

Date of Hearing: August 19, 2015

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Jimmy Gomez, Chair

SB 573 (Pan) – As Amended July 9, 2015

Policy Committee:	Accountability and Administrative Review	Vote:	9 - 0
	Privacy and Consumer Protection		11 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY: This bill requires the Governor to appoint a Chief Data Officer (CDO) who will create an inventory of all available data in the state and create a statewide open data portal that is accessible to the public by January 1, 2017. This bill also requires state agencies identified by the CDO to appoint a data coordinator, identify any data sets within the agency, transmit the inventory to the CDO by October 1, 2016, and publish it on the statewide open data portal.

FISCAL EFFECT:

- 1) Unknown costs, potentially in the low millions (various funding sources), for yet-to-be-identified state entities to appoint a data coordinator, identify data sets, and create a plan for data publication. Additional cost pressures, potentially in the millions, for these agencies to post available data. Actual costs upon full implementation, would vary among state agencies depending on each entity's function and inventory of public data.

For illustrative purposes, the Office of Statewide Planning and Development will spend approximately \$220,000 this year on its open data project. To comply with the provisions of this bill, the Department of Insurance anticipates costs of \$224,000 initially and \$183,000 ongoing for a new data coordinator position and to set up the portal. The Air Resources Board anticipates costs of \$334,000 for the same purposes. The Franchise Tax Board estimates ongoing costs of \$107,000. Smaller state entities with limited public data sets would likely incur expenditures in the tens of thousands annually, while larger agencies are likely to incur costs in the hundreds of thousands annually. (GF/Special Funds).

- 2) Ongoing costs for maintenance and hosting likely in the range of \$500,000 to \$1 million (GF) annually. These operating costs could eventually be spread to participating agencies through the Office of Technology Services rate structure, but would initially be covered by the General Fund.
- 3) Annual costs of approximately \$293,000 (GF) annually for an appointed Chief Data Officer and one data liaison.
- 4) Onetime costs in the range of \$125,000 to \$235,000 (GF) to create a statewide open data depending on whether the Department of Technology updates the existing Data.CA.gov or creates the portal.
- 5) State agency costs may be partially offset in future years to the extent there is a decrease in Public Records Act requests.

COMMENTS:

- 1) **Purpose.** This bill seeks to increase government transparency and efficiency and promote economic development by requiring a CDO, appointed by the Governor, to oversee the establishment of a statewide open data portal for the public to access state agency data sets.

According to the author, "Despite being the home of some of the most innovative technology ideas in the world, California has not established itself as a leader in developing a unified open state-wide data policy. While some entities in the state have developed independent open data projects, California still lacks a cohesive state policy that standardizes this data and makes it readable across multiple platforms. SB 573 would improve California's goal to be transparent and accountable, increase efficiency and cost-savings, and foster economic development."

- 2) **Background.** The California Public Records Act declares that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state" and generally requires governmental records to be disclosed to the public, upon request, unless an agency is exempted from doing so for a specific reason. Existing law requires a public agency to make non-exempt electronic public records available in any electronic format in which it holds the information or, if requested, in an electronic format used by the agency to create copies for its own or other agencies' use. Existing law also authorizes a public agency to charge to the requestor the direct cost of producing the electronic public record. The requestor of an electronic public record must also pay the cost of producing a copy of the record, including the cost to construct the record, or the costs of data compilation, extraction, or programming to produce the record under certain conditions.

California has a centralized data portal at Data.CA.gov. The portal contains state government data from various state agencies, some of which is in raw, machine-readable formats that can be reformatted and reused in different ways. According to the Data.CA.gov website, more than 100 million data records are available through the portal including: vital statistics such as population, birth, death, and marriage data; more than 50 million data records on education; California port import/export data; state highway traffic data; data on vehicle accidents, fatalities, and injuries; tourism data; water resource data; and geospatial data. The website has a search function for several of the datasets, charts, and graphs. Some of the datasets are available in variety of open formats including CSV, XLS, KML, TXT, and XML.

Some state entities, including four departments within the Health and Human Services Agency and the State Controller's Office, have created their own open data portals.

- 3) **Related Legislation.** AB 1215 (Ting) would have established the California Open Data Act and required the Governor to appoint a CDO to work with state agencies and experts to formulate a California Open Data Standard and a centralized Internet Web portal for public access to data from state agencies. AB 1215 was held on this Committee's Suspense File.
- 4) **Prior Legislation.** SB 1002 (Yee) of 2012 would have required the State Chief Information Officer to conduct a study to determine the feasibility of providing electronic records in an open format. SB 1002 was vetoed by the Governor.