

HOUSE BILL 807

S1

5lr0191
CF 5lr0192

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Information Technology)**

Introduced and read first time: January 29, 2025

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2025

CHAPTER _____

1 AN ACT concerning

2 **Information Technology – Modernizing Data Governance – Office of Enterprise**
3 **Data and Council for Open Data Advancement**

4 FOR the purpose of establishing the position and responsibilities of the State Chief Data
5 Officer; establishing the Office of Enterprise Data in the Department of Information
6 Technology and the responsibilities of the Office; requiring each unit of State
7 government to appoint an Agency Data Officer; renaming the Council on Open Data
8 to be the Council for Open Data Advancement; altering the membership, member
9 terms, and responsibilities of the Council; and generally relating to ensuring the
10 efficient, secure, and ethical use of data in support of State goals and initiatives.

11 BY adding to
12 Article – State Finance and Procurement
13 Section 3.5–319
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 10–1501, 10–1503, and 10–1504
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – State Finance and Procurement

3.5–319.

(A) IN THIS SECTION, “OFFICE” MEANS THE OFFICE OF ENTERPRISE DATA.

(B) (1) THERE IS A STATE CHIEF DATA OFFICER IN THE DEPARTMENT.

(2) THE STATE CHIEF DATA OFFICER SHALL BE APPOINTED BY THE
GOVERNOR AND SUPERVISED BY THE SECRETARY.

(3) THE RESPONSIBILITIES OF THE STATE CHIEF DATA OFFICER
INCLUDE:

(I) DIRECTING, COORDINATING, AND IMPLEMENTING THE
STATEWIDE DATA STRATEGY AND POLICIES FOR UNITS OF STATE GOVERNMENT TO
ENSURE RESPONSIBLE GOVERNANCE AND MANAGEMENT OF STATE DATA AND TO
PROMOTE STANDARDIZATION, COLLABORATION, AND ESTABLISHMENT OF
EFFICIENT DATA PRACTICES;

(II) PROVIDING ADVICE, RECOMMENDATIONS, AND
CONSULTATIONS TO THE GOVERNOR AND ANY UNIT OF STATE GOVERNMENT
CONCERNING DATA POLICIES, PROCEDURES, AND STANDARDS;

(III) OVERSEEING THE USE, MANAGEMENT, AND SHARING OF
STATE DATA BY UNITS OF STATE GOVERNMENT TO ENSURE COMPLIANCE WITH ALL
REQUIREMENTS, PROHIBITIONS, AND RESTRICTIONS ON DISCLOSURE OR RELEASE
OF THE DATA APPLICABLE TO THE UNIT SHARING IT;

(IV) COMPILING AN AUTHORITATIVE INVENTORY OF DATA
COLLECTED, CREATED, OR MAINTAINED BY UNITS OF STATE GOVERNMENT AS
REQUIRED BY § 3.5–318 OF THIS SUBTITLE;

(V) EXCEPT AS OTHERWISE PROVIDED IN LAW, DESIGNATING
AND FACILITATING ACCESS TO AUTHORITATIVE DATA SOURCES; AND

(VI) OVERSEEING THE DATA LITERACY OF STATE EMPLOYEES
TO ENSURE STATE DATA ARE RESPONSIBLY UNDERSTOOD, ANALYZED, AND
COMMUNICATED.

(C) (1) THERE IS AN OFFICE OF ENTERPRISE DATA IN THE
DEPARTMENT.

