AB 802 (Mark Stone) - Reports to the Legislature: Statewide Open Data Portal

Version: June 4, 2019  Policy Vote: G.O. 15 - 0
Urgency: No  Mandate: Yes
Hearing Date: August 12, 2019  Consultant: Debra Cooper

Bill Summary: AB 802 would require the Department of Technology (CDT) to establish and maintain a statewide open data portal (Portal), as specified, and would require state and local agencies to submit all reports to the Legislature electronically, as specified.

Fiscal Impact:
- Minor and absorbable costs to CDT to establish and maintain the Portal, as the department already maintains an open data portal at the data.ca.gov website.
- Potentially significant costs, ranging from the hundreds of thousands of dollars to the low millions to various state departments and agencies to fulfill the requirements of this bill. State entities that produce and distribute a greater volume of mandated reports, and entities that produce reports with protected information would need additional resources to properly comply with the provision of this bill (see Staff Comments). (various funds)
- Likely minor state-mandated costs to affected local agencies, potentially reimbursable by the state.

Background: Existing law requires that any report required or requested by law to be submitted by a state or local agency to the Members of either house of the Legislature, instead be submitted as a printed copy to the Secretary of the Senate, as an electronic copy to the Chief Clerk of the Assembly, and as an electronic or printed copy to the Legislative Counsel. Existing law also requires the Legislative Counsel to make available on an internet website an electronic list of all reports that state and local agencies are required or requested by law to prepare and file with the Governor or the Legislature, and to include in the list any hyperlink to a report provided by a state or local agency.

GovOps currently sponsors data.ca.gov, a statewide open data portal created to improve collaboration, expand transparency, and lead to innovation and increased effectiveness. While several state agencies host their own open data portals, data.ca.gov was designed specifically to host open data from more than one agency. According to the website, GovOps is in the process of linking each of the existing state portals, so that all of the state’s open data sets can be searched from data.ca.gov.

Proposed Law: This bill would require, by January 1, 2021, CDT to establish and maintain a statewide open data portal. Specifically, this bill would:
- Require the Portal to include a link to the internet website of any agency that publishes its data on that website;
• Require, by October 1, 2020, CDT, in collaboration with GovOps, to create a community of practice dedicated to the following objectives:
  - Developing and recommending statewide governance and policy regarding data standards, data storage, and data privacy;
  - Fostering a culture of data use by enabling and encouraging agencies to safely and securely share data to collaborate on common issues and related programs;
  - Developing programs, and evaluating and enhancing existing programs, to provide training on data management and open data practices;
  - Employing and analyzing operational data to improve open data practices and online infrastructure supporting the publication of government data;

• Require CDT, in consultation and collaboration with the established community of practice, to maintain and update the Portal as needed to improve its utility;

• Require that a report required or requested by law to be submitted by a state or local agency to the Members of either house of the Legislature, instead be submitted electronically to the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel, as specified;

• Require each report to include a summary of its contents, not to exceed one page in length, and require notice of receipt of the report to be recorded in the journal of the appropriate house or houses of the Legislature by the secretary or clerk of that house, and provide that a report shall not be distributed to Members of the Legislature unless specifically requested by that Member;

• Require that for any state agency report involving the collection or analysis of data, the datasets used to generate the report be posted on the Portal in a machine-readable format, as specified;

• Define “agency” as any city, county, special district, department, board, bureau, or commission, including any task force or other similar body that is created by statute or resolution, excluding the University of California.

Related Legislation:

SB 598 (Moorlach, 2019) would create the Open Financial Statement Commission and requires the commission to report to the Legislature regarding how to transition state and local agencies' financial reporting to a machine-readable format. The measure is pending in the Assembly Appropriations Committee.

AB 805 (Obernolte, 2019) would require a state agency to post on its internet website any report, as defined, that the state agency submits to a committee of the Legislature. The measure is pending in the Senate Rules Committee.

AB 2225 (Limon, Chapter 535, Statutes of 2018) required the Secretary of State, in consultation with CDT, to approve and adopt appropriate uniform statewide standards for the purpose of storing and recording public records in electronic media or in a cloud computing storage service, as specified.

AB 1365 (J. Perez, Chapter 192, Statutes of 2013) made substantive and clarifying changes to existing provisions of law relating to reports filed by state and local agencies.
with the Legislative Counsel as well as provisions pertaining to the requirement that the Legislative Counsel prepare and maintain an electronic list of all reports

**Staff Comments:** Costs for individual state entities would depend on the reporting requirements of that entity. For instance, some information in the reports that the Department of Industrial Relations (DIR) submit contain datasets that may need to be redacted. DIR would require additional staff and IT resources to protect and redact the data. The department would also need additional personnel to monitor, analyze, and examine the nature of the different types of datasets used to prepare their reports in order to properly protect confidential information and ensure compliance with the bill requirements.

Similarly, the California State Teachers' Retirement System's (CalSTRS’s) legislatively mandated reports for the production of their valuations contain a compilation of millions of lines of benefit and contribution related data. Additionally, investment returns and investment asset balances are the product of substantial transactions that must be electronically consumed, compiled into relevant tables, and analyzed for completeness and accuracy to be included in the Comprehensive Annual Financial Report. If the “dataset” were interpreted to include these data, CalSTRS would need new ongoing resources, additional personnel for the redaction and encryption of personally identifiable information, and one-time interface building costs. Costs would likely be in the low millions of dollars to fulfill the requirements.

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