



**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA

§§1-7 -  
C.52:18A-234.1  
to 52:18A-234.7  
§8 - T&E  
§9 - Note

P.L.2017, CHAPTER 2, *approved February 6, 2017*  
Senate Committee Substitute (*Second Reprint*) for  
Senate, No. 727

- 1 AN ACT requiring that certain information be provided on the  
2 Internet to the public and to State departments and agencies, and  
3 supplementing Title 52 of the Revised Statutes.  
4
- 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
7
- 8 1. This act shall be known and may be cited as the “New Jersey  
9 Open Data Initiative.”  
10
- 11 2. The Legislature finds and declares:  
12 a. It is in the interest of this State to increase public awareness  
13 of and access to the data created by and available from State  
14 agencies because such data can enhance transparency and  
15 accountability, encourage public engagement, and stimulate public  
16 policy and public service innovation;  
17 b. The data generated by the Executive Branch of State  
18 government can spur economic development because it enables  
19 <sup>1</sup>**private-sector** private sector<sup>1</sup> companies to use such data to  
20 produce innovative and creative items and services that benefit the  
21 citizens of this State;  
22 c. The efficient integration, management, and governance of  
23 data will greatly improve State government programs and the  
24 delivery of a wide range of services to New Jersey’s <sup>1</sup>**citizen**  
25 citizens<sup>1</sup>, thereby enhancing their lives.  
26 d. At the same time, it is vitally important that the data held by  
27 one State agency be made readily available to other State agencies  
28 with a minimum of administrative hurdles, so that data shared  
29 across the Executive Branch <sup>1</sup>**contributes** contribute<sup>1</sup> to the  
30 effective and cost-efficient delivery of a wide range of government  
31 information and services; and  
32 e. The Office of Information Technology, with the cooperation  
33 of the Department of the Treasury, is the appropriate agency to  
34 develop, coordinate, and oversee the presentation of government

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate floor amendments adopted June 23, 2016.

<sup>2</sup> Assembly ASL committee amendments adopted September 19, 2016.

1 data to the public and the sharing of information among State  
2 government agencies so that the information and services those  
3 agencies provide can be delivered in the most efficient and cost-  
4 effective manner possible.

5

6 3. As used in this act:

7 “Agency” means any of the principal departments of the  
8 Executive Branch, including the Department of the Treasury, and  
9 any division, office, board, bureau, commission, authority or entity  
10 therein or allocated thereto to comply with the provisions of Article  
11 V, Section IV, paragraph 1 of the New Jersey Constitution.

12 “Data” means final versions of statistical or factual information  
13 in alphanumeric form, in as granular form as possible, and reflected  
14 in a list, table, graph, chart, map, or other non-narrative form that  
15 can be digitally transmitted or processed, and regularly created or  
16 maintained by or on behalf of and owned by a State department or  
17 agency that records a measurement, transaction, or determination  
18 related to the mission of that State department or agency.

19 “Dataset” means a named collection of related, digitally-stored  
20 data with the collection containing individual data units organized  
21 or formatted in a specific and prescribed way, often in tabular form,  
22 and accessed by a specific access method that is based on the  
23 dataset organization, but not including any data that is protected  
24 from disclosure under applicable federal or State law.

25 “Open data” means data that is collected by an agency that is not  
26 prohibited from being made available to the public or another State  
27 agency by applicable laws, rules, regulations, policies, or other  
28 restrictions, requirements or rights associated with such data,  
29 including, but not limited to, contractual or other legal orders,  
30 restrictions or requirements.

31 <sup>2</sup>“Open data website” means either the unique, dedicated open  
32 data website implemented by the Chief Data Officer or an agency’s  
33 website upon which open datasets are hosted.<sup>2</sup>

34

35 4. a. A Chief Data Officer shall be appointed by the Chief  
36 Technology Officer, after consultation with the State Treasurer.  
37 The Chief Data Officer, in cooperation with the State Treasurer,  
38 shall be responsible for overseeing and implementing <sup>1</sup>the a  
39 unique, dedicated<sup>1</sup> open data website <sup>1</sup>established by each agency  
40 and any additional or existing open data websites linked thereto by  
41 an agency<sup>1</sup>. The Chief Data Officer shall have the authority to:

42 (1) establish, in consultation with the Attorney General,  
43 procedures, standards, and best practices regarding the appropriate  
44 access and presentation of open data and datasets by each agency;

45 (2) develop a dataset format standard to be used by all agencies  
46 in providing their datasets to the Chief Data Officer, or in making  
47 their data available on their own websites, and ensure that under the

1 standard, the datasets shall be accessible in a non-proprietary,  
2 <sup>1</sup>**[machine readable]** machine-readable<sup>1</sup> format that is compliant  
3 with federal and State accessibility rules and requirements and  
4 implemented on a schedule deemed appropriate by the Chief Data  
5 Officer;

6 (3) monitor and ensure compliance with the procedures,  
7 standards, and policies adopted pursuant to this act;

8 (4) provide such management and technical assistance as the  
9 Chief Data Officer deems necessary to ensure that there is ready  
10 access to the open data and datasets available to the public and  
11 agencies; and

12 (5) develop, in conjunction with the Attorney General, a  
13 methodology to review and reconcile inter-agency disputes  
14 regarding access to open data and datasets, and privacy issues.

15 b. The Chief Data Officer, with the cooperation of the State  
16 Treasurer, shall be responsible for:

17 (1) creating and maintaining a unique, dedicated website that  
18 either provides datasets maintained and provided by agencies or  
19 searchable links to datasets hosted by agency websites;

20 (2) updating datasets and links as they are provided by an  
21 agency; and

22 (3) monitoring agency websites to make certain they follow the  
23 policies and procedures established by the Chief Data Officer  
24 pursuant to this section.

25 The State Treasurer and an agency may, pursuant to the  
26 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
27 seq.), adopt such rules and regulations as may be deemed necessary  
28 to effectuate the purposes of this act.

29

30 5. a. Each agency shall either provide datasets to the Chief  
31 Data Officer, in a format determined thereby pursuant to section 4  
32 of P.L. , c. (C. )(pending before the Legislature as  
33 this bill), or create and maintain on the agency’s website links to the  
34 datasets hosted by the agency. Agencies that choose to host their  
35 open datasets on their own websites shall provide links to the Chief  
36 Data Officer for publication thereof on the dedicated website  
37 maintained for that purpose by that officer.

38 b. Each agency shall adopt policies that are consistent with the  
39 open data security and technical standards, policies, and practices  
40 established by the Chief Data Officer pursuant to section 4 of  
41 P.L. , c. (C. )(pending before the Legislature as this  
42 bill) that govern access to open data and datasets available on the  
43 open data website of the agency. In addition, each agency shall:

44 (1) create, maintain, and post <sup>2</sup>or have posted<sup>2</sup> on <sup>2</sup>**[its]** the<sup>2</sup>  
45 open data website an inventory of all its open data and datasets  
46 pursuant to the standards and timetables established by the Chief  
47 Data Officer;

1 (2) include on the open data website appropriate explanations  
2 about the open data, its format, how often the open data and  
3 datasets are updated, and how notice regarding such updates can be  
4 obtained; and

5 (3) assist users to gain access to the open data and datasets of  
6 the agency through the deployment of online access tools, and the  
7 development and publication of application program interfaces.

8 Each agency shall update the open data and datasets on the  
9 timetable and in the manner determined by the Chief Data Officer  
10 to effectuate the purposes of this act.

11 Unless a fee is required by law, open datasets shall be provided  
12 to the public by an agency without cost to the public.