1 **(2) THE HEAD OF THE OFFICE IS THE STATE CHIEF DATA OFFICER.**

2 **(3) THE OFFICE SHALL ESTABLISH A STATEWIDE DATA GOVERNANCE**
3 **PROGRAM TO:**

4 **(I) ESTABLISH A STATEWIDE FRAMEWORK BY WHICH THE**
5 **MANAGEMENT, USE, AND SHARING OF DATA WITHIN AND BETWEEN UNITS OF STATE**
6 **GOVERNMENT IS GOVERNED;**

7 **(II) ESTABLISH STANDARDS BY WHICH DATA ARE MANAGED IN**
8 **COMPLIANCE WITH DEFINED POLICIES;**

9 **(III) DEVELOP GUIDANCE ON THE EFFECTIVE USE,**
10 **MANAGEMENT, AND SHARING OF DATA WITHIN AND BETWEEN UNITS OF STATE**
11 **GOVERNMENT AND WITH THIRD PARTIES;**

12 **(IV) PROVIDE SERVICES AND ADVISE UNITS OF STATE**
13 **GOVERNMENT ON HOW TO MATURE THEIR DATA PROGRAMS; AND**

14 **(V) ENSURE UNITS OF STATE GOVERNMENT ARE LEVERAGING**
15 **STATE DATA AS A STRATEGIC ASSET.**

16 **(4) THE OFFICE SHALL ESTABLISH A DATA SHARING PROGRAM TO:**

17 **(I) ESTABLISH A STATEWIDE FRAMEWORK THAT PROMOTES**
18 **DATA SHARING AND IMPROVES ACCESS TO STATE DATA;**

19 **(II) ESTABLISH STANDARDS BY WHICH DATA ARE SHARED IN**
20 **COMPLIANCE WITH EXISTING LAWS AND DEFINED POLICIES;**

21 **(III) DEVELOP PROCESSES FOR UNITS OF STATE GOVERNMENT**
22 **TO ACHIEVE AND MAINTAIN DATA READINESS FOR ARTIFICIAL INTELLIGENCE;**

23 **(IV) ADMINISTER A SECURE, MULTISTAKEHOLDER DATA**
24 **EXCHANGE AND ANALYTICS PLATFORM APPLYING COMMON RULES FOR DATA**
25 **SECURITY, PRIVACY, AND CONFIDENTIALITY; AND**

26 **(V) PROVIDE SERVICES AND ADVISE UNITS OF STATE**
27 **GOVERNMENT ON HOW TO MAXIMIZE THE VALUE OF DATA THROUGH COLLECTIVE**
28 **INVESTMENT AND EFFECTIVE INTEROPERABILITY OF DATA SOURCES.**

29 **(5) THE OFFICE SHALL ESTABLISH A DATA LITERACY PROGRAM TO:**

(I) ESTABLISH A STATEWIDE FRAMEWORK TO FOSTER A CULTURE OF ANALYTICAL THINKING AND EVIDENCE-BASED DECISION MAKING WITHIN UNITS OF STATE GOVERNMENT;

(II) ADMINISTER A SECURE, MULTISTAKEHOLDER DATA ACADEMY PLATFORM WITH CURATED CONTENT;

(III) DEVELOP GUIDANCE ON THE EFFECTIVE UNDERSTANDING, ANALYSIS, PRIVACY SAFEGUARDING, AND PROTECTION OF STATE DATA FOR ALL APPROPRIATE EMPLOYEES OF UNITS OF STATE GOVERNMENT;

(IV) MANAGE DATA TRAINING FOR ALL APPROPRIATE EMPLOYEES OF UNITS OF STATE GOVERNMENT; AND

(V) ESTABLISH A LIST OF DEFINED DATA TERMS AND CREATE A UNIFIED DATA LANGUAGE IN THE STATE.

(D) THE DEPARTMENT SHALL PROVIDE THE OFFICE WITH SUFFICIENT STAFF TO PERFORM THE FUNCTIONS REQUIRED UNDER THIS SECTION.

(E) (1) EACH UNIT OF STATE GOVERNMENT SHALL APPOINT AN AGENCY DATA OFFICER WHO SHALL REPORT DIRECTLY TO THE UNIT HEAD OR AN APPROPRIATE SENIOR OFFICIAL WITHIN THE UNIT OF STATE GOVERNMENT.

