the way we collect, share, analyze and process data from service provision across the state.

Tekisha Dawn Everette, Ph.D., Health Equity Solutions, Inc.

Health Equity Solutions, Inc., writes in support of HB 5517

Scott Gaul, Director of Research and Evaluation, The Hartford Foundation for Public Giving

The Hartford Foundation supports the provisions in the bill to establish the Connecticut Data Analysis Technology Advisory Board. And encourage the state to involve philanthropy and nonprofits on the Advisory Board.

The development of the state portal has also supported transparency at the municipal level, particularly in Hartford, the first community in Connecticut to create a municipal open data portal (for which we serve on the Hartford Open Data Advisory Board).

Over the past two years, we have also convened stakeholders to explore Connecticut's need for policy research and the feasibility of different models to support evidence-based policymaking

Karen Siegel, MPH, Health Policy Fellow, Connecticut Voices for Children

Without access to consistent, reliable data, it is not possible to evaluate the success, efficiency, or cost-effectiveness of existing programs or to see the needs of specific communities for innovations.

Connecticut Voices for Children urges the committee to consider the adding the following to the bill:

1. Facilitate coordination between the Chief Data Officer and the Health Information Technology Officer in the Office of Health Strategy to work towards integration of data across state agencies as outlined in H.B. 5290.
- 2) Ensure that race/ethnicity data is collected in a uniform manner across agencies
- 3) Expand the race/ethnicity categories used by state agencies to better reflect the demographics of our state and enable actionable analysis.

NATURE AND SOURCES OF OPPOSITION:

None Expressed.

Reported by: Susan Tufts

Date: 4/12/18