

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Open
5 Operating Standard Act.

6 Section 5. Findings and purposes.

7 (a) The General Assembly finds that:

8 (1) the State of Illinois data portal,
9 data.illinois.gov, empowers the public to access and use
10 public data collected and maintained by the State of
11 Illinois and the federal government;

12 (2) the State of Illinois is committed to be a national
13 leader in improving access to public data sets for all
14 citizens, and to encourage entrepreneurs and innovators to
15 draw on this data for the benefit of all in the Land of
16 Lincoln;

17 (3) the State and the municipalities of Illinois
18 collect information and data on numerous topics including
19 services available to the residents of Illinois;

20 (4) finding and utilizing government data, data that
21 should be readily accessible, is often burdensome for both
22 developers and the general public;

23 (5) government information should be organized with

1 consistency and should be freely available; and

2 (6) meeting the State's commitment to providing open
3 data will require the adoption of an open data operating
4 standard and utilization of a cloud-based open data
5 platform for the State's open data portal, coordinated
6 strategic planning, where appropriate and feasible, by
7 agencies as to enterprise application portfolio
8 management, and will require the State to make its open
9 data portal available to all units of government within the
10 State including, but not limited to, municipalities,
11 counties and public universities statewide, so that
12 everyone may participate in the open data movement.

13 (b) The purposes of this Act are:

14 (1) to establish and implement a statewide commitment
15 to fully adopting an open operating standard, because
16 making public data available online using open standards
17 will make the operation of government across the State of
18 Illinois more transparent, effective and accountable to
19 the public. A statewide policy of open data will streamline
20 intra-governmental and inter-governmental communication
21 and interoperability, permit the public to assist in
22 identifying efficient solutions for government, promote
23 innovative strategies for social progress, and create
24 economic opportunities;

25 (2) to establish protocols for State agencies to make
26 public data available online using open standards and a

1 process establishing statewide information technology
2 management standards, policies and governance principles
3 to enable the State to fully implement an open operating
4 standard while managing existing information technology
5 resources and capabilities with enhanced efficiency;

6 (3) to provide for coordinated strategic planning by
7 agencies with respect to application modernization,
8 information technology and telecommunication policy,
9 pursuant to a consistent statewide enterprise portfolio
10 strategy to maximize the amount of public data made
11 available and ensure compliance with this Act; and

12 (4) to establish, in accordance with Executive Order
13 2010-10, a policy under which each State agency will
14 evaluate cloud computing options before making any new
15 information technology or telecommunications investments.

16 Section 10. Definitions. As used in this Act:

17 "Cloud computing" has the meaning provided by Special
18 Publication 800-145 issued by the National Institute of
19 Standards and Technology of the United States Department of
20 Commerce.

21 "Data" means final versions of statistical or factual
22 information: (a) in alphanumeric form reflected in a list,
23 table, graph, chart, or other non-narrative form that can be
24 digitally transmitted or processed; and (b) regularly created
25 or maintained by or on behalf of and owned by an agency that

1 records a measurement, transaction, or determination related
2 to the mission of an agency. "Data" does not include
3 information provided to an agency by other governmental
4 entities, nor does it include image files, such as designs,
5 drawings, maps, photos, or scanned copies of original
6 documents, except that it does include statistical or factual
7 information about such image files and shall include geographic
8 information system data. "Data" does not include:

9 (1) data to which an agency may deny access pursuant to
10 any provision of a federal, State, or local law, rule, or
11 regulation, including, but not limited to, the Freedom of
12 Information Act;

13 (2) data that contains a significant amount of
14 information to which an agency may deny access pursuant to
15 any provision of a federal, State, or local law, rule, or
16 regulation and where redacting such protected data in order
17 to publish the unprotected elements would impose undue
18 financial or administrative burden on the agency;

19 (3) data that reflects the internal deliberative
20 process of an agency or agencies, including but not limited
21 to negotiating positions, future procurements, or pending
22 or reasonably anticipated legal or administrative
23 proceedings;

24 (4) data stored on an agency-owned personal computing
25 device, or data stored on a portion of a network that has
26 been exclusively assigned to a single agency employee or a

1 single agency owned or controlled computing device;

2 (5) materials subject to copyright, patent, trademark,
3 confidentiality agreements, or trade secret protection;

4 (6) proprietary applications, computer code, software,
5 operating systems, or similar materials;

6 (7) employment records, internal employee-related
7 directories or lists, facilities data, information
8 technology, internal service-desk and other data related
9 to internal agency administration; and

10 (8) any other data the publication of which is
11 prohibited by law.