(2) EACH AGENCY DATA OFFICER SHALL BE RESPONSIBLE FOR:

(I) COLLABORATING WITH THE STATE CHIEF DATA OFFICER TO ENSURE THAT DATA INITIATIVES ARE CONSISTENT WITH THE STATEWIDE DATA STRATEGY;

(II) DEVELOPING AND IMPLEMENTING DATA GOVERNANCE POLICIES AND PROCEDURES, INCLUDING THOSE PERTAINING TO DATA PRIVACY, WITHIN THE AGENCY DATA OFFICER'S UNIT OF STATE GOVERNMENT THAT ENSURE COMPLIANCE WITH THE POLICIES ESTABLISHED BY THE STATE CHIEF DATA OFFICER AND WITH LAWS, REGULATIONS, AND POLICIES;

(III) OVERSEEING DATA QUALITY INITIATIVES AND ENSURING DATA ACCURACY, RELIABILITY, ACCESSIBILITY, AND RETENTION OF STATE DATA THAT ARE CONSISTENT WITH STANDARDS AND GUIDANCE ESTABLISHED BY THE OFFICE AND IN COMPLIANCE WITH LAWS, REGULATIONS, AND POLICIES;

(IV) FACILITATING DATA SHARING WITHIN AND BETWEEN UNITS OF STATE GOVERNMENT AND WITH EXTERNAL PARTNERS THAT IS CONSISTENT

1 WITH STANDARDS AND GUIDANCE ESTABLISHED BY THE OFFICE AND IN
2 COMPLIANCE WITH EXISTING LAWS, REGULATIONS, AND POLICIES;

3 (V) ASSISTING WITH FACILITATING PARTICIPATION OF STATE
4 EMPLOYEES IN DATA TRAINING PROVIDED BY THE OFFICE;

5 (VI) ADOPTING A DATA PRIVACY GOVERNANCE AND RISK
6 MANAGEMENT PROGRAM AND IMPLEMENTATION OF REASONABLE PRIVACY
7 PROCEDURES AND PRACTICES, CONSISTENT WITH EXISTING LAWS, REGULATIONS,
8 AND POLICIES, AND BEST PRACTICES ESTABLISHED BY THE OFFICE, TO ENSURE
9 THAT CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY OF ALL PERSONALLY
10 IDENTIFIABLE INFORMATION ARE MAINTAINED;

11 (VII) REDUCING THE AMOUNT OF PERSONALLY IDENTIFIABLE
12 INFORMATION COLLECTED AND RETAINED TO ONLY THAT NECESSARY FOR THE
13 PROPER PERFORMANCE OF THE AUTHORIZED FUNCTIONS OF THE UNIT OF STATE
14 GOVERNMENT;

15 (VIII) REPORTING TO THE OFFICE AT INTERVALS ESTABLISHED
16 BY THE STATE CHIEF DATA OFFICER ON DATA-RELATED ACTIVITIES, INCLUDING
17 COMPLIANCE WITH STATEWIDE DATA STRATEGY AND POLICIES, USING
18 QUANTIFIABLE METRICS; AND

19 (IX) MAKING AVAILABLE TO THE STATE CHIEF DATA OFFICER
20 ANY DATA OR METADATA REQUESTED.

21 Article – State Government

22 10–1501.

23 (a) In this subtitle the following words have the meanings indicated.

24 (b) “Council” means the Council [on] FOR Open Data **ADVANCEMENT**.

25 (c) [(1)] “Data” means [final versions of] statistical or factual information that:

26 [(i)] (1) [are] IS in alphanumeric or geospatial form reflected in a
27 list, table, graph, chart, map, or other nonnarrative format that can be digitally transmitted
28 or processed;

29 [(ii)] (2) [are] IS regularly created or maintained by or on behalf of
30 a governmental entity; and

1 [(iii)] **(3)** [record] **RECORDS** a measurement, transaction, or
2 determination or [provide] **PROVIDES** information on government services, initiatives, and
3 resources related to the mission of the covered governmental entity.

