

EXECUTIVE ORDERS

Executive Order No. 95: Using Technology To Promote Transparency, Improve Government Performance And Enhance Citizen Engagement.

WHEREAS, the State possesses vast amounts of valuable information and reports on all aspects of life in New York State, including health, business, public safety, and labor data as well as information on transportation, parks, and recreation; and

WHEREAS, new information technology has dramatically changed the way people search for and expect to find information, and such technology can aggregate ever larger quantities of data and allow government to provide information to the public with increasing efficiency; and

WHEREAS, the State can use these powerful tools to enhance public access to government data and make government in New York State more transparent in order to promote public trust; and

WHEREAS, ensuring the quality and consistency of such data is essential to maintaining its value and utility;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

A. Online Website. An online Open Data Website for the collection and public dissemination of Publishable State data, and, to the extent feasible, reports is hereby established. The Open Data Website shall be maintained at data.ny.gov or such other successor website maintained by, or on behalf of, the State, as deemed appropriate by the New York State Office of Information Technology Services in consultation with the Governor's Office and Data Working Group established below. The Open Data Website will provide "single-stop" access to Publishable State data that is owned, controlled, collected or otherwise maintained by covered State entities as defined herein and, to the extent feasible, reports of such covered State entities.

B. Definitions. As used herein, the following terms shall have the following meanings:

1. "Covered State entity" means (i) any State agency or department, or any office, division, bureau, or board of such State agency or department, except where the head of such agency or department is not appointed by the Governor, (ii) any State board, committee, or commission, at least one of whose members is appointed by the Governor, and (iii) all public-benefit corporations, public authorities and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey.

2. "Chief Data Officer" shall mean the New York State Chief Data Officer in the Office of Information Technology Services or a designee thereof.

3. "Data" shall mean final versions of statistical or factual information that (i) are in alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; (ii) are regularly created or maintained by or on behalf of a covered State entity and are controlled by such entity; and (iii) record a measurement, transaction or determination related to the mission of the covered State entity. The term "data" shall not include image files, such as designs, drawings, photos or scanned copies of original documents; provided, however, that the term "data" shall include statistical or factual information about image files and geographic information system data.

4. "Data set" means a named collection of related records maintained on a storage device, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.

5. "ITS" shall mean the New York State Office of Information Technology Services.

6. "Publishable State data" shall mean data that is collected by a covered State entity where the entity is permitted, required or able to make the data available to the public, consistent with any and all applicable laws, rules, regulations, ordinances, resolutions, policies or other restrictions, requirements or rights associated with the State data, including but not limited to contractual or other legal orders, restrictions or requirements. Data shall not be Publishable State data if making such data available on the Open Data Website would violate statute or regulation (e.g., disclosure that would constitute an unwarranted invasion of personal privacy), endanger the public health, safety or welfare, hinder the operation of government, including criminal and civil investigations, or impose an undue financial, operational or administrative burden on the covered State entity or State.

C. Open Data Website Administration.

1. The Open Data Website shall be administered by ITS.

2. The Chief Data Officer ("CDO") and the Chief Technology Officer within ITS shall coordinate implementation and expansion of the Open Data Website to facilitate the sharing of information and initiatives resulting from developments based on this Order.

3. Within 30 days after the date of this Order, each covered State entity shall designate a Data Coordinator, who shall: (i) have authority equivalent to that of a Deputy Commissioner or the head of a division or department within the covered State entity; (ii) have knowledge of data and resources in use by the entity; and (iii) shall be responsible for that covered State entity's compliance with this Order.

4. Within 45 days after the date of this Order, ITS and the CDO shall establish a Data Working Group ("DWG") made up of representatives from ITS and the Information Security division of ITS, the New York State Office of General Services, the Division of Budget, a representative from the Department of State with expertise in local government and at least eight but no more than twelve Data Coordinators, who shall represent an appropriate cross-section of covered State entities. The DWG shall assist the CDO in carrying out his or her duties under this Order.

D. Publication of Data. All covered State entities shall make their Publishable State data available on the Open Data Website as follows and in accordance with the Open Data Handbook to be promulgated by ITS:

1. Each covered State entity shall create a catalogue of their Publishable State data within 180 days after the date of this Order.

2. Each covered State entity shall, within 180 days after the date of this Order, propose a schedule to ITS and the CDO for making its Publishable State data publicly available. Such schedules shall be made publicly available and provide for updating the data catalogue as appropriate.

3. Each covered State entity shall create schedules and prioritize data publication in accordance with guidelines set forth in the Open Data Handbook.

E. Opportunity for Localities to Participate. Localities are invited, and are encouraged, to submit data to the Open Data Website for pub-

lication in accordance with guidelines set forth in the Open Data Handbook. ITS shall assist localities so they may use the Open Data Website. Such assistance shall include, but not be limited to, technical assistance and expertise, and accommodations shall be made for variations among local governments' capacity and equipment.

F. Open Data Handbook. ITS, in consultation with the DWG, shall issue guidance to covered State entities on implementing this Order in the Open Data Handbook.

1. The Open Data Handbook shall:

a. provide models and guidelines for covered State entities to follow when creating their data catalogues;

b. provide guidance to covered State entities on setting a schedule for initial and ongoing publication of data on the Open Data Website including but not limited to requiring:

i. consultation with the directors and staff of the covered State entity's public affairs or public information, legal and Freedom of Information Law ("FOIL") offices;

ii. prioritization of publication of data based on the extent to which the data can be used to increase the covered State entity's accountability and responsiveness, improve public knowledge of the entity and its operations, further the mission of the entity, create economic opportunity, or respond to a need or demand identified after public consultation;

c. provide guidelines for identifying and reviewing publishable State data by covered State entities before publication;

d. provide uniform standards for the format of data submitted for publication on the Open Data Website;

e. set forth the Open Data Website terms of use;

f. provide guidelines on participation by agencies and authorities other than covered State entities and participation by localities;

g. provide guidance on the publication of narrative data, such as reports; and

h. set forth any further definitions and guidance necessary for the implementation of this Order.

2. Within 90 days after the date of this Order, ITS shall issue a provisional Open Data Handbook. Within 240 days after the date of this Order, ITS shall issue a final Open Data Handbook.

3. The provisional and final Open Data Handbook shall be made public by ITS and the CDO, including through the Open Data Website. ITS shall solicit and consider comments and suggestions related to the Handbook from State agencies, authorities, localities and the public.

4. The Open Data Handbook may be amended by ITS from time to time.

G. Notification to the Public of Ongoing Publication of Data. The public shall be notified of additions and updates to the data catalogue contained on the Open Data Website.

H. Participation by Other State Entities. New York State agencies and authorities other than covered State entities shall be permitted, and are encouraged, to submit data to the Open Data Website for publication in accordance with guidelines set forth in the Open Data Handbook.

I. Covered State entities and all other participating agencies, authorities and localities shall not be prevented from publishing data in advance of the dates set in their schedules if the data has been approved for publication by ITS.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this eleventh day of March in the year two thousand thirteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Lawrence Schwartz

Secretary to the Governor