13 A dataset that is licensed to the State by a person that is not an  
14 employee thereof or by an entity that is not a public entity shall not  
15 be made available to the public on the open data website <sup>2</sup>[of an  
16 agency]<sup>2</sup> until the dataset has been reviewed by the Attorney  
17 General pursuant to guidelines established thereby, and the person  
18 or entity licensing the data agrees to the public disclosure and to the  
19 form of such disclosure.

20 All open data and datasets shall be consistent with applicable  
21 law, including P.L.1963, c.73 (C.47:1A-1 et seq.), commonly  
22 known as the open public records act, and other State and federal  
23 laws related to information security and privacy. The open data and  
24 datasets made available by an agency on <sup>2</sup>[its] the<sup>2</sup> open data  
25 website shall not include data that is not subject to public disclosure  
26 under such laws.

27 Open data and datasets made available by an agency on <sup>2</sup>[its]  
28 the<sup>2</sup> open data website, unless subject to a disclosed legal  
29 restriction, shall be treated as license-free, subject to reuse, and not  
30 subject to copyright restrictions.

31 Unless specifically prohibited by a contract, open data and  
32 datasets containing data created or maintained by a contractor under  
33 contract to, or licensed from, an agency shall be made available on  
34 the open data website <sup>2</sup>[of the agency or another agency]<sup>2</sup>. Each  
35 such contract shall be subject to the provisions of this act and any  
36 applicable federal and State law, including but not limited to,  
37 P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open  
38 public records act.

39  
40 6. An agency shall not warrant the fitness for any particular  
41 purpose of any open data or datasets presented on the open data  
42 website <sup>2</sup>[of that agency]<sup>2</sup>, nor shall an agency providing open data  
43 or a dataset on <sup>2</sup>[its] the<sup>2</sup> open data website be liable for any  
44 deficiencies in its completeness or accuracy, except when the  
45 agency's conduct would constitute gross negligence, willful and  
46 wanton misconduct, or intentional misconduct.

1 Each agency, pursuant to standards and policies established by  
2 the Chief Data Officer with the cooperation of the State Treasurer,  
3 shall verify the accuracy of the open data and datasets it makes  
4 available to the public on <sup>2</sup>~~its~~ the<sup>2</sup> open data website and, if  
5 possible, correct any errors or inaccuracies discovered by the  
6 agency providing the open data or dataset, other agencies, or the  
7 public.

8 Nothing in this section shall require an agency to make its open  
9 data and datasets available to the public on <sup>2</sup>~~its~~ the<sup>2</sup> open data  
10 website upon the demand of the public. Requests for open data or  
11 datasets not posted on <sup>2</sup>~~an~~ the<sup>2</sup> open data website <sup>2</sup>~~of an~~  
12 ~~agency~~<sup>2</sup> are subject to potential disclosure under P.L.1963, c.73  
13 (C.47:1A-1 et seq.), known commonly as the open public records  
14 act.

15 Unless contrary to specific policies or rules established by the  
16 Chief Data Officer, agencies shall not require a user of an open data  
17 website to register or provide any user information as a condition to  
18 obtaining the open data or <sup>2</sup>~~data sets~~ datasets<sup>2</sup> provided by the  
19 agency on <sup>2</sup>~~its~~ the<sup>2</sup> open data website.

20 Notwithstanding any <sup>2</sup>~~rules~~ rule<sup>2</sup>, regulation or statute to the  
21 contrary, agencies shall be actively encouraged by the Chief Data  
22 Officer and the State Treasurer to share open data and datasets with  
23 each other without formal agreements, provided that no existing  
24 laws regarding the security of personal, private, and confidential  
25 information are violated. The sharing of personal, private, or  
26 confidential data shall be permitted only when in conformity with  
27 restrictions, established by the Chief Data Officer in cooperation  
28 with the Attorney General, to ensure that the data is used in a  
29 manner that is secure and in conformity with State law.

30

31 7. Nothing in P.L. , c. (C. )(pending before the  
32 Legislature as this bill) shall be construed as superseding the  
33 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly  
34 as the open public records act.

35

36 8. On the first day of the 24th month following the date of  
37 enactment of this act, P.L. , c. (C. )(pending before  
38 the Legislature as this bill), the Chief Technology Officer, after  
39 consultation with the State Treasurer, shall submit a written report  
40 to the Governor and, pursuant to section 2 of P.L.1991, c.164  
41 (C.52:14-19.1), to the Legislature discussing: a) the progress made  
42 on the implementation of the act; b) the act's effectiveness in  
43 providing open data and datasets to the public and among agencies  
44 compared with the providing and sharing of such data before the  
45 enactment of the act; c) the feasibility of requiring the Legislative  
46 and Judicial Branches to make open data and datasets available to

1 the public and other agencies; and d) such other items as the Chief  
2 Technology Officer or the State Treasurer deems necessary. The  
3 report may include any recommendations for changes made by the  
4 Chief Technology Officer or the State Treasurer to P.L. \_\_\_\_\_,  
5 c. \_\_\_\_\_ (C. \_\_\_\_\_)(pending before the Legislature as this bill) or  
6 related sections of current law.

7  
8 9. This act shall take effect on the 90th day following the date  
9 of enactment. An agency may take such anticipatory administrative  
10 action in advance of the effective date as may be necessary for the  
11 implementation of the act.

12

13

14

15

16 \_\_\_\_\_  
17 “New Jersey Open Data Initiative” to require certain information  
be provided on Internet to public and State agencies.



# SENATE, No. 727

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**SYNOPSIS**

“New Jersey Open Data Initiative;” requires certain information be made available on Internet by State departments and agencies.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT requiring the availability of certain public information of  
2 State departments and agencies, and supplementing Title 52 of  
3 the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. This act shall be known and may be cited as the “New Jersey  
9 Open Data Initiative.”

10  
11 2. The Legislature finds and declares:

12 a. In recent years, the idea that certain data should be freely  
13 available to everyone to use and republish as they wish, without  
14 restrictions from copyright, patents, or other mechanisms of control,  
15 has become prevalent;

16 b. This concept, which is generally referred to as open data,  
17 applies to data generated by government departments and agencies,  
18 some of which may already be public and available electronically;

19 c. It is in the interest of this State to increase public awareness  
20 and access to data and information created by and available from  
21 State departments and agencies, enhance government transparency  
22 and accountability, encourage public engagement, and stimulate  
23 innovation with the development of new analyses or applications  
24 based on the unique data provided by the State;

25 d. A significant benefit of open data is that it can spur  
26 economic development, as it enables private-sector companies to  
27 build upon such data to produce innovative and creative items and  
28 services that benefit society;

29 e. The intent of this act is to require the State to conduct a  
30 multi-year, multi-phased open data initiative program;

31 f. The intention is not to impede or delay the ongoing efforts of  
32 State government to move data online, nor to limit or expand a  
33 person's ability to access a public record; and

34 g. This act would protect the State from any liability for  
35 making open data available to the public, except in the case of gross  
36 negligence, willful and wanton misconduct, or intentional  
37 misconduct.

38  
39 3. As used in this act:

40 “Data” means final versions of statistical or factual information  
41 in alphanumeric form, in as granular form as possible, and reflected  
42 in a list, table, graph, chart, map, or other non-narrative form that  
43 can be digitally transmitted or processed, and regularly created or  
44 maintained by or on behalf of and owned by a State department or  
45 agency that records a measurement, transaction, or determination  
46 related to the mission of that State department or agency.

47 “Data set” means a named collection of related records on an  
48 electronic storage device, with the collection containing individual

1 data units organized or formatted in a specific and prescribed way,  
2 often in tabular form, and accessed by a specific access method that  
3 is based on the data set organization, but not including any data that  
4 is protected from disclosure under applicable federal or State law,  
5 or contract, or data that is proprietary.

