

---

## **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)