4 [(2) “Data” does not include draft versions of statistical or factual
5 information that are used for internal analysis by a governmental entity.]

6 (d) “Data portal” means a website where governmental entities can post data sets
7 and other data [as identified by the Council].

8 (e) “Data set” means a named collection of related records maintained on a
9 storage device, with the collection containing data organized or formatted in a specific or
10 prescribed way.

11 (f) “Governmental entity” means a State or local entity.

12 (g) (1) “Local entity” means a county, municipal corporation, bicounty or
13 multicounty agency, public authority, special taxing district, or other political subdivision
14 or unit of a political subdivision of this State.

15 (2) “Local entity” includes boards of education and library boards that
16 receive funding from the State.

17 (h) “Mapping and geographic information systems portal” means a website that
18 provides:

19 (1) data regarding services provided by and policy initiatives of
20 governmental entities; and

21 (2) other data provided in geospatial form [as identified by the Council].

22 (i) (1) “Open data” means data that, consistent with any applicable laws,
23 rules, regulations, ordinances, resolutions, policies, or other restrictions including
24 requirements or rights associated with the data, a State entity:

25 (i) has collected; and

26 (ii) is permitted, required, or able to make available to the public.

27 (2) “Open data” includes contractual or other legal orders, restrictions, or
28 requirements.

29 (3) “Open data” does not include data that if made public would:

30 (i) violate another law or regulation that prohibits the data from
31 being made public;

(ii) endanger the public health, safety, or welfare;

(iii) hinder the operation of government, including criminal and civil investigations;

(iv) impose an undue financial, operational, or administrative burden on a State entity; or

(v) disclose proprietary or confidential information.

(j) “Open data portal” means a mapping and geographic information systems portal or data portal.

(k) “State entity” means a department, a board, a commission, an agency, or a subunit in the Executive Branch of State government.

10–1503.

(a) There is a Council [on] **FOR Open Data ADVANCEMENT**.

(b) The Council consists of the following [37] **11** members:

[(1) the Secretary of Agriculture;

(2) the Secretary of the Environment;

(3) the Secretary of Natural Resources;

(4) the Secretary of Planning;

(5) the Secretary of Transportation;

(6) the Secretary of Housing and Community Development;

(7) the Secretary of Commerce;

(8) the Secretary of General Services;

(9) the State Superintendent of Schools;

(10) the Secretary of Health;

(11) the Secretary of Information Technology;

(12) the Secretary of Public Safety and Correctional Services;

(13) the Secretary of State Police;

(14) the Director of Assessments and Taxation;

(15) the Secretary of Budget and Management;

(16) the Adjutant General of the Military Department;

(17) the Secretary of Emergency Management;

(18) the Secretary of Labor;

(19) the Secretary of Human Services;

(20) the Director of the Governor's Office of Performance Improvement;

(21) the Governor's Homeland Security Advisor;

(22) the Executive Director of the Governor's Office of Crime Prevention and Policy;

(23) the Executive Director of the Maryland Institute for Emergency Medical Services Systems;

(24) the Executive Director of the Department of Legislative Services;

(25) the State Archivist;]

[(26)] (1) one member of the Senate of Maryland, appointed by the President of the Senate;

[(27)] (2) one member of the House of Delegates of Maryland, appointed by the Speaker of the House;

(3) THE STATE CHIEF DATA OFFICER;

[(28)] (4) [five] **THREE** elected officials or employees from local entities who have knowledge of and interest in open data, appointed by the Governor in accordance with subsections (d) and (e) of this section; and

[(29)] (5) five members from the private, private utility, academic, or nonprofit sectors who have knowledge of and interest in open data, appointed by the Governor in accordance with subsection (e) of this section.

