

SENATE, No. 3137

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED AUGUST 10, 2015

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

“New Jersey Open Data Initiative,” requires certain information be made available on Internet by State departments and agencies.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring the availability of certain public information of
2 State departments and agencies, and supplementing Title 52 of
3 the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. This act shall be known and may be cited as the “New Jersey
9 Open Data Initiative.”

10
11 2. The Legislature finds and declares:

12 a. In recent years, the idea that certain data should be freely
13 available to everyone to use and republish as they wish, without
14 restrictions from copyright, patents, or other mechanisms of control,
15 has become prevalent;

16 b. This concept, which is generally referred to as open data,
17 applies to data generated by government departments and agencies,
18 some of which may already be public and available electronically;

19 c. It is in the interest of this State to increase public awareness
20 and access to data and information created by and available from
21 State departments and agencies, enhance government transparency
22 and accountability, encourage public engagement, and stimulate
23 innovation with the development of new analyses or applications
24 based on the unique data provided by the State;

25 d. A significant benefit of open data is that it can spur
26 economic development, as it enables private-sector companies to
27 build upon such data to produce innovative and creative items and
28 services that benefit society;

29 e. The intent of this act is to require the State to conduct a
30 multi-year, multi-phased open data initiative program;

31 f. The intention is not to impede or delay the ongoing efforts of
32 State government to move data online, nor to limit or expand a
33 person's ability to access a public record; and

34 g. This act would protect the State from any liability for
35 making open data available to the public, except in the case of gross
36 negligence, willful and wanton misconduct, or intentional
37 misconduct.

38
39 3. As used in this act:

40 “Data” means final versions of statistical or factual information
41 in alphanumeric form, in as granular form as possible, and reflected
42 in a list, table, graph, chart, map, or other non-narrative form that
43 can be digitally transmitted or processed, and regularly created or
44 maintained by or on behalf of and owned by a State department or
45 agency that records a measurement, transaction, or determination
46 related to the mission of that State department or agency.

47 “Data set” means a named collection of related records on an
48 electronic storage device, with the collection containing individual

1 data units organized or formatted in a specific and prescribed way,
2 often in tabular form, and accessed by a specific access method that
3 is based on the data set organization, but not including any data that
4 is protected from disclosure under applicable federal or State law,
5 or contract, or data that is proprietary.

6
7 4. a. The Department of the Treasury shall establish an unique,
8 dedicated, easily navigable Internet website which shall offer to the
9 public all available appropriate existing and future electronic data
10 sets maintained by each State department and agency.

11 b. Each State department and agency shall, under the direction
12 of the State Treasurer, provide to the Treasurer or make available
13 thereto a link to appropriate existing and future electronic data sets
14 maintained by the department or agency electronically, in such
15 format as determined by the Treasurer.

16 Nothing in this section shall be deemed to require departments or
17 agencies to make electronic data sets available upon demand.

18 Data licensed to the State by a person or entity shall not be made
19 public under this act until it has been reviewed by the Treasurer
20 pursuant to guidelines established thereby, and the person or entity
21 licensing the data agrees to the public disclosure and to the form of
22 such disclosure.

23 Proprietary and other information protected from disclosure by
24 law or contract shall not be disclosed.

25 All disclosures shall be consistent with applicable law, including
26 P.L.1963, c.73 (C.47:1A-1 et seq.), and other State and federal laws
27 related to security and privacy. No personally identifiable
28 information shall be posted online unless the identified individual
29 has consented to the posting or the posting is necessary to fulfill the
30 lawful purposes or duties of the department or agency.

31 Nothing in this act shall be deemed to supersede P.L.1963,
32 c.73 (C.47:1A-1 et seq.).

33 c. The State Treasurer and any State department or agency
34 may, pursuant to the "Administrative Procedure Act," P.L.1968,
35 c.410 (C.52:14B-1 et seq.), adopt such rules and regulations as may
36 be deemed necessary to effectuate the purposes of this act.

37 d. Each department or agency shall update its electronic data
38 sets in the manner prescribed by the State Treasurer and as often as
39 is deemed necessary by the Treasurer to preserve the integrity and
40 usefulness of the data sets.

41
42 5. a. The electronic data sets that a State department or agency
43 provides to the Treasurer for display on the department's dedicated
44 Internet website established pursuant to section 4 of P.L. ,
45 c. (C.)(pending before the Legislature as this bill) shall be
46 available to the public for informational purposes only. The
47 department shall not warrant the fitness of any electronic data set
48 for a particular purpose. Any department or agency providing an

1 electronic data set shall not be liable for any deficiencies in its
2 completeness or accuracy, except when the department's or
3 agency's conduct would constitute gross negligence, willful and
4 wanton misconduct, or intentional misconduct.

5 b. Each State department and agency, pursuant to rules and
6 procedures promulgated by the Treasurer, shall verify the accuracy
7 of the electronic data sets it makes available to the public and, if
8 possible, correct any errors or inaccuracies discovered therein by
9 the department or agency providing the data set, by other
10 departments or agencies, or by members of the public.

11
12 6. The State Treasurer may make a State department's or
13 agency's electronic data sets available to third parties at no cost and
14 with an appropriate level of conditions placed on their use.

15
16 7. a. The State Treasurer, after consultation with other State
17 departments and agencies, shall develop policies and procedures to
18 implement the provisions of this act including standards to
19 determine which electronic data sets are appropriate for online
20 disclosure. The standards developed shall not require the
21 departments or agencies to provide information that is otherwise
22 required to be disclosed under P.L.1963, c.73 (C.47:1A-1 et seq.)
23 but is personally identifiable information, information that may
24 pose a personal or public security risk, is of minimal public interest,
25 or is otherwise inappropriate for online disclosure as part of a data
26 set.

27 b. The policy and procedures shall include the following:

28 (1) technical requirements with the goal of making electronic
29 data sets available to the greatest number of users and for the
30 greatest number of applications, including, whenever practicable,
31 the use of machine readable, non-proprietary technical standards for
32 web publishing; and

33 (2) guidelines for the department or agency to follow to make
34 electronic data sets available to the Treasurer for display on the
35 dedicated Internet website established pursuant to section 4 of
36 P.L. , c. (C.) (pending before the Legislature as this bill).

37 c. The Treasurer shall consider various means by which to
38 develop a set of universal data formatting standards to effectuate the
39 purposes of this act, including working with other State departments
40 and agencies, and contracting, if deemed necessary, with nonprofit
41 organizations, commercial vendors or third party groups for this
42 purpose. If such standards are developed and adopted by the
43 Treasurer, they shall be the format that each State department and
44 agency will use to provide existing and future electronic data sets to
45 the Treasurer so that the Treasurer can make the information
46 contained therein available to the public through the dedicated
47 Internet website established pursuant to section 4 of P.L. ,
48 c. (C.) (pending before the Legislature as this bill).

1 any deficiencies in the completeness or accuracy of any data set,
2 except when the department's or agency's conduct would constitute
3 gross negligence, willful and wanton misconduct, or intentional
4 misconduct. However, each State department and agency, pursuant
5 to rules and procedures promulgated by the Treasurer, would be
6 required to verify the accuracy of the electronic data sets it makes
7 available to the public and, if possible, correct any errors or
8 inaccuracies discovered therein by the department or agency
9 providing the data set, other departments or agencies, or by
10 members of the public.