

HOUSE BILL NO. 1591

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations

on February 14, 2023)

(Patron Prior to Substitute--Delegate Davis)

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

Be it enacted by the General Assembly of Virginia:

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

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

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

"Board" means the Executive Data Board.

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

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

"Council" means the Data Governance Council.

"Group" means the Data Stewards Group.

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

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

27 B. There is created in the Office of the Secretary of Administration the Office of Data Governance
28 and Analytics to foster and oversee the effective sharing of data among state, regional, and local public
29 entities and public institutions of higher education, implement effective data governance strategies to
30 maintain data integrity and security, and promote access to Commonwealth data. The purpose of the Office
31 shall be to (i) improve compliance with the Government Data Collection and Dissemination Practices Act
32 (§ 2.2-3800 et seq.); (ii) increase access to and sharing of Commonwealth data, including open data,
33 between state, regional and local public entities and public institutions of higher education across all levels
34 of government; (iii) Increase the use of data and data analytics to improve the efficiency and efficacy of
35 government services and improve stakeholder outcomes; and (iv) establish the Commonwealth as a
36 national leader in data-driven policy, evidence-based decision making, and outcome-based performance
37 management.

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

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

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

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

46 4. To manage and administer the Commonwealth Data Trust;

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

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

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

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

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

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

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

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

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

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

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

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

77 D. There is created in the Office of the Secretary of Administration the position of Chief Data
78 Officer of the Commonwealth to oversee the operation of the Office. The CDO shall exercise and perform
79 the duties conferred or imposed upon him by law and perform such other duties as may be required by the

80 Governor and the Secretary of Administration. The CDO shall not be considered the custodian of any
81 public records in or derived from the Commonwealth Data Trust. The CDO shall:

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

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

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

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

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

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

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

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

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

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

116 2. The Data Governance Council shall consist of employees of the agencies represented on the
117 Board, selected by the Board members from their respective agencies. The CDO, or his designee, shall
118 chair the Council. The Council shall (i) liaise between state agency operations and the CDO; (ii) advise
119 the CDO on data technology, policy, and governance structure; (iii) administer data governance policies,
120 standards, and best practices, as set by the Board; (iv) oversee data sharing and analytics projects; (v)
121 review open data assets prior to publication; (vi) provide to the Board any reports on the Council's
122 recommendations and work as required by the Board; (vii) develop necessary privacy and ethical standards
123 and policies for Commonwealth Data Trust resources; (viii) monitor the sharing of Commonwealth Data
124 Trust member-contributed data resources; (ix) review and approve new Commonwealth Data Trust-
125 managed data resources; and (x) conduct any other business the CDO deems necessary for Commonwealth
126 Data Trust governance.

127 3. The Data Stewards Group shall consist of employees from executive branch agencies with
128 technical experience in data management or data analytics. Executive branch agencies shall be encouraged
129 to designate at least one agency data steward to serve on the Group and may designate multiple data
130 stewards as appropriate based upon organizational or data system responsibilities. The Group shall (i)
131 provide the Board and Council with technical subject matter expertise in support of data policies,
132 standards, and best practices; (ii) implement data sharing and analytics projects promoting data
133 accessibility, sharing, and reuse, thereby reducing redundancy across the Commonwealth; (iii) coordinate

134 and resolve technical stewardship issues for standardized data; (iv) ensure data quality processes and
 135 standards are implemented consistently by agencies in the Commonwealth; (v) provide communication
 136 and education to data users on the appropriate use, sharing, and protection of the Commonwealth's data
 137 assets; (vi) promote the collection and sharing of metadata by registering data assets in the Virginia Data
 138 Catalog; (vii) liaise with agency project managers and information technology investment staff to ensure
 139 adherence to Commonwealth data standards and data sharing requirements; and (viii) support informed,
 140 data-driven decision making through compliance with Commonwealth data policies, standards, and best
 141 practices.

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

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

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

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

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