

ASSEMBLY, No. 2071

STATE OF NEW JERSEY

216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

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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.

1 “Data set” means a named collection of related records on an
2 electronic storage device, with the collection containing individual
3 data units organized or formatted in a specific and prescribed way,
4 often in tabular form, and accessed by a specific access method that
5 is based on the data set organization, but not including any data that
6 is protected from disclosure under applicable federal or State law,
7 or contract, or data that is proprietary.

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

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

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

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

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

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

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

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

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

43
44 5. a. The electronic data sets that a State department or agency
45 provides to the Treasurer for display on the department’s dedicated
46 Internet website established pursuant to section 4 of P.L. , c.
47 (C.)(pending before the Legislature as this bill) shall be

1 available to the public for informational purposes only. The
2 department shall not warrant the fitness of any electronic data set
3 for a particular purpose. Any department or agency providing an
4 electronic data set shall not be liable for any deficiencies in its
5 completeness or accuracy, except when the department's or
6 agency's conduct would constitute gross negligence, willful and
7 wanton misconduct, or intentional misconduct.

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

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

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

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

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

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

40 c. The Treasurer shall consider various means by which to
41 develop a set of universal data formatting standards to effectuate the
42 purposes of this act, including working with other State departments
43 and agencies, and contracting, if deemed necessary, with nonprofit
44 organizations, commercial vendors or third party groups for this
45 purpose. If such standards are developed and adopted by the
46 Treasurer, they shall be the format that each State department and
47 agency will use to provide existing and future electronic data sets to

1 the Treasurer so that the Treasurer can make the information
2 contained therein available to the public through the dedicated
3 Internet website established pursuant to section 4 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill).

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

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9 STATEMENT

10
11 The purpose of this bill, designated as the “New Jersey Open
12 Data Initiative,” is to require State departments and agencies to
13 make available certain public information on the Internet.

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

30 In addition the bill provides that:

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

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

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

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

1 Under the bill, the electronic data sets that a State department or
2 agency provides to the Treasurer for display on the Department of
3 the Treasury's dedicated Internet website would be available to the
4 public for informational purposes only. The department would not
5 warrant the fitness of any data set for a particular purpose. The
6 individual State departments and agencies would not be liable for
7 any deficiencies in the completeness or accuracy of any data set,
8 except when the department's or agency's conduct would constitute
9 gross negligence, willful and wanton misconduct, or intentional
10 misconduct. However, each State department and agency, pursuant
11 to rules and procedures promulgated by the Treasurer, would be
12 required to verify the accuracy of the electronic data sets it makes
13 available to the public and, if possible, correct any errors or
14 inaccuracies discovered therein by the department or agency
15 providing the data set, other departments or agencies, or by
16 members of the public.