



# Senate

General Assembly

**File No. 385**

February Session, 2024

Substitute Senate Bill No. 256

*Senate, April 10, 2024*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING DATA GOVERNANCE AND CERTAIN REQUESTS FOR STATE AGENCY DATA, RECORDS OR FILES.***

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

1 Section 1. Subsection (b) of section 4-67n of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2024*):

4 (b) The Secretary of the Office of Policy and Management shall  
5 develop a program to access, link, analyze and share data maintained  
6 by executive agencies and to respond to queries from any state agency,  
7 and from any private entity or person that would otherwise require  
8 access to data maintained by two or more executive agencies. The  
9 secretary shall give priority to queries that seek to measure outcomes  
10 for state-funded programs or that may facilitate the development of  
11 policies to promote the effective, efficient and best use of state resources.  
12 The secretary may create advisory boards to assist with data governance  
13 activities under this section.

14 Sec. 2. Subdivision (2) of section 4-67o of the 2024 supplement to the  
15 general statutes is repealed and the following is substituted in lieu  
16 thereof (*Effective October 1, 2024*):

17 (2) "Executive branch agency" means any state agency, [listed in  
18 section 4-38c, except the Board of Regents for Higher Education] as  
19 defined in section 4d-1.

20 Sec. 3. Section 4-67z of the general statutes is repealed and the  
21 following is substituted in lieu thereof (*Effective October 1, 2024*):

22 [(a)] The Chief Data Officer, in consultation with the Attorney  
23 General and executive branch agency legal counsel, shall review the  
24 legal obstacles to the sharing of high value data of executive branch  
25 agencies, inventoried pursuant to section 4-67p, [among] with executive  
26 branch agencies and [with] the public.

27 [(b)] Not later than January 15, 2020, and annually thereafter, the Chief  
28 Data Officer shall submit a report, developed in consultation with the  
29 Attorney General, agency data officers and executive branch agency  
30 legal counsel, that includes any recommendations on (1) methods to  
31 facilitate the sharing of such high value data to the extent permitted  
32 under state and federal law, including, but not limited to, the  
33 preparation and execution of memoranda of understanding among  
34 executive branch agencies, and (2) any necessary legislation, to the  
35 Connecticut Data Analysis Technology Advisory Board and the joint  
36 standing committee of the General Assembly having cognizance of  
37 matters relating to government administration, in accordance with the  
38 provisions of section 11-4a. Concomitantly, the Chief Data Officer shall  
39 post each such report on the Office of Policy and Management's Internet  
40 web site.

41 (c) The report submitted pursuant to subsection (b) of this section  
42 shall be consistent with the state data plan, created under section 4-67p.  
43 The Chief Data Officer shall update such report annually with  
44 additional information concerning the sharing of high value data and  
45 any additional recommendations, including any potential fiscal impact

46 of any recommendations.]

47 Sec. 4. (NEW) (*Effective from passage*) (a) For purposes of this section,  
48 "state agency" has the same meaning as provided in section 4-67n of the  
49 general statutes, as amended by this act. Any person requesting data,  
50 records or files that have been shared by one state agency with another  
51 state agency pursuant to any statute, regulation, data sharing  
52 agreement, memorandum of agreement or understanding or court  
53 order, including, but not limited to, a request made pursuant to the  
54 Freedom of Information Act, as defined in section 1-200 of the general  
55 statutes, shall direct such request to the state agency from which such  
56 data, records or files originated.

57 (b) Notwithstanding the provisions of chapter 14 of the general  
58 statutes, if a state agency that is not the originating state agency receives  
59 a request for data, records or files as described in subsection (a) of this  
60 section, such state agency shall (1) promptly refer such request to the  
61 state agency from which such data, records or files originated, and (2)  
62 notify, in writing, the person who submitted the request for such data,  
63 records or files that such request has been referred to the originating  
64 state agency. Such written notification shall include the name, address  
65 and telephone number of the originating state agency and the date on  
66 which the referral was made to the originating state agency.

67 (c) Nothing in this section shall be construed to require the disclosure  
68 of any data, records or files if the disclosure of such data, records or files  
69 would not have been required had the request been made directly to the  
70 state agency from which such data, records or files originated.