6  
7 4. a. The Department of the Treasury shall establish an unique,  
8 dedicated, easily navigable Internet website which shall offer to the  
9 public all available appropriate existing and future electronic data  
10 sets maintained by each State department and agency.

11 b. Each State department and agency shall, under the direction  
12 of the State Treasurer, provide to the Treasurer or make available  
13 thereto a link to appropriate existing and future electronic data sets  
14 maintained by the department or agency electronically, in such  
15 format as determined by the Treasurer.

16 Nothing in this section shall be deemed to require departments or  
17 agencies to make electronic data sets available upon demand.

18 Data licensed to the State by a person or entity shall not be made  
19 public under this act until it has been reviewed by the Treasurer  
20 pursuant to guidelines established thereby, and the person or entity  
21 licensing the data agrees to the public disclosure and to the form of  
22 such disclosure.

23 Proprietary and other information protected from disclosure by  
24 law or contract shall not be disclosed.

25 All disclosures shall be consistent with applicable law, including  
26 P.L.1963, c.73 (C.47:1A-1 et seq.), and other State and federal laws  
27 related to security and privacy. No personally identifiable  
28 information shall be posted online unless the identified individual  
29 has consented to the posting or the posting is necessary to fulfill the  
30 lawful purposes or duties of the department or agency.

31 Nothing in this act shall be deemed to supersede P.L.1963,  
32 c.73 (C.47:1A-1 et seq.).

33 c. The State Treasurer and any State department or agency  
34 may, pursuant to the "Administrative Procedure Act," P.L.1968,  
35 c.410 (C.52:14B-1 et seq.), adopt such rules and regulations as may  
36 be deemed necessary to effectuate the purposes of this act.

37 d. Each department or agency shall update its electronic data  
38 sets in the manner prescribed by the State Treasurer and as often as  
39 is deemed necessary by the Treasurer to preserve the integrity and  
40 usefulness of the data sets.

41  
42 5. a. The electronic data sets that a State department or agency  
43 provides to the Treasurer for display on the department's dedicated  
44 Internet website established pursuant to section 4 of P.L. \_\_\_\_\_,  
45 c. (C. \_\_\_\_\_)(pending before the Legislature as this bill) shall be  
46 available to the public for informational purposes only. The  
47 department shall not warrant the fitness of any electronic data set  
48 for a particular purpose. Any department or agency providing an

1 electronic data set shall not be liable for any deficiencies in its  
2 completeness or accuracy, except when the department's or  
3 agency's conduct would constitute gross negligence, willful and  
4 wanton misconduct, or intentional misconduct.

5 b. Each State department and agency, pursuant to rules and  
6 procedures promulgated by the Treasurer, shall verify the accuracy  
7 of the electronic data sets it makes available to the public and, if  
8 possible, correct any errors or inaccuracies discovered therein by  
9 the department or agency providing the data set, by other  
10 departments or agencies, or by members of the public.

11

12 6. The State Treasurer may make a State department's or  
13 agency's electronic data sets available to third parties at no cost and  
14 with an appropriate level of conditions placed on their use.

15

16 7. a. The State Treasurer, after consultation with other State  
17 departments and agencies, shall develop policies and procedures to  
18 implement the provisions of this act including standards to  
19 determine which electronic data sets are appropriate for online  
20 disclosure. The standards developed shall not require the  
21 departments or agencies to provide information that is otherwise  
22 required to be disclosed under P.L.1963, c.73 (C.47:1A-1 et seq.)  
23 but is personally identifiable information, information that may  
24 pose a personal or public security risk, is of minimal public interest,  
25 or is otherwise inappropriate for online disclosure as part of a data  
26 set.

27 b. The policy and procedures shall include the following:

28 (1) technical requirements with the goal of making electronic  
29 data sets available to the greatest number of users and for the  
30 greatest number of applications, including, whenever practicable,  
31 the use of machine readable, non-proprietary technical standards for  
32 web publishing; and

33 (2) guidelines for the department or agency to follow to make  
34 electronic data sets available to the Treasurer for display on the  
35 dedicated Internet website established pursuant to section 4 of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill).

37 c. The Treasurer shall consider various means by which to  
38 develop a set of universal data formatting standards to effectuate the  
39 purposes of this act, including working with other State departments  
40 and agencies, and contracting, if deemed necessary, with nonprofit  
41 organizations, commercial vendors or third party groups for this  
42 purpose. If such standards are developed and adopted by the  
43 Treasurer, they shall be the format that each State department and  
44 agency will use to provide existing and future electronic data sets to  
45 the Treasurer so that the Treasurer can make the information  
46 contained therein available to the public through the dedicated  
47 Internet website established pursuant to section 4 of P.L. ,  
48 c. (C. ) (pending before the Legislature as this bill).

1 8. This act shall take effect on January 1 next following the  
2 date of enactment.

3  
4  
5 STATEMENT

6  
7 The purpose of this bill, designated as the “New Jersey Open  
8 Data Initiative,” is to require State departments and agencies to  
9 make available certain public information on the Internet.

10 Specifically, the bill requires the Department of the Treasury to  
11 establish an unique, dedicated, easily navigable Internet website  
12 which will offer to the public all available appropriate existing and  
13 future electronic data sets maintained by each State department and  
14 agency. Each State department and agency must, under the  
15 direction of the State Treasurer, provide to the Treasurer or make  
16 available thereto a link to appropriate existing and future electronic  
17 data sets maintained by the department or agency electronically, in  
18 such format as determined by the Treasurer. As used in the bill,  
19 “data sets” means a named collection of related records on an  
20 electronic storage device, with the collection containing individual  
21 data units organized or formatted in a specific and prescribed way,  
22 often in tabular form, and accessed by a specific access method that  
23 is based on the data set organization. A data set would not include  
24 any data that is protected from disclosure under applicable federal  
25 or State law, or contract, or data that is proprietary.

26 In addition the bill provides that:

27 - State departments and agencies would not be required to make  
28 data sets available upon demand;

29 - data licensed to the State by a person or entity would not be  
30 made public until it has been reviewed by the Treasurer pursuant to  
31 guidelines established thereby, and the person or entity licensing the  
32 data agrees to the public disclosure and to the form of such  
33 disclosure; and

34 - proprietary and other information protected from disclosure by  
35 law or contract would not be disclosed.

36 All disclosures would be consistent with current applicable law,  
37 including the open public records act, P.L.1963, c.73 (C.47:1A-1 et  
38 seq.), and other State and federal laws related to security and  
39 privacy. No personally identifiable information would be posted  
40 online unless the identified individual has consented to the posting  
41 or the posting is necessary to fulfill the lawful purposes or duties of  
42 the department or agency.

43 Under the bill, the electronic data sets that a State department or  
44 agency provides to the Treasurer for display on the Department of  
45 the Treasury’s dedicated Internet website would be available to the  
46 public for informational purposes only. The department would not  
47 warrant the fitness of any data set for a particular purpose. The  
48 individual State departments and agencies would not be liable for

1 any deficiencies in the completeness or accuracy of any data set,  
2 except when the department's or agency's conduct would constitute  
3 gross negligence, willful and wanton misconduct, or intentional  
4 misconduct. However, each State department and agency, pursuant  
5 to rules and procedures promulgated by the Treasurer, would be  
6 required to verify the accuracy of the electronic data sets it makes  
7 available to the public and, if possible, correct any errors or  
8 inaccuracies discovered therein by the department or agency  
9 providing the data set, other departments or agencies, or by  
10 members of the public.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

[First Reprint

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 727**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 19, 2016

The Assembly State and Local Government Committee reports favorably and with committee amendments the Senate Committee Substitute for Senate Bill No. 727 (1R).

The purpose of this bill, designated as the “New Jersey Open Data Initiative,” is to require that certain information generated by State departments and agencies be provided on the Internet to the public and other State departments and agencies.

