

# SENATE, No. 727

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

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**District 5 (Camden and Gloucester)**

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**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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 8. This act shall take effect on January 1 next following the  
2 date of enactment.

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5 STATEMENT

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7 The purpose of this bill, designated as the “New Jersey Open  
8 Data Initiative,” is to require State departments and agencies to  
9 make available certain public information on the Internet.

10 Specifically, the bill requires the Department of the Treasury to  
11 establish an unique, dedicated, easily navigable Internet website  
12 which will offer to the public all available appropriate existing and  
13 future electronic data sets maintained by each State department and  
14 agency. Each State department and agency must, under the  
15 direction of the State Treasurer, provide to the Treasurer or make  
16 available thereto a link to appropriate existing and future electronic  
17 data sets maintained by the department or agency electronically, in  
18 such format as determined by the Treasurer. As used in the bill,  
19 “data sets” means a named collection of related records on an  
20 electronic storage device, with the collection containing individual  
21 data units organized or formatted in a specific and prescribed way,  
22 often in tabular form, and accessed by a specific access method that  
23 is based on the data set organization. A data set would not include  
24 any data that is protected from disclosure under applicable federal  
25 or State law, or contract, or data that is proprietary.

26 In addition the bill provides that:

27 - State departments and agencies would not be required to make  
28 data sets available upon demand;

29 - data licensed to the State by a person or entity would not be  
30 made public until it has been reviewed by the Treasurer pursuant to  
31 guidelines established thereby, and the person or entity licensing the  
32 data agrees to the public disclosure and to the form of such  
33 disclosure; and

34 - proprietary and other information protected from disclosure by  
35 law or contract would not be disclosed.

36 All disclosures would be consistent with current applicable law,  
37 including the open public records act, P.L.1963, c.73 (C.47:1A-1 et  
38 seq.), and other State and federal laws related to security and  
39 privacy. No personally identifiable information would be posted  
40 online unless the identified individual has consented to the posting  
41 or the posting is necessary to fulfill the lawful purposes or duties of  
42 the department or agency.

43 Under the bill, the electronic data sets that a State department or  
44 agency provides to the Treasurer for display on the Department of  
45 the Treasury’s dedicated Internet website would be available to the  
46 public for informational purposes only. The department would not  
47 warrant the fitness of any data set for a particular purpose. The  
48 individual State departments and agencies would not be liable for

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.