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HOUSE BILL NO. 1591

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on February 14, 2023)

(Patron Prior to Substitute—Delegate Davis)

A BILL to amend and reenact § 2.2-203.2:4, as it is currently effective, of the Code of Virginia and to repeal the third enactment of Chapter 314 of the Acts of Assembly of 2021, Special Session I, relating to the Office of Data Governance and Analytics; Chief Data Officer.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-203.2:4, as it is currently effective, of the Code of Virginia is amended and reenacted as follows:

§ 2.2-203.2:4. (Effective until July 1, 2023) Office of Data Governance and Analytics; Chief Data Officer; creation; report.

A. As used in this section, unless the context requires a different meaning:

"Board" means the Executive Data Board.

"CDO" means the Chief Data Officer of the Commonwealth.

"Commonwealth Data Trust" means a secure, multi-stakeholder data exchange and analytics platform with common rules for data security, privacy, and confidentiality. The Commonwealth Data Trust shall include data from state, regional, and local governments, from public institutions of higher education, and from any other sources deemed necessary and appropriate.

"Council" means the Data Governance Council.

"Group" means the Data Stewards Group.

"Office" means the Office of Data Governance and Analytics.

"Open data" means data that is collected by an agency that is not prohibited from being made available to the public by applicable laws or regulations or other restrictions, requirements, or rights associated with such data.

B. There is created in the Office of the Secretary of Administration the Office of Data Governance and Analytics to foster and oversee the effective sharing of data among state, regional, and local public entities and public institutions of higher education, implement effective data governance strategies to maintain data integrity and security, and promote access to Commonwealth data. The purpose of the Office shall be to (i) improve compliance with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.); (ii) increase access to and sharing of Commonwealth data, including open data, between state, regional and local public entities and public institutions of higher education across all levels of government; (iii) Increase the use of data and data analytics to improve the efficiency and efficacy of government services and improve stakeholder outcomes; and (iv) establish the Commonwealth as a national leader in data-driven policy, evidence-based decision making, and outcome-based performance management.

C. The Office shall have the following powers and duties:

1. To support the collection, dissemination, analysis, and proper use of data by state agencies and public entities as defined in the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.);

2. To facilitate and guide data-sharing efforts between state, regional, and local public entities and public institutions of higher education;

3. To develop innovative data analysis and intelligence methodologies and best practices to promote data-driven policy making, decision making, research, and analysis;

4. To manage and administer the Commonwealth Data Trust;

5. To assist the Chief Data Officer and the Chief Information Officer of the Commonwealth in the development of a comprehensive six-year Commonwealth strategic plan for information technology;

6. In cooperation with the Chief Information Officer of the Commonwealth, to provide technical assistance to state agencies, local governments, and regional entities to establish and promote data sharing and analytics projects including data storage, data security, privacy, compliance with federal law, the de-identification of data for research purposes, and the appropriate access to and presentation of open data and datasets to the public;

7. To develop measures and targets related to the performance of the Commonwealth's data governance, sharing, analytics, and intelligence program;

8. To undertake, identify, coordinate, and oversee studies linking government services to stakeholder outcomes;

9. To implement a website dedicated to (i) hosting open data from state, regional, and local public entities and public institutions of higher education and (ii) providing links to any other additional open

60 data websites in the Commonwealth;

61 10. To provide staff and operational support to the Virginia Data Commission, Executive Data Board,
62 Data Governance Council, and Data Stewards Group;

63 11. To apply for and accept grants from the United States government and agencies and
64 instrumentalities thereof and any other source. To those ends, the Office shall have the power to comply
65 with such conditions and execute such agreements as may be necessary or desirable;

66 12. To solicit, receive, and consider proposals for funding projects or initiatives from any state or
67 federal agency, local or regional government, public institution of higher education, nonprofit
68 organization, or private person or corporation;

69 13. To enter into public-private partnerships and agreements with public institutions of higher
70 education in the Commonwealth to conduct data sharing and analytics projects;

71 14. To solicit and accept funds, goods, and in-kind services that are part of any accepted project
72 proposal;

73 15. To establish ad hoc committees or project teams to investigate related technology or technical
74 issues and provide results and recommendations for Office action; and

75 16. To establish such bureaus, sections, or units as the Office deems appropriate to carry out its goals
76 and responsibilities.

77 D. There is created in the Office of the Secretary of Administration the position of Chief Data
78 Officer of the Commonwealth to oversee the operation of the Office. The CDO shall exercise and
79 perform the duties conferred or imposed upon him by law and perform such other duties as may be
80 required by the Governor and the Secretary of Administration. The CDO shall not be considered the
81 custodian of any public records in or derived from the Commonwealth Data Trust. The CDO shall:

82 1. Establish business rules, guidelines, and best practices for the use of data, including open data, in
83 the Commonwealth. Such rules, guidelines, and best practices shall address, at a minimum, (i) the
84 sharing of data between state, regional, and local public entities and public institutions of higher
85 education, and, when appropriate, private entities; (ii) data storage; (iii) data security; (iv) privacy; (v)
86 compliance with federal law; (vi) the de-identification of data for research purposes; and (vii) the
87 appropriate access to and presentation of open data and datasets to the public;

