

By: Senator(s) Chassaniol, Blackwell,
Younger, Jackson (15th), Jackson (32nd)

To: Technology;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2216

1 AN ACT TO CREATE THE "AGENCY OPEN DATA ACT OF 2020"; TO
2 REQUIRE EXECUTIVE BRANCH AGENCIES TO PLAN THE MANAGEMENT AND
3 STORAGE OF DATA, DATASETS AND INFORMATION TO COMPLY WITH
4 PRINCIPLES OF OPEN DATA; TO DEFINE CERTAIN TERMS; TO REQUIRE THAT
5 ALL AGENCIES OF THE EXECUTIVE BRANCH ESTABLISH PLANS FOR
6 MAINTAINING OPEN DATA BY JUNE 30, 2021, AND REPORT THESE PLANS TO
7 THE PEER COMMITTEE; TO REQUIRE THAT ALL EXECUTIVE BRANCH AGENCIES
8 BE IN COMPLIANCE WITH PRINCIPLES OF OPEN DATA BY JULY 1, 2022; AND
9 FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** This act shall be known and may be cited as the
12 "Agency Open Data Act of 2020."

13 **SECTION 2.** The following terms shall have the meaning
14 ascribed herein unless the context otherwise requires:

15 (a) "Data" refers to all structured information, unless
16 otherwise noted.

17 (b) "Dataset" refers to a collection of data presented
18 in tabular or nontabular form.

19 (c) "Fair information practice principles" refers to
20 the eight (8) widely accepted principles for identifying and
21 mitigating privacy impacts in information systems, programs and



22 processes, delineated in the National Strategy for Trusted
23 Identities in Cyberspace.

24 (d) "Agency information" means information created,
25 collected, processed, disseminated or disposed of, by or for state
26 government.

27 (e) "Information" means any communication or
28 representation of knowledge such as facts, data or opinions in any
29 medium or form, including textual, numerical, graphic,
30 cartographic, narrative or audiovisual forms.

31 (f) "Personally identifiable information", or "PII,"
32 refers to information that can be used to distinguish or trace an
33 individual's identity, either alone or when combined with other
34 personal or identifying information that is linked or linkable to
35 a specific individual.

36 (g) "Agency" or "agencies" means any department,
37 commission, authority or board in the executive branch of
38 government, including the Board of Trustees of State Institutions
39 of Higher Learning, and the individual institutions of higher
40 learning.

41 **SECTION 3.** (1) In compliance with the requirements of
42 Section 4 of this act, state agencies shall manage and maintain
43 information, data and datasets that comport with the principles of
44 open data.

45 (2) Open data refers to publicly available data structured
46 in a way that enables the data to be fully discoverable and usable



47 by end users. In general, open data shall be consistent with the
48 following principles:

49 (a) Public agencies must adopt a presumption in favor
50 of openness to the extent permitted by law and subject to privacy,
51 confidentiality, security or other valid restrictions to protect
52 against the unauthorized release of personally identifiable
53 information, or any other information that may not be public
54 information within the meaning of Section 25-61-1 et seq.
55 Agencies shall be guided by Fair Information Practice Principles
56 in complying with this requirement.

57 (b) Accessible -- Open data are made available in
58 convenient, modifiable and open formats that can be retrieved,
59 downloaded, indexed, and searched. Formats should be
60 machine-readable (i.e., data are reasonably structured to allow
61 automated processing). Open data structures do not discriminate
62 against any person or group of persons and should be made
63 available to the widest range of users for the widest range of
64 purposes, often by providing the data in multiple formats for
65 consumption. To the extent permitted by law, these formats should
66 be nonproprietary, publicly available, and no restrictions should
67 be placed upon their use.

68 (c) Described -- Open data are described fully so that
69 consumers of the data have sufficient information to understand
70 their strengths, weaknesses, analytical limitations, security
71 requirements, as well as how to process them. This involves the



72 use of robust, granular metadata (i.e., fields or elements that
73 describe data), thorough documentation of data elements, data
74 dictionaries, and, if applicable, additional descriptions of the
75 purpose of the collection, the population of interest, the
76 characteristics of the sample, and the method of data collection.

77 (d) Reusable -- Open data are made available under an
78 open license that places no restrictions on their use.

79 (e) Complete -- Open data are published in primary
80 forms (i.e., as collected at the source), with the finest possible
81 level of granularity that is practicable and permitted by law and
82 other requirements. Derived or aggregate open data should also be
83 published but must reference the primary data.

84 (f) Timely -- Open data are made available as quickly
85 as necessary to preserve the value of the data. Frequency of
86 release should account for key audiences and downstream needs.

87 (g) Managed Post-Release -- A point of contact must be
88 designated to assist with data use and to respond to complaints
89 about adherence to these open data requirements.

90 **SECTION 4.** (1) Before June 30, 2021, each agency shall
91 adopt a plan for bringing its maintenance and management of
92 information, data and datasets into compliance with the principles
93 of open data as provided in Section 3 of this act.

94 (2) In devising open data plans, agencies shall consider how
95 they will:



96 (a) Collect or create information in a way that
97 supports downstream information processing and dissemination
98 activities,

99 (b) Build information systems to support
100 interoperability and information accessibility,

101 (c) Strengthen data management and release practice,

102 (d) Strengthen measures to ensure that privacy and
103 confidentiality are fully protected and that data are properly
104 secure,

105 (e) Incorporate new interoperability and openness
106 requirements into core agency processes, and

107 (f) Comply with Section 25-61-10. Agencies may consult
108 Memorandum M 13-13 Executive Office of the President, May 9, 2013,
109 for guidance on compliance with paragraphs (a) through (e) of this
110 subsection.

111 (3) (a) Plans required by this section shall be prepared
112 and provided to the Joint Legislative Committee on Performance
113 Evaluation and Expenditure Review (PEER) before June 30, 2021.
114 The PEER Committee shall review a sample of the plans and report
115 to the Legislature before December 1, 2021, on the progress
116 agencies have made in developing plans for managing and
117 maintaining information, data and datasets to comport with the
118 requirements of open data.

119 (b) Agencies that believe they are in compliance with
120 the requirements of this section in whole or in part may also



121 provide a letter to PEER setting out their basis for concluding
122 that they are in complete or partial compliance with the
123 principles of open data.

124 (4) From and after July 1, 2022, all agencies shall maintain
125 information, data and datasets so as to comply with the
126 requirements of open data as provided in this act.

127 **SECTION 5.** This act shall take effect and be in force from
128 and after July 1, 2020.