Specifically, the bill requires the Chief Technology Officer, after consultation with the State Treasurer, to appoint a Chief Data Officer. The Chief Data Officer, in cooperation with the State Treasurer, would be responsible for creating a unique, dedicated open data website and overseeing any additional or existing open data websites maintained by an agency. The bill defines an “agency” as any of the principal departments of the Executive Branch, including the Department of the Treasury, and any division, office, board, bureau, commission, authority or entity therein or allocated thereto to comply with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution.

Under the bill, the Chief Data Officer would establish, in consultation with the Attorney General, procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency, which will include the development of a dataset format standard to be utilized by all agencies. In addition, the Chief Data Office will monitor and ensure compliance with the procedures, standards, and policies adopted pursuant to this bill, provide management and technical assistance as is necessary to ensure that there is ready access to the open data and datasets available to the public and agencies, and develop a methodology to review and reconcile inter-agency disputes regarding access to open data and datasets, and privacy issues.

The bill requires the Chief Data Officer, with the cooperation of the State Treasurer, to create, maintain, and update a unique, dedicated website that either provides datasets maintained and provided by agencies or searchable links to datasets hosted by agency websites. The bill also requires that the Chief Data Officer monitor agency websites to make certain they follow the policies and procedures established by the Chief Data Officer pursuant to this bill.

Each agency is to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency's website links to the datasets hosted by the agency. Agencies that choose to host their open datasets on their own websites are to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer. As amended, the bill provides for the uniform treatment of all agencies, in that all of the obligations and protections applicable to an agency that chooses to maintain its own website shall also apply to agencies that choose to send data to the Chief Data Officer for inclusion on the unique, dedicated open data website

The bill requires each agency to adopt policies that are consistent with the open data security and technical standards, policies, and practices established by the Chief Data Officer that govern access to open data and datasets available on the open data website of the agency. In addition, each agency must create an inventory of all its open data and datasets, provide explanations about the open data, its format, how often the open data and datasets are updated, and how notice regarding such updates can be obtained, and assist users seeking to gain access to the open data and datasets of the agency through the deployment of online access tools, and the development and publication of application program interfaces.

Each agency is to update the open data and datasets on the timetable and in the manner determined by the Chief Data Officer. Unless a fee is required by law, open datasets are to be provided to the public by an agency without cost to the public.

All open data and datasets are to be consistent with applicable law, including P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act, and other State and federal laws related to information security and privacy. The open data and datasets made available by an agency on its open data website cannot include data that is not subject to public disclosure under such laws. Open data and datasets made available by an agency on its open data website, unless subject to a disclosed legal restriction, would be treated as license-free, subject to reuse, and not subject to copyright restrictions.

Unless specifically prohibited by a contract, open data and datasets containing data created or maintained by a contractor under contract to, or licensed from, an agency are to be made available on the open data website of the agency or another agency. Each such contract would be subject to the provisions of this bill and any applicable



federal and State law, including but not limited to, P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act.

COMMITTEE AMENDMENTS

The amended the Senate Committee Substitute for Senate Bill No. 727 (1R) to provide for the uniform treatment of all agencies, in that all of the obligations and protections applicable to an agency that chooses to maintain its own website shall also apply to agencies that choose to send data to the Chief Data Officer for inclusion on the unique, dedicated open data website. The amendments make the bill identical to Assembly Bill No. 3955 (1R).

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 727**

**STATE OF NEW JERSEY**

DATED: MAY 23, 2016

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably a Senate Committee Substitute for Senate Bill No. 727.

The purpose of this substitute, designated as the “New Jersey Open Data Initiative,” is to require that certain information generated by State departments and agencies be provided on the Internet to the public and other State departments and agencies.

Specifically, the substitute provides that a Chief Data Officer is to be appointed by the Chief Technology Officer, after consultation with the State Treasurer. The Chief Data Officer, in cooperation with the State Treasurer, is to be responsible for overseeing and implementing the open data website established by each agency. The Chief Data Officer is to have the authority to:

1) establish, in consultation with the Attorney General, procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency;

2) develop a dataset format standard to be used by all agencies in providing their datasets to the Chief Data Officer, or in making their data available on their own websites, and ensure that under the standard, the datasets would be accessible in a non-proprietary, machine readable format that is compliant with federal and State accessibility rules and requirements and implemented on a schedule deemed appropriate by the Chief Data Officer;

3) monitor and ensure compliance with the procedures, standards, and policies adopted pursuant to this bill;

4) provide such management and technical assistance as the Chief Data Officer deems necessary to ensure that there is ready access to the open data and datasets available to the public and agencies; and

5) develop, in conjunction with the Attorney General, a methodology to review and reconcile inter-agency disputes regarding access to open data and datasets, and privacy issues.

The Chief Data Officer, with the cooperation of the State Treasurer, is to be responsible for:

- 1) creating and maintaining a unique, dedicated website that either provides datasets maintained and provided by agencies or searchable links to datasets hosted by agency websites;

- 2) updating datasets and links as they are provided by an agency; and

- 3) monitoring agency websites to make certain they follow the policies and procedures established by the Chief Data Officer pursuant to this section.

Each agency is to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency's website links to the datasets hosted by the agency. Agencies that choose to host their open datasets on their own websites are to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer.

Each agency is to adopt policies that are consistent with the open data security and technical standards, policies, and practices established by the Chief Data Officer that govern access to open data and datasets available on the open data website of the agency. In addition, each agency is to:

- 1) create, maintain, and post on its open data website an inventory of all its open data and datasets pursuant to the standards and timetables established by the Chief Data Officer;

- 2) include on the open data website appropriate explanations about the open data, its format, how often the open data and datasets are updated, and how notice regarding such updates can be obtained; and

- 3) assist users to gain access to the open data and datasets of the agency through the deployment of online access tools, and the development and publication of application program interfaces.

Each agency is to update the open data and datasets on the timetable and in the manner determined by the Chief Data Officer.

Unless a fee is required by law, open datasets are to be provided to the public by an agency without cost to the public.

A dataset that is licensed to the State by a person that is not an employee thereof or by an entity that is not a public entity cannot be made available to the public on the open data website of an agency until the dataset has been reviewed by the Attorney General pursuant to guidelines established thereby, and the person or entity licensing the data agrees to the public disclosure and to the form of such disclosure.

All open data and datasets are to be consistent with applicable law, including P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act, and other State and federal laws related to information security and privacy. The open data and datasets made available by an agency on its open data website

cannot include data that is not subject to public disclosure under such laws.

Open data and datasets made available by an agency on its open data website, unless subject to a disclosed legal restriction, would be treated as license-free, subject to reuse, and not subject to copyright restrictions.

Unless specifically prohibited by a contract, open data and datasets containing data created or maintained by a contractor under contract to, or licensed from, an agency are to be made available on the open data website of the agency or another agency. Each such contract would be subject to the provisions of this bill and any applicable federal and State law, including but not limited to, P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 727**

with Senate Floor Amendments  
(Proposed by Senator CRUZ-PEREZ)

ADOPTED: JUNE 23, 2016

This Senate floor amendment makes the Chief Data Officer, in cooperation with the State Treasurer, responsible for overseeing and implementing a unique, dedicated open data website and any additional or existing open data websites linked thereto by an agency. Doing this will ensure the coordination of additional and existing open data websites of an agency with the open data website established by the Chief Data Officer. The amendments also correct several minor grammatical errors.