88 2. Assist state, regional, and local public entities, public institutions of higher education, and
89 employees thereof, with the application of the Government Data Collection and Dissemination Practices
90 Act (§ 2.2-3800 et. seq.) and understanding the applicability of federal laws governing privacy and
91 access to data to the data sharing practices of the Commonwealth;

92 3. Assist the Chief Information Officer of the Commonwealth with matters related to the creation,
93 storage, and dissemination of data upon request;

94 4. Encourage and coordinate efforts of state, regional, and local public entities and public institutions
95 of higher education to access and share data, including open data, across all levels of government in an
96 effort to improve the efficiency and efficacy of services, improve outcomes, and promote data-driven
97 policy making, decision making, research, and analysis;

98 5. Oversee the implementation of a website dedicated to (i) hosting open data from state, regional,
99 and local public entities and public institutions of higher education and (ii) providing links to any other
100 additional open data websites in the Commonwealth;

101 6. Enter into contracts for the purpose of carrying out the provisions of this section;

102 7. Rent office space and procure equipment, goods, and services necessary to carry out the provisions
103 of this section; and

104 8. Report on the activities of the Office, the Commonwealth Data Trust, and the Virginia Data
105 Commission established pursuant to Article 13 (§ 2.2-2558 et seq.) of Chapter 25 annually by December
106 1 to the Governor and the General Assembly.

107 E. The Commonwealth Data Trust shall be governed by a multi-level governance structure as
108 follows:

109 1. The Executive Data Board shall consist of the directors or chief executives, or their designees, of
110 executive branch agencies engaged in data sharing and analytics projects with the Commonwealth Data
111 Trust. The CDO shall chair the Board. Members of the Board shall (i) translate the Commonwealth's
112 data-driven policy goals and objectives into performance targets at their respective agencies; (ii) allocate
113 appropriate resources at their respective agencies to support data governance, sharing, and analytics
114 initiatives; and (iii) provide any reports to the Office regarding their respective agencies' data analytics
115 work and implementation of recommendations.

116 2. The Data Governance Council shall consist of employees of the agencies represented on the
117 Board, selected by the Board members from their respective agencies. The CDO, or his designee, shall
118 chair the Council. The Council shall (i) liaise between state agency operations and the CDO; (ii) advise
119 the CDO on data technology, policy, and governance structure; (iii) administer data governance policies,
120 standards, and best practices, as set by the Board; (iv) oversee data sharing and analytics projects; (v)
121 review open data assets prior to publication; (vi) provide to the Board any reports on the Council's

recommendations and work as required by the Board; (vii) develop necessary privacy and ethical standards and policies for Commonwealth Data Trust resources; (viii) monitor the sharing of Commonwealth Data Trust member-contributed data resources; (ix) review and approve new Commonwealth Data Trust-managed data resources; and (x) conduct any other business the CDO deems necessary for Commonwealth Data Trust governance.

3. The Data Stewards Group shall consist of employees from executive branch agencies with technical experience in data management or data analytics. Executive branch agencies shall be encouraged to designate at least one agency data steward to serve on the Group and may designate multiple data stewards as appropriate based upon organizational or data system responsibilities. The Group shall (i) provide the Board and Council with technical subject matter expertise in support of data policies, standards, and best practices; (ii) implement data sharing and analytics projects promoting data accessibility, sharing, and reuse, thereby reducing redundancy across the Commonwealth; (iii) coordinate and resolve technical stewardship issues for standardized data; (iv) ensure data quality processes and standards are implemented consistently by agencies in the Commonwealth; (v) provide communication and education to data users on the appropriate use, sharing, and protection of the Commonwealth's data assets; (vi) promote the collection and sharing of metadata by registering data assets in the Virginia Data Catalog; (vii) liaise with agency project managers and information technology investment staff to ensure adherence to Commonwealth data standards and data sharing requirements; and (viii) support informed, data-driven decision making through compliance with Commonwealth data policies, standards, and best practices.

F. In carrying out the provisions of this section, the Office shall coordinate and collaborate with, to the fullest extent authorized by federal law and notwithstanding any state law to the contrary, all agencies set forth in subsection A of § 2.2-212 and subsection A of § 2.2-221; any other state, regional, and local public bodies, including community services boards; local law-enforcement agencies; any health and human services-related entity of a political subdivision that receives state funds; public institutions of higher education; and, when appropriate, private entities.

G. The Office shall be considered an agent of any state agency in the executive branch of government that shares information or data with the office, and shall be an authorized recipient of information under any statutory or administrative law governing the information or data. Interagency data shared pursuant to this section shall not constitute a disclosure or release of information or data under any statutory or administrative law governing the information or data.

H. The Office shall be responsible for overseeing and supporting any workforce development data systems authorized under the Secretary of Labor to ensure the interoperability of the systems, to facilitate data sharing, to identify innovative technology solutions, and to support processes that create data-informed decisions.

2. That the third enactment of Chapter 314 of the Acts of Assembly of 2021, Special Session I, is repealed.