12 "Grant funds" means any public funds dispensed by a grantor
13 agency to any person or entity for obligation, expenditure, or
14 use by that person or entity for a specific purpose or
15 purposes. Funds disbursed by the State Comptroller pursuant to
16 an appropriation made by the General Assembly to a named entity
17 or person are not grant funds for purposes of this Act. Funds
18 disbursed in accordance with a fee for service purchase of care
19 contract are not grant funds for purposes of this Act.

20 Neither the method by which funds are dispensed whether by
21 contract, agreement, grant subsidy, letter of credit, or any
22 other method nor the purpose for which the funds are used can
23 change the character of funds which otherwise would be
24 considered grant funds as defined in this Section.

25 "Grantee" means the person or entity which may use grant
26 funds.

1 "Grantor agency" means a State agency that dispenses grant
2 funds.

3 "Open operating standard" means a technical standard
4 developed and maintained by a voluntary consensus standards
5 body that is available to the public without royalty or fee.

6 "Public data" means all data that is collected by any unit
7 of State or local government in pursuance of that entity's
8 official responsibilities which is otherwise subject to
9 disclosure pursuant to the Freedom of Information Act, and is
10 not prohibited from disclosure pursuant to any other
11 contravening legal instrument, including, but not limited to, a
12 superseding provision of federal or State law or an injunction
13 from a court of competent jurisdiction.

14 "State agency" or "agency" has the meaning ascribed to the
15 term "agency" in Section 3.1 of the Executive Reorganization
16 Implementation Act.

17 "Strategic plan" means an organization's evaluation, over
18 a period of up to 5 years, of its strategy and direction,
19 including a framework for decision-making with respect to
20 resource allocation to achieve defined goals.

21 "Voluntary consensus standards body" means an organization
22 that plans, develops, establishes, or coordinates voluntary
23 consensus standards using agreed-upon procedures. A voluntary
24 consensus standards body has the following attributes:
25 openness; balance of interest; due process; an appeals process;
26 and consensus.

1 Section 15. Chief Information Officer; open operating
2 standard.

3 (a) There is created within the Office of the Governor a
4 Chief Information Officer for the State. The Chief Information
5 Officer shall serve at the pleasure of the Governor and shall
6 receive such compensation as the Governor shall determine. The
7 Chief Information Officer shall coordinate with each State
8 agency to develop, using any existing or newly available
9 resources and technology, appropriate systems to accurately
10 report public information. These systems shall include a module
11 that is specific to the management and administration of grant
12 funds.

13 (b) The Chief Information Officer shall establish an open
14 operating standard, to be known as "Illinois Open Data", for
15 the State of Illinois. Under this open operating standard, each
16 agency of State government under the jurisdiction of the
17 Governor shall make available public data sets of public
18 information. Any unit of local government may adopt the State
19 standard for itself.

20 (c) To implement this Act, the Chief Information Officer
21 shall, by rule, establish policies, standards, and guidance as
22 provided herein. The Illinois Administrative Procedure Act is
23 hereby expressly adopted and shall apply to all rulemaking by
24 the Chief Information Officer under this Act.

25 In addition, the Chief Information Officer shall

1 designate, with the approval of the Governor, a current
2 employee of State government to act, in addition to his or her
3 existing responsibilities, as the Deputy Chief Information
4 Officer for Open Data.

5 Section 20. Function; protocol and compliance.

6 (a) Public data sets agencies make available on the
7 Internet shall be accessible through a single web portal that
8 is linked to data.illinois.gov or any successor website
9 maintained by, or on behalf of, the State of Illinois. If an
10 agency cannot make all such public data sets available on the
11 single web portal, the agency shall report to the Chief
12 Information Officer the public data set or sets it is unable to
13 make available, the reasons why it cannot do so, and the date
14 by which the agency expects those data sets to be available on
15 the single web portal.