**LEGISLATIVE FISCAL ESTIMATE**  
 [Second Reprint]  
 SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 727**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: DECEMBER 22, 2016

**SUMMARY**

- Synopsis:** “New Jersey Open Data Initiative” to require certain information be provided on Internet to public and State agencies.
- Type of Impact:** Indeterminate expenditure increase to State government funds.
- Agencies Affected:** State government departments and agencies, especially the Department of the Treasury.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	Indeterminate – See comments below		

- This bill requires that certain information generated by State departments and agencies be provided on the Internet to the public and to other State departments and agencies without cost to the public.
- This bill requires the Chief Data Officer, appointed by the State’s Chief Technology Officer in consultation with the State Treasurer, to create, maintain, and update a unique, dedicated website that either provides datasets maintained and provided by agencies or searchable links to datasets hosted by agency websites.
- This bill requires each agency to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency’s website links to the datasets hosted by the agency, with agencies that choose to host their open datasets on their own websites to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer.
- The bill requires each agency to adopt policies that are consistent with the open data security and technical standards, policies, and practices established by the Chief Data Officer, and create an inventory of all its open data and datasets, provide explanations about the open data, its format, how often the open data and datasets are updated, provide information on

how notice regarding such updates can be obtained, and assist users seeking to gain access to the open data and datasets of the agency through the deployment of online access tools, and the development and publication of application program interfaces.

- The Office of Legislative Services (OLS) notes that the requirements of the bill are an expansion of existing rules, regulations, and statutes that require that certain data concerning State government activities be open to the public and that facilitate its accessibility to the public.
- The OLS notes that enactment of the bill would generate additional costs to State government in order to create new websites, hire personnel to manage the sites and the flow of information thereon, provide training for such personnel, and acquire the necessary computer equipment and security the new system would require.
- The OLS notes that it is possible that the additional costs may be absorbable by the departments and agencies that are affected by the bill.

## **BILL DESCRIPTION**

The Second Reprint to the Senate Committee Substitute for Senate Bill No.727 of 2016, designated as the “New Jersey Open Data Initiative,” is to require that certain information generated by State departments and agencies be provided on the Internet to the public and to other State departments and agencies.

Specifically, the bill requires the Chief Technology Officer, after consultation with the State Treasurer, to appoint a Chief Data Officer. The Chief Data Officer, in cooperation with the State Treasurer, would be responsible for creating a unique, dedicated open data website and overseeing any additional or existing open data websites maintained by an agency. The bill defines an “agency” as any of the principal departments of the Executive Branch, including the Department of the Treasury, and any division, office, board, bureau, commission, authority or entity therein or allocated thereto to comply with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution.

Under the bill, the Chief Data Officer would establish, in consultation with the Attorney General, procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency, which will include the development of a dataset format standard to be utilized by all agencies. In addition, the Chief Data Office will monitor and ensure compliance with the procedures, standards, and policies adopted pursuant to this bill, provide management and technical assistance as is necessary to ensure that there is ready access to the open data and datasets available to the public and agencies, and develop a methodology to review and reconcile inter-agency disputes regarding access to open data and datasets, and privacy issues.

The bill requires the Chief Data Officer, with the cooperation of the State Treasurer, to create, maintain, and update a unique, dedicated website that either provides datasets maintained and provided by agencies or searchable links to datasets hosted by agency websites. The bill also requires that the Chief Data Officer monitor agency websites to make certain they follow the policies and procedures established by the Chief Data Officer pursuant to this bill.

Each agency is to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency’s website links to the datasets hosted by the

agency. Agencies that choose to host their open datasets on their own websites are to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer. The bill provides for the uniform treatment of all agencies, in that all of the obligations and protections applicable to an agency that chooses to maintain its own website will also apply to agencies that choose to send data to the Chief Data Officer for inclusion on the unique, dedicated open data website

The bill requires each agency to adopt policies that are consistent with the open data security and technical standards, policies, and practices established by the Chief Data Officer that govern access to open data and datasets available on the open data website of the agency. In addition, each agency must create an inventory of all its open data and datasets, provide explanations about the open data, its format, how often the open data and datasets are updated, and how notice regarding such updates can be obtained, and assist users seeking to gain access to the open data and datasets of the agency through the deployment of online access tools, and the development and publication of application program interfaces.

Each agency is to update the open data and datasets on the timetable and in the manner determined by the Chief Data Officer. Unless a fee is required by law, open datasets are to be provided to the public by an agency without cost to the public.

All open data and datasets are to be consistent with applicable law, including P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act, and other State and federal laws related to information security and privacy. The open data and datasets made available by an agency on its open data website cannot include data that is not subject to public disclosure under such laws. Open data and datasets made available by an agency on its open data website, unless subject to a disclosed legal restriction, would be treated as license-free, subject to reuse, and not subject to copyright restrictions.

Unless specifically prohibited by a contract, open data and datasets containing data created or maintained by a contractor under contract to, or licensed from, an agency are to be made available on the open data website of the agency or another agency. Each such contract would be subject to the provisions of this bill and any applicable federal and State law, including but not limited to, P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that the requirements of the bill are an expansion of existing rules, regulations, and statutes that require that certain data concerning State government activities be open to the public and that facilitate its accessibility to the public. Because the bill requires additional information to be made available, its enactment would require each State government department, especially the Department of the Treasury, to undertake certain administrative actions.

To create a unique, dedicated open data website and to oversee any additional or existing open data websites maintained by a State agency, the Department of the Treasury would be required to: 1) set up systems and standards with respect to the website or websites, if not already



existent; 2) hire additional personnel, both supervisory and staff, to create, maintain and update regularly the website or websites; 3) provide initial and continuing training for such personnel; 4) possibly purchase or otherwise secure additional computer equipment or digital memory to accommodate the additional information required to be made available; and 4) possibly provide additional cybersecurity to protect such information from malicious infiltration, manipulation, or denial to those seeking to access the information.

In addition, each individual department and agency in State government that is required under the bill to provide datasets to the Chief Data Officer may also need to fulfill most of these same requirements. The Chief Data Officer may also need additional resources to implement the requirements established by the bill.

The OLS notes that it is difficult to estimate the cost for implementing the bill and fulfilling its requirements. Although current law does provide for fees to be collected for providing certain information, the bill requires that data is to be provided to the public by an agency without cost to the public. Consequently, there may be a decrease in State revenues. Still, it is possible that the additional costs associated with creating new websites, hiring personnel to manage them, providing training for such personnel, and securing the necessary computer equipment and security that are associated with this bill may be absorbable using existing resources by the departments and agencies that are affected by the bill.

*Section: State Government*

*Analyst: Frank J. Parisi  
Principal Research Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 3955

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 20, 2016

**Sponsored by:**

**Assemblyman ARTHUR BARCLAY**

**District 5 (Camden and Gloucester)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Co-Sponsored by:**

**Assemblyman Singleton**

**SYNOPSIS**

“New Jersey Open Data Initiative” to require certain information be provided on Internet to public and State agencies.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/16/2016)**

A3955 BARCLAY, WIMBERLY

2

1 AN ACT requiring that certain information be provided on the  
2 Internet to the public and to State departments and agencies, and  
3 supplementing Title 52 of the Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. This act shall be known and may be cited as the “New Jersey  
9 Open Data Initiative.”

10

11 2. The Legislature finds and declares:

12 a. It is in the interest of this State to increase public awareness  
13 of and access to the data created by and available from State  
14 agencies because such data can enhance transparency and  
15 accountability, encourage public engagement, and stimulate public  
16 policy and public service innovation;

17 b. The data generated by the Executive Branch of State  
18 government can spur economic development because it enables  
19 private sector companies to use such data to produce innovative and  
20 creative items and services that benefit the citizens of this State;

21 c. The efficient integration, management, and governance of  
22 data will greatly improve State government programs and the  
23 delivery of a wide range of services to New Jersey’s citizens,  
24 thereby enhancing their lives.