71 (d) The provisions of this section shall not apply to requests for any  
72 data that is subject to the provisions of subsection (b) of section 54-142r  
73 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	4-67n(b)

Sec. 2	<i>October 1, 2024</i>	4-67o(2)
Sec. 3	<i>October 1, 2024</i>	4-67z
Sec. 4	<i>from passage</i>	New section

**Statement of Legislative Commissioners:**

In Section 4(b) and (c), "state" was inserted before references to "agency" for consistency.

**GAE**      *Joint Favorable Subst. -LCO*

*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.*

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

The bill makes various changes to the laws governing executive branch data sharing and management. These changes have no fiscal impact as it is not anticipated that any additional resources will be required to implement these changes.

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

**OLR Bill Analysis****sSB 256*****AN ACT CONCERNING DATA GOVERNANCE AND CERTAIN REQUESTS FOR STATE AGENCY DATA, RECORDS OR FILES.*****SUMMARY**

This bill makes various changes in the laws governing executive branch data sharing and management. It primarily (1) extends the law on the state’s chief data officer (CDO) and the state data plan to cover a broader range of executive branch agencies and other entities, including the offices of the constitutional officers, and (2) requires anyone who requests data, records, or files that have been shared between state agencies to direct their request to the agency where the information originated.

The bill also (1) allows the Office of Policy and Management secretary to create advisory boards to help with required data governance activities (i.e., developing a program to access, link, analyze, and share executive branch agency data and respond to data queries) (§ 1) and (2) eliminates a requirement for the CDO to annually report on ways to share executive branch high value data (§ 3, see “BACKGROUND”). It also makes minor and technical changes.

**EFFECTIVE DATE:** October 1, 2024, except that the provision requiring that records requests be directed to the agency where the records originated is effective upon passage.

**CDO, STATE DATA PLAN, AND EXECUTIVE BRANCH AGENCIES**

The law generally authorizes the state’s chief data officer (CDO) to direct executive branch agencies on data use, management, sharing, coordination, and formulation of the state data plan, and requires them to meet certain related requirements. Under current law, the “executive

branch agencies” subject to these provisions are 24 of the 25 statutorily defined executive branch departments (excluding the Board of Regents for Higher Education). The bill more broadly extends these provisions to cover the same “state agencies” covered by the law on state information and telecommunication systems management and contracts. More specifically, this includes (1) each department, board, council, commission, institution, or other Executive Department agency (with any entity included by law within a given department deemed a division of that department); (2) the offices of the six constitutional officers; and (3) all Executive Department agency operations funded by either the General Fund or a special fund.

In doing so, the bill generally requires the newly covered entities to do the following:

1. designate an employee to serve as its agency data officer,
2. consult with the CDO on the state data plan,
3. take information technology-related actions and initiatives consistent with the state data plan,
4. conduct an annual inventory of their high value data, and
5. develop an open data access plan.

It also makes them subject to a CDO review, in consultation with the attorney general and their own legal counsel, on the legal obstacles to sharing their high value data.

### **INFORMATION REQUESTS TO ORIGINATING AGENCIES**

The bill requires anyone requesting data, records, or files that were shared between state agencies under a statute, regulation, data sharing agreement, memorandum of agreement or understanding, or court order, including requests under the Freedom of Information Act (FOIA), to direct the request to the state agency where the information originated. For this provision, a “state agency” is any office, department, board, council, commission, institution, constituent unit of the state

system of higher education, technical education and career school, or other agency in the state's executive, legislative, or judicial branch.

Under the bill and regardless of FOIA, when a state agency receives one of these requests but is not the originating agency, it must (1) promptly refer the request to the state agency where the data, records, or files originated and (2) notify the requestor that the request has been referred to the originating agency. The notification must be in writing and include the originating agency's name, address, and phone number, and the date the referral was made.

Lastly, the bill specifies that this provision does not (1) require disclosure of any data, records, or files if the disclosure would not have been required had the request been made directly to the originating agency or (2) apply to certain requests for data in the criminal justice information system available to the public under FOIA (by law, this data must be obtained from the originating agency).

## **BACKGROUND**

### ***High Value Data***

By law, "high value data" is data that the department head determines:

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

## **COMMITTEE ACTION**



Government Administration and Elections Committee

Joint Favorable

Yea 13    Nay 6    (03/22/2024)