16 (b) Public data sets shall be made available in accordance
17 with technical standards published by the Chief Information
18 Officer. The technical standards shall be determined by the
19 Chief Information Officer, in consultation with the Deputy
20 Chief Information Officer for Open Data, subject matter experts
21 from all State agencies, and representatives of units of local
22 government, not-for-profit organizations specializing in
23 technology and innovation, the academic community, and other
24 interested groups as designated by the Chief Information
25 Officer.

1 (1) Public data sets shall be provided in a format that
2 permits automated processing and that makes use of
3 appropriate technology to notify the public of all updates.
4 The Chief Information Officer shall, by rule, establish
5 appropriate policies, procedures, and protocols for the
6 coordinated management of the State's information
7 technology resources. With the approval of the Office of
8 the Governor, the Chief Information Officer may designate
9 one or more persons to comprise the staff of the Office of
10 the Chief Information Officer in order to carry out the
11 duties set forth in this Act.

12 (2) Public data sets shall be updated as often as is
13 necessary to preserve the integrity and usefulness of the
14 data sets, to the extent that the agency regularly
15 maintains or updates the public data set.

16 (3) Public data sets shall be made available without
17 any registration requirement, license requirement, or
18 restrictions on their use provided that the agency may
19 require a third party providing to the public any public
20 data set, or application utilizing such data set, to
21 explicitly identify the source and version of the public
22 data set and a description of any modifications made to
23 such public data set. Registration requirements, license
24 requirements, or restrictions as used in this Section shall
25 not include measures designed or required to ensure access
26 to public data sets, to protect the single website housing

1 public data sets from unlawful abuse or attempts to damage
2 or impair use of the website, or to analyze the types of
3 data being used to improve service delivery.

4 (4) Public data sets shall be accessible to external
5 search capabilities.

6 (c) Within 60 days of the effective date of this Act, the
7 Chief Information Officer shall prepare and publish: (1) a
8 technical standards manual for the publishing of public data
9 sets in raw or unprocessed form through a single web portal by
10 State agencies for the purpose of making public data available
11 to the greatest number of users and for the greatest number of
12 applications and shall, whenever practicable, use open
13 standards for web publishing and e-government; and (2) as
14 needed, portfolio management policies for ensuring compliance
15 with the requirements of this Act.

16 The manual shall identify the reasons why each technical
17 standard was selected and for which types of data it is
18 applicable, and may recommend or require that data be published
19 in more than one technical standard. The manual shall include a
20 plan to adopt or utilize a web application programming
21 interface that permits application programs to request and
22 receive public data sets directly from the web portal. The
23 manual and related policies may be updated as necessary.

24 (d) The Chief Information Officer shall consult with units
25 of local government, not-for-profit organizations with a
26 specialization in technology and innovation, agencies of other

1 states, academic institutions, and voluntary consensus
2 standards bodies, and, when such participation is feasible, in
3 the public interest, and compatible with agency and
4 departmental missions, authorities, and priorities,
5 participate with such bodies in the development of technical
6 and open standards.

7 (e) Within 120 days of the effective date of this Act, each
8 State agency shall submit a compliance plan, together with a
9 draft long-term strategic enterprise application plan
10 consistent with this Act, to the Office of the Governor and
11 shall make such plan available to the public on the
12 data.illinois.gov web portal. Each State agency shall
13 collaborate with the Governor's Office and the Chief
14 Information Officer in formulating its plan. The plan shall
15 include:

16 (1) a summary description of public data sets under the
17 control of each State agency on or after the effective date
18 of this Act; and

19 (2) a summary explanation of how its plans, charters,
20 budgets, capital expenditures, contracts, and other
21 related documents and information for each information
22 technology and telecommunications project it proposes to
23 undertake can be utilized to support Illinois Open Data and
24 related savings and efficiencies. The plan shall
25 prioritize public data sets for inclusion on the single web
26 portal on or before December 31, 2014, in accordance with

1 the standards provided for in subsections (b) and (c) of
2 this Section.

3 (f) For purposes of prioritizing public data sets, State
4 agencies shall consider whether information embodied in the
5 public data set: (1) can be used to increase agency
6 accountability and responsiveness; (2) improves public
7 knowledge of the agency and its operations; (3) furthers the
8 mission of the agency; (4) creates economic opportunity; (5) is
9 received via the on-line forum for inclusion of particular
10 public data sets; or (6) responds to a need or demand
11 identified by public consultation.