(c) If a member of the Council [listed in subsection (b)(1) through (24) of this section] is unable to attend a meeting of the Council, the member may:

(1) IF THE MEMBER IS LISTED IN SUBSECTION (B)(1) OR (2) OF THIS SECTION, DESIGNATE A STAFF MEMBER WHO REPORTS DIRECTLY TO THE MEMBER TO ATTEND THE MEETING; OR

(2) IF THE MEMBER IS LISTED IN SUBSECTION (B)(3) ~~OR (4)~~ OF THIS SECTION, designate [the Chief Information Officer or] another senior management staff member of the agency or organization to attend the meeting.

(d) Of the [five] **THREE** elected officials or employees from local entities appointed by the Governor under subsection [(b)(28)] **(B)(4)** of this section, one shall represent each of the following groups of counties:

(1) Allegany County, **CARROLL COUNTY**, Frederick County, Garrett County, and Washington County;

(2) [Caroline County, Cecil County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, and Worcester County;

(3)] Anne Arundel County, **BALTIMORE CITY, BALTIMORE COUNTY**, Calvert County, Charles County, [and] **HOWARD COUNTY, MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, AND** St. Mary's [County;

(4) Montgomery County and Prince George's] County; and

[(5)] **(3)** [Baltimore City, Baltimore County, Carroll County,] **CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY**, Harford County, **KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY**, and [Howard] **WORCESTER** County.

(e) (1) This subsection applies to members of the Council appointed under subsection [(b)(28)] **(B)(4)** and [(29)] **(5)** of this section.

(2) The term of a member is 4 years[, except that five members may serve an initial 3-year term as required by the terms provided for staggered members of the Council on July 1, 2014].

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than two consecutive terms.

(6) The Governor may remove a member for neglect of duty, incompetence, or misconduct.

(f) A member of the Council may not receive compensation but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(g) [(1)] The [Secretary of Information Technology] **STATE CHIEF DATA OFFICER** is the Chair of the Council.

[(2)] The Director of the Governor's Office of Performance Improvement is the Vice Chair of the Council.]

(h) The staffing responsibilities of the Council shall be shared by the Department of Information Technology[, the Governor's Office of Performance Improvement,] and any [other] staff designated by the Governor.

(i) The Council may establish workgroups as necessary to complete the duties of the Council.

(j) The Council shall meet at least twice each year.

10–1504.

(a) The Council shall promote the policy established under § 10–1502 of this subtitle by:

(1) providing guidance and policy recommendations and when appropriate recommend legislation and regulations for:

(i) procedures, standards, and other deliverables for open data, including for open data portals;

(ii) promotion, advertising, and marketing of open data; and

(iii) best practices for sharing open data while taking into account privacy and security concerns;

(2) [coordinating the appropriate staff at each State entity for the development, maintenance, and use of open data and open data portals] **ADVISING ON DATA INITIATIVES AND PRIORITIES;**

(3) (i) [identifying the collective cost of operating and investing in open data and funding mechanisms to support open data] **IDENTIFYING AND EXPLORING THE MEANS BY WHICH PARTNERSHIPS MAY BE DEVELOPED AND STRENGTHENED TO**

1 CONNECT MARYLAND DATA WITH COMMUNITIES AND SOCIAL SERVICE
2 ORGANIZATIONS; and

3 (ii) advising the Governor and General Assembly on budget matters
4 related to open data;

5 (4) inviting and encouraging local entities and the legislative and judicial
6 branches to:

7 (i) use open data portals established by State entities;

8 (ii) create their own open data portals; and

9 (iii) adopt policies consistent with the policy established under §
10 10–1502 of this subtitle;

11 (5) establishing a plan for providing all open data to the public at no cost;

12 (6) advocating for sound records management and data preservation
13 practices; and

14 (7) making recommendations to ensure that the purchase of new data
15 processing devices, systems, and software by the State includes a review of compliance with
16 the open data policy established under § 10–1502 of this subtitle and interoperability with
17 current technology used by the State.

18 (b) On or before January 10 of each year, the Council shall report to the Governor
19 and the General Assembly, in accordance with § 2–1257 of this article, on the activities of
20 the Council for the previous year and any recommendations for legislation.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.