Department of Planning and Budget
2018 Fiscal Impact Statement

1. **Bill Number:** HB781

House of Origin	☒	Introduced	☐	Substitute	☐	Engrossed
Second House	☐	In Committee	☐	Substitute	☐	Enrolled

2. **Patron:** Keam

3. **Committee:** Science and Technology

4. **Title:** Virginia Open Data Initiative Act.

5. **Summary:** Creates the Virginia Open Data Initiative Act to increase public awareness of and access to the data created by and available from state agencies. The bill provides for appointment by the Governor of a Chief Data Officer to maintain the official website of the Commonwealth of Virginia as a dedicated open data website. The bill requires the Chief Data Officer to oversee the establishment of procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency, including the development of a dataset format standard and ensuring that the datasets are accessible in a nonproprietary, machine-readable format that is compliant with state and federal law. The bill also provides for the Chief Data Officer to submit by December 31, 2019, a written report to the Governor and the General Assembly consisting of (i) the progress made on the implementation of the provisions of the bill, (ii) the effectiveness in providing open data and datasets to the public and among agencies, and (iii) the feasibility of expanding the open data initiative to the legislative and judicial branches of government.

   Agencies would be required under this bill to either provide datasets to the Chief Data Officer for inclusion on the open data website or provide a link to datasets hosted on the agency's own website. Additionally, agencies would be required to maintain an inventory of all their open data; ensure such data is in compliance with standards set by the Chief Data Officer; provide explanations about the data including its format and how often it us updated; and assist users in accessing the open data through the deployment of online access tools and the development and publication of application program interfaces.

6. **Budget Amendment Necessary**: Yes, Item 431 and Item 475

7. **Fiscal Impact Estimates:** Preliminary – the impacts in the table below demonstrate the estimated costs of the staffing costs for the Virginia Information Technologies Agency to implement this legislation. Other agencies' costs to comply with the provisions of this bill, including the development of application program interfaces, are currently indeterminate.

7a. Expenditure Impact:

Fiscal Year	*Dollars*	*Positions*	*Fund*
2018	$0	N/A	N/A
2019	$255,655 $107,419	2 0	Internal Service General
2020	$255,655 $107,419	2 0	Internal Service General
2021	$255,655 $107,419	2 0	Internal Service General
2022	$255,655 $107,419	2 0	Internal Service General
2023	$255,655 $107,419	2 0	Internal Service General
2024	$255,655 $107,419	2 0	Internal Service General

8. Fiscal Implications: This legislation would create a new position for a Chief Data Officer of the Commonwealth ("the CDO"), who shall be appointed by the Governor and be under the supervision of the Chief Information Officer of the Commonwealth ("the CIO"). The CDO's duties include maintaining a dedicated open data website, developing a dataset format standard for use by all agencies, promulgate regulations and develop standards related to the access and presentation of open data and datasets by each agency, and provide management and technical assistance necessary to ensure access to open data and datasets. The creation of a new position will require funding and authorization for the position. The Virginia Information Technologies Agency (VITA) estimates the salary and benefits for the CDO to be $148,236. VITA also indicates that at least one additional full-time employee in an analyst or data coordinator role is needed to accommodate the tasks in the bill, with an estimated salary and benefits of $107,419. VITA indicates that additional staff may be required depending on the number of datasets ultimately included via the open data website and the amount of assistance required by agencies.

If the costs for these positions are deemed allowable for participation by the federal government, then the staffing costs could be paid for through VITA's internal service fund, which receives revenues from other state agencies via established billable rates for services. Approximately 43 percent of VITA internal service fund costs are paid by the general fund. Based on VITA's estimated staffing costs of $255,655, the general fund's share of this cost would be $109,932. If these costs are deemed unallowable, then the entire $255,655 amount would be paid by the general fund.

The bill requires the CDO to maintain the official website of the Commonwealth as an open data website. The Commonwealth has an existing open data website (data.virginia.gov) which links to data state agencies currently host. VITA and the Library of Virginia (LVA) have an existing memorandum of understanding to jointly manage the current website. VITA notes that server and storage costs for the open data website will increase as more datasets are hosted, however without knowing how many datasets will ultimately be hosted such costs are currently indeterminate.

Agencies would be required under this bill to either provide datasets to the CDO for inclusion on the open data website or provide a link to datasets hosted on the agency's own website. Additionally, agencies would be required to maintain an inventory of all their open data; ensure such data is in compliance with standards set by the CDO; provide explanations about the data including its format and how often it us updated; and assist users in accessing the open data through the deployment of online access tools and the development and publication of application program interfaces. The costs to agencies of complying with these requirements, including the development of new application interfaces, is currently indeterminate.

9. **Specific Agency or Political Subdivisions Affected:** All authorities, boards, departments, instrumentalities, institutions, agencies, and other units of state government.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** This bill is similar but not identical to SB830. Per VITA, the differences between the two bills do not affect the fiscal impact estimates.

Date: January 31, 2018
File: HB781