12 (g) No later than July 1, 2014 and every July 1 thereafter,
13 the Chief Information Officer shall post on the web portal an
14 update of the compliance plan. Each update shall include the
15 specific measures undertaken to make public data sets available
16 on the single web portal since the immediately preceding
17 update, specific measures that will be undertaken prior to the
18 next update, an update to the list of public data sets if
19 necessary, any changes to the prioritization of public data
20 sets, and an update to the timeline for the inclusion of data
21 sets on the single web portal if necessary.

22 (h) Consistent with both the Executive Order 10 (2010)
23 directive requiring State agencies to limit information
24 technology expenditures by increasing the use of cloud
25 computing where appropriate, and with the initiatives and
26 standards announced in the United States Department of Homeland

1 Security publication "Federal Cloud Computing Strategy" dated
2 February 8, 2011, all State agencies are required to evaluate
3 safe, secure cloud computing options, before making any new
4 information technology or telecommunications investments, and,
5 if feasible, adopt appropriate cloud computing solutions. Each
6 State agency shall re-evaluate its technology sourcing
7 strategy to include consideration and use of cloud computing
8 solutions as part of the budget process.

9 Section 22. Grant information reporting.

10 (a) Each grantor agency that is authorized to award grant
11 funds to an entity other than the State of Illinois shall
12 coordinate with the Chief Information Officer of the State to
13 periodically provide for publication, at data.illinois.gov or
14 any other publicly accessible website designated by the Chief
15 Information Officer, of data sets containing information
16 regarding awards of grant funds that the grantor agency has
17 made during the previous fiscal year. The data sets shall
18 include, at a minimum, the following:

- 19 (1) the name of the grantor agency;
- 20 (2) the name of the grantee;
- 21 (3) a short description of the purpose of the award of
22 grant funds;
- 23 (4) the amount of each award of grant funds;
- 24 (5) the date of each award of grant funds; and
- 25 (6) the duration of each award of grant funds.

1 In addition, each grantor agency shall make best efforts,
2 with available resources and technology, to make available in
3 the data sets any other data that is relevant to its award of
4 grant funds.

5 (b) Data not subject to the requirements of this Section
6 include, but are not limited to, data to which a State agency
7 may deny access pursuant to any provision of a federal, State,
8 or local law, rule, or regulation, as well as data that contain
9 a significant amount of data to which a State agency may deny
10 access pursuant to any provision of a federal, State, or local
11 law, rule, or regulation where redacting that data in order to
12 publish the data would impose an undue financial or
13 administrative burden.

14 Section 25. Open data legal policies.

15 (a) The Chief Information Officer shall conspicuously
16 publish the open data legal policies contained in subsection
17 (c) of this Section on the web portal.

18 (b) The Chief Information Officer may establish and
19 maintain an on-line forum to solicit feedback from the public
20 and to encourage public discussion on open data policies and
21 public data set availability on the web portal.

22 (c) Open data legal policy. The use of the public data
23 provided under this Act is subject to the following:

24 (1) Public data sets made available on the web portal
25 are provided for informational purposes only. The State

1 does not warrant the completeness, accuracy, content, or
2 fitness for any particular purpose or use of any public
3 data set made available on the web portal, nor are any such
4 warranties to be implied or inferred with respect to the
5 public data sets furnished under this Act.

6 (2) The State is not liable for any deficiencies in the
7 completeness, accuracy, content, or fitness for any
8 particular purpose or use of any public data set or any
9 third party application utilizing such data set.

10 (3) Nothing in this Act shall be construed to create a
11 private right of action to enforce its provisions.

12 (4) All public data sets shall be entirely in the
13 public domain for purposes of federal copyright law.

14 Section 30. General provisions.

15 (a) To the extent that any Executive Order, Administrative
16 Order, Intergovernmental or Interagency Agreement (to which
17 the State of Illinois or one of its executive branch agencies
18 is a party), or other policy, procedure, or protocol conflicts
19 with, contradicts, or is inconsistent with any provision of
20 this Act, that conflicting, contradicting, or inconsistent
21 Order, Agreement, policy, procedure, or protocol is hereby
22 expressly revoked, repealed, and superseded.

23 (b) Nothing in this Act shall be construed to contravene
24 any State or federal law or any collective bargaining
25 agreement.

1 Section 35. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law, except that Section 22 takes effect on January 1,
5 2014.