25 d. At the same time, it is vitally important that the data held by  
26 one State agency be made readily available to other State agencies  
27 with a minimum of administrative hurdles, so that data shared  
28 across the Executive Branch contribute to the effective and cost-  
29 efficient delivery of a wide range of government information and  
30 services; and

31 e. The Office of Information Technology, with the cooperation  
32 of the Department of the Treasury, is the appropriate agency to  
33 develop, coordinate, and oversee the presentation of government  
34 data to the public and the sharing of information among State  
35 government agencies so that the information and services those  
36 agencies provide can be delivered in the most efficient and cost-  
37 effective manner possible.

38

39 3. As used in this act:

40 “Agency” means any of the principal departments of the  
41 Executive Branch, including the Department of the Treasury, and  
42 any division, office, board, bureau, commission, authority or entity  
43 therein or allocated thereto to comply with the provisions of Article  
44 V, Section IV, paragraph 1 of the New Jersey Constitution.

45 “Data” means final versions of statistical or factual information  
46 in alphanumeric form, in as granular form as possible, and reflected  
47 in a list, table, graph, chart, map, or other non-narrative form that  
48 can be digitally transmitted or processed, and regularly created or

1 maintained by or on behalf of and owned by a State department or  
2 agency that records a measurement, transaction, or determination  
3 related to the mission of that State department or agency.

4 “Dataset” means a named collection of related, digitally-stored  
5 data with the collection containing individual data units organized  
6 or formatted in a specific and prescribed way, often in tabular form,  
7 and accessed by a specific access method that is based on the  
8 dataset organization, but not including any data that is protected  
9 from disclosure under applicable federal or State law.

10 “Open data” means data that is collected by an agency that is not  
11 prohibited from being made available to the public or another State  
12 agency by applicable laws, rules, regulations, policies, or other  
13 restrictions, requirements or rights associated with such data,  
14 including, but not limited to, contractual or other legal orders,  
15 restrictions or requirements.

16

17 4. a. A Chief Data Officer shall be appointed by the Chief  
18 Technology Officer, after consultation with the State Treasurer.  
19 The Chief Data Officer, in cooperation with the State Treasurer,  
20 shall be responsible for overseeing and implementing a unique,  
21 dedicated open data website and any additional or existing open  
22 data websites linked thereto by an agency. The Chief Data Officer  
23 shall have the authority to:

24 (1) establish, in consultation with the Attorney General,  
25 procedures, standards, and best practices regarding the appropriate  
26 access and presentation of open data and datasets by each agency;

27 (2) develop a dataset format standard to be used by all agencies  
28 in providing their datasets to the Chief Data Officer, or in making  
29 their data available on their own websites, and ensure that under the  
30 standard, the datasets shall be accessible in a non-proprietary,  
31 machine-readable format that is compliant with federal and State  
32 accessibility rules and requirements and implemented on a schedule  
33 deemed appropriate by the Chief Data Officer;

34 (3) monitor and ensure compliance with the procedures,  
35 standards, and policies adopted pursuant to this act;

36 (4) provide such management and technical assistance as the  
37 Chief Data Officer deems necessary to ensure that there is ready  
38 access to the open data and datasets available to the public and  
39 agencies; and

40 (5) develop, in conjunction with the Attorney General, a  
41 methodology to review and reconcile inter-agency disputes  
42 regarding access to open data and datasets, and privacy issues.

43 b. The Chief Data Officer, with the cooperation of the State  
44 Treasurer, shall be responsible for:

45 (1) creating and maintaining a unique, dedicated website that  
46 either provides datasets maintained and provided by agencies or  
47 searchable links to datasets hosted by agency websites;

A3955 BARCLAY, WIMBERLY

1 (2) updating datasets and links as they are provided by an  
2 agency; and

3 (3) monitoring agency websites to make certain they follow the  
4 policies and procedures established by the Chief Data Officer  
5 pursuant to this section.

6 The State Treasurer and an agency may, pursuant to the  
7 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
8 seq.), adopt such rules and regulations as may be deemed necessary  
9 to effectuate the purposes of this act.

10

11 5. a. Each agency shall either provide datasets to the Chief  
12 Data Officer, in a format determined thereby pursuant to section 4  
13 of P.L. , c. (C. )(pending before the Legislature as  
14 this bill), or create and maintain on the agency’s website links to the  
15 datasets hosted by the agency. Agencies that choose to host their  
16 open datasets on their own websites shall provide links to the Chief  
17 Data Officer for publication thereof on the dedicated website  
18 maintained for that purpose by that officer.

19 b. Each agency shall adopt policies that are consistent with the  
20 open data security and technical standards, policies, and practices  
21 established by the Chief Data Officer pursuant to section 4 of  
22 P.L. , c. (C. )(pending before the Legislature as this  
23 bill) that govern access to open data and datasets available on the  
24 open data website of the agency. In addition, each agency shall:

25 (1) create, maintain, and post on its open data website an  
26 inventory of all its open data and datasets pursuant to the standards  
27 and timetables established by the Chief Data Officer;

28 (2) include on the open data website appropriate explanations  
29 about the open data, its format, how often the open data and  
30 datasets are updated, and how notice regarding such updates can be  
31 obtained; and

32 (3) assist users to gain access to the open data and datasets of  
33 the agency through the deployment of online access tools, and the  
34 development and publication of application program interfaces.

35 Each agency shall update the open data and datasets on the  
36 timetable and in the manner determined by the Chief Data Officer  
37 to effectuate the purposes of this act.

38 Unless a fee is required by law, open datasets shall be provided  
39 to the public by an agency without cost to the public.

40 A dataset that is licensed to the State by a person that is not an  
41 employee thereof or by an entity that is not a public entity shall not  
42 be made available to the public on the open data website of an  
43 agency until the dataset has been reviewed by the Attorney General  
44 pursuant to guidelines established thereby, and the person or entity  
45 licensing the data agrees to the public disclosure and to the form of  
46 such disclosure.

47 All open data and datasets shall be consistent with applicable  
48 law, including P.L.1963, c.73 (C.47:1A-1 et seq.), commonly

1 known as the open public records act, and other State and federal  
2 laws related to information security and privacy. The open data and  
3 datasets made available by an agency on its open data website shall  
4 not include data that is not subject to public disclosure under such  
5 laws.

6 Open data and datasets made available by an agency on its open  
7 data website, unless subject to a disclosed legal restriction, shall be  
8 treated as license-free, subject to reuse, and not subject to copyright  
9 restrictions.

10 Unless specifically prohibited by a contract, open data and  
11 datasets containing data created or maintained by a contractor under  
12 contract to, or licensed from, an agency shall be made available on  
13 the open data website of the agency or another agency. Each such  
14 contract shall be subject to the provisions of this act and any  
15 applicable federal and State law, including but not limited to,  
16 P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open  
17 public records act.

18

19 6. An agency shall not warrant the fitness for any particular  
20 purpose of any open data or datasets presented on the open data  
21 website of that agency, nor shall an agency providing open data or a  
22 dataset on its open data website be liable for any deficiencies in its  
23 completeness or accuracy, except when the agency's conduct would  
24 constitute gross negligence, willful and wanton misconduct, or  
25 intentional misconduct.

26 Each agency, pursuant to standards and policies established by  
27 the Chief Data Officer with the cooperation of the State Treasurer,  
28 shall verify the accuracy of the open data and datasets it makes  
29 available to the public on its open data website and, if possible,  
30 correct any errors or inaccuracies discovered by the agency  
31 providing the open data or dataset, other agencies, or the public.

32 Nothing in this section shall require an agency to make its open  
33 data and datasets available to the public on its open data website  
34 upon the demand of the public. Requests for open data or datasets  
35 not posted on an open data website of an agency are subject to  
36 potential disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.),  
37 known commonly as the open public records act.

38 Unless contrary to specific policies or rules established by the  
39 Chief Data Officer, agencies shall not require a user of an open data  
40 website to register or provide any user information as a condition to  
41 obtaining the open data or data sets provided by the agency on its  
42 open data website.

43 Notwithstanding any rules, regulation or statute to the contrary,  
44 agencies shall be actively encouraged by the Chief Data Officer and  
45 the State Treasurer to share open data and datasets with each other  
46 without formal agreements, provided that no existing laws  
47 regarding the security of personal, private, and confidential  
48 information are violated. The sharing of personal, private, or

1 confidential data shall be permitted only when in conformity with  
2 restrictions, established by the Chief Data Officer in cooperation  
3 with the Attorney General, to ensure that the data is used in a  
4 manner that is secure and in conformity with State law.

5

6 7. Nothing in P.L. , c. (C. )(pending before the  
7 Legislature as this bill) shall be construed as superseding the  
8 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly  
9 as the open public records act.

10

11 8. On the first day of the 24th month following the date of  
12 enactment of this act, P.L. , c. (C. )(pending before  
13 the Legislature as this bill), the Chief Technology Officer, after  
14 consultation with the State Treasurer, shall submit a written report  
15 to the Governor and, pursuant to section 2 of P.L.1991, c.164  
16 (C.52:14-19.1), to the Legislature discussing: a) the progress made  
17 on the implementation of the act; b) the act's effectiveness in  
18 providing open data and datasets to the public and among agencies  
19 compared with the providing and sharing of such data before the  
20 enactment of the act; c) the feasibility of requiring the Legislative  
21 and Judicial Branches to make open data and datasets available to  
22 the public and other agencies; and d) such other items as the Chief  
23 Technology Officer or the State Treasurer deems necessary. The  
24 report may include any recommendations for changes made by the  
25 Chief Technology Officer or the State Treasurer to P.L. ,  
26 c. (C. )(pending before the Legislature as this bill) or related  
27 sections of current law.

28

29 9. This act shall take effect on the 90th day following the date  
30 of enactment. An agency may take such anticipatory administrative  
31 action in advance of the effective date as may be necessary for the  
32 implementation of the act.

33

34

35

#### STATEMENT

36

37 The purpose of this bill, designated as the "New Jersey Open Data  
38 Initiative," is to require that certain information generated by State  
39 departments and agencies be provided on the Internet to the public and  
40 other State departments and agencies.

41 Specifically, the bill provides that a Chief Data Officer is to be  
42 appointed by the Chief Technology Officer, after consultation with  
43 the State Treasurer. The Chief Data Officer, in cooperation with the  
44 State Treasurer, is to be responsible for overseeing and  
45 implementing a unique, dedicated open data website and any  
46 additional or existing open data websites linked thereto by an  
47 agency. The Chief Data Officer is to have the authority to:

- 1) establish, in consultation with the Attorney General, procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency;
- 2) develop a dataset format standard to be used by all agencies in providing their datasets to the Chief Data Officer, or in making their data available on their own websites, and ensure that under the standard, the datasets would be accessible in a non-proprietary, machine-readable format that is compliant with federal and State accessibility rules and requirements and implemented on a schedule deemed appropriate by the Chief Data Officer;
- 3) monitor and ensure compliance with the procedures, standards, and policies adopted pursuant to this bill;
- 4) provide such management and technical assistance as the Chief Data Officer deems necessary to ensure that there is ready access to the open data and datasets available to the public and agencies; and
- 5) develop, in conjunction with the Attorney General, a methodology to review and reconcile inter-agency disputes regarding access to open data and datasets, and privacy issues.

The Chief Data Officer, with the cooperation of the State Treasurer, is to be responsible for:

- 1) creating and maintaining a unique, dedicated website that either provides datasets maintained and provided by agencies or searchable links to datasets hosted by agency websites;
- 2) updating datasets and links as they are provided by an agency; and
- 3) monitoring agency websites to make certain they follow the policies and procedures established by the Chief Data Officer pursuant to this section.

Each agency is to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency's website links to the datasets hosted by the agency. Agencies that choose to host their open datasets on their own websites are to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer.

Each agency is to adopt policies that are consistent with the open data security and technical standards, policies, and practices established by the Chief Data Officer that govern access to open data and datasets available on the open data website of the agency. In addition, each agency is to:

- 1) create, maintain, and post on its open data website an inventory of all its open data and datasets pursuant to the standards and timetables established by the Chief Data Officer;
- 2) include on the open data website appropriate explanations about the open data, its format, how often the open data and datasets are updated, and how notice regarding such updates can be obtained; and



1       3) assist users to gain access to the open data and datasets of  
2 the agency through the deployment of online access tools, and the  
3 development and publication of application program interfaces.

4       Each agency is to update the open data and datasets on the  
5 timetable and in the manner determined by the Chief Data Officer.

6       Unless a fee is required by law, open datasets are to be provided  
7 to the public by an agency without cost to the public.

8       A dataset that is licensed to the State by a person that is not an  
9 employee thereof or by an entity that is not a public entity cannot be  
10 made available to the public on the open data website of an agency  
11 until the dataset has been reviewed by the Attorney General  
12 pursuant to guidelines established thereby, and the person or entity  
13 licensing the data agrees to the public disclosure and to the form of  
14 such disclosure.

15       All open data and datasets are to be consistent with applicable  
16 law, including P.L.1963, c.73 (C.47:1A-1 et seq.), commonly  
17 known as the open public records act, and other State and federal  
18 laws related to information security and privacy. The open data and  
19 datasets made available by an agency on its open data website  
20 cannot include data that is not subject to public disclosure under  
21 such laws.

22       Open data and datasets made available by an agency on its open  
23 data website, unless subject to a disclosed legal restriction, would  
24 be treated as license-free, subject to reuse, and not subject to  
25 copyright restrictions.

26       Unless specifically prohibited by a contract, open data and  
27 datasets containing data created or maintained by a contractor under  
28 contract to, or licensed from, an agency are to be made available on  
29 the open data website of the agency or another agency. Each such  
30 contract would be subject to the provisions of this bill and any  
31 applicable federal and State law, including but not limited to,  
32 P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open  
33 public records act.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 3955**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 19, 2016

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3955.

The purpose of this bill, designated as the “New Jersey Open Data Initiative,” is to require that certain information generated by State departments and agencies be provided on the Internet to the public and other State departments and agencies.

Specifically, the bill requires the Chief Technology Officer, after consultation with the State Treasurer, to appoint a Chief Data Officer. The Chief Data Officer, in cooperation with the State Treasurer, would be responsible for creating a unique, dedicated open data website and overseeing any additional or existing open data websites maintained by an agency. The bill defines an “agency” as any of the principal departments of the Executive Branch, including the Department of the Treasury, and any division, office, board, bureau, commission, authority or entity therein or allocated thereto to comply with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution.

Under the bill, the Chief Data Officer would establish, in consultation with the Attorney General, procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency, which will include the development of a dataset format standard to be utilized by all agencies. In addition, the Chief Data Office will monitor and ensure compliance with the procedures, standards, and policies adopted pursuant to this bill, provide management and technical assistance as is necessary to ensure that there is ready access to the open data and datasets available to the public and agencies, and develop a methodology to review and reconcile inter-agency disputes regarding access to open data and datasets, and privacy issues.

The bill requires the Chief Data Officer, with the cooperation of the State Treasurer, to create, maintain, and update a unique, dedicated website that either provides datasets maintained and provided by agencies or searchable links to datasets hosted by agency websites. The bill also requires that the Chief Data Officer monitor agency

websites to make certain they follow the policies and procedures established by the Chief Data Officer pursuant to this bill.

Each agency is to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency's website links to the datasets hosted by the agency. Agencies that choose to host their open datasets on their own websites are to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer. As amended, the bill provides for the uniform treatment of all agencies, in that all of the obligations and protections applicable to an agency that chooses to maintain its own website shall also apply to agencies that choose to send data to the Chief Data Officer for inclusion on the unique, dedicated open data website

The bill requires each agency to adopt policies that are consistent with the open data security and technical standards, policies, and practices established by the Chief Data Officer that govern access to open data and datasets available on the open data website of the agency. In addition, each agency must create an inventory of all its open data and datasets, provide explanations about the open data, its format, how often the open data and datasets are updated, and how notice regarding such updates can be obtained, and assist users seeking to gain access to the open data and datasets of the agency through the deployment of online access tools, and the development and publication of application program interfaces.

Each agency is to update the open data and datasets on the timetable and in the manner determined by the Chief Data Officer. Unless a fee is required by law, open datasets are to be provided to the public by an agency without cost to the public.

All open data and datasets are to be consistent with applicable law, including P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act, and other State and federal laws related to information security and privacy. The open data and datasets made available by an agency on its open data website cannot include data that is not subject to public disclosure under such laws. Open data and datasets made available by an agency on its open data website, unless subject to a disclosed legal restriction, would be treated as license-free, subject to reuse, and not subject to copyright restrictions.

Unless specifically prohibited by a contract, open data and datasets containing data created or maintained by a contractor under contract to, or licensed from, an agency are to be made available on the open data website of the agency or another agency. Each such contract would be subject to the provisions of this bill and any applicable federal and State law, including but not limited to, P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act.

COMMITTEE AMENDMENTS

The committee amended Assembly Bill No. 3955 to provide for the uniform treatment of all agencies, in that all of the obligations and protections applicable to an agency that chooses to maintain its own website shall also apply to agencies that choose to send data to the Chief Data Officer for inclusion on the unique, dedicated open data website. The amendments make the bill identical to the Senate Committee Substitute for Senate Bill No. 727 (2R).

## Governor Chris Christie Takes Action On Pending Legislation

Monday, February 6, 2017 Tags: [Bill Action](#)



Stay Connected with Social Media

Stay Connected with Email Alerts

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.

...

Trenton, NJ – Governor Chris Christie today signed legislation, S-2156/A-3424, requiring medical professionals to educate children and teenagers about addiction risks before issuing prescription drugs.

“This critical prevention legislation will stem the growing tide of drug addiction in New Jersey that has been largely caused by the misuse of prescription drugs or prescription drugs getting into the wrong hands,” Governor Christie said. “Coupled with dozens of other new reforms underway, including a comprehensive in-school curriculum for kindergarteners through 12th graders, we can stop this fatal disease from decimating another generation. Piece by piece, I am proud that my administration, with bipartisan cooperation from the legislature, is creating a holistic model for America to curb this epidemic impacting all residents, families, communities and businesses.”

Governor Christie also took action on the following legislation:

### BILL SIGNINGS:

**S-602/A-1138 (Cunningham, T. Kean/Holley, Chiaravalloti)** - “New Jersey International Arbitration, Mediation, and Conciliation Act”

**SCS for S-727/A-3955 (Cruz-Perez, Van Drew/Barclay, Wimberly, Holley)** - “New Jersey Open Data Initiative” to require certain information be provided on Internet to public and State agencies

**S-879/A-4237 (Greenstein, Bateman/Sumter, Benson)** - Prohibits termination of law enforcement officer or firefighter based upon determination that officer or firefighter is physically unable to perform duties under certain circumstances

**S-1066/A-3649 (Singer, Beck/S. Kean, Ribble, Mukherji, Pinkin, Vainieri Huttler, Schaer)** - Allows filing of birth certificate to be delayed for religious reasons, for up to 15 days after birth, in order to allow for naming of child

**S-1131/A-3489 (Rice/Tucker, Houghtaling, Mukherji, Wimberly)** - Provides for notification of emergency contact in event of death of senior citizen in certain housing facilities

**S-1474/A-2786 (Ruiz/Benson, Sumter, Caride, McKnight, Vainieri Huttler, Pintor Marin, Wimberly)** - Requires teacher preparation program for instructional certificate to include certain amount of instruction or clinical experience in special education and for students with disabilities endorsement to include credit hours in autism spectrum disorder

**S-1830/A-3411 (Rice, Vitale, Turner/Muoio, Benson, Singleton, Greenwald, Pinkin, Downey, Sumter, Wimberly)** - Requires DOH regulations regarding elevated blood lead levels in children, and appropriate responses thereto, to be consistent with latest Centers for Disease Control and Prevention recommendations

**S-2156/A-3424 (Weinberg, Vitale/Lagana, Pinkin, Vainieri Huttler, Caride, Caputo, Wimberly, Moriarty)** - Requires prescribers to discuss addiction risk associated with certain drugs prior to issuing prescription to minor patient

**S-2321/A-3774 (Oroho, Beach/Burzichelli, Wisniewski, Mosquera, Houghtaling, Wimberly)** - Concerns excessive price increases during state of emergency

**S-2364/A-3946 (Oroho, Stack/Burzichelli, Dancer, Mukherji, Holley, A.M. Bucco)** - Establishes pilot program appointing third party vendors to administer commercial driver license testing

**S-2370/A-3904 (Whelan/Burzichelli)** – Authorizes operation of lottery courier services

**S-2477/A-4083 (Sarlo, Oroho/Schaer, Space, Mukherji, Singleton)** - Concerns certain unused portions of tax credits issued to insurance premiums taxpayers under the Business Employment Incentive Program; exempts certain purchasers of business development incentives from certain State tax notification requirements

**S-2731/A-4326 (Greenstein, Bateman/Muoio, Burzichelli, Mazzeo, Mukherji)** - Authorizes New Jersey Environmental Infrastructure Trust to expend additional sums to make loans for environmental infrastructure projects for FY2017

**S-2732/A-4327 (Codey, Gill/Zwicker, Conaway, Danielsen, Muoio, Mukherji, Gusciora)** - Amends list of environmental infrastructure projects approved for long-term funding for FY2017 to include new projects and revise allowable loan amounts for already approved projects

#### BILLS VETOED:

**S-600/A-3625 (Cunningham, Stack/McKnight, Chiaravalloti, Mukherji) – CONDITIONAL** - Requires DOH to authorize Jersey City to issue certified copies of birth certificates by September 1, 2017

**S-1585/A-3335 (Rice, Ruiz/Sumter, Pintor Marin, Wimberly, Mukherji, Gusciora) – – CONDITIONAL** - Establishes program allowing certain applicants to perform community service in lieu of paying motor vehicle surcharges

**S-2267/A-2771 (Diegnan, Greenstein/Webber, O'Scanlon, A.M. Bucco) - CONDITIONAL** - Establishes asset forfeiture reporting requirements

**S-2347/A-3723 (Rice, Ruiz/Pintor Marin, Giblin) – CONDITIONAL** - Permits certain municipalities to impose and collect payroll tax of up to 1% of employer's payroll

**S-2575/A-4187 (Sweeney, Whelan/Burzichelli) – ABSOLUTE** - Disqualifies casino license applicant for five-year period if person substantially closed casino property in State; revokes license; reinstates license eligibility under certain circumstances

###

**Press Contact:**  
Brian Murray  
609-777-2600



[Contact Us](#) | [Privacy Notice](#) | [Legal Statement & Disclaimers](#) | [Accessibility Statement](#) | 

Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)  
Office of the Governor: [Home](#) | [Newsroom](#) | [Media](#) | [Administration](#) | [NJ's Priorities](#) | [Contact Us](#)

Copyright © State of New Jersey, 1996-2017  
Office of the Governor  
PO Box 001  
Trenton, NJ 08625  
609-292-6000