

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-203.2:4 of the Code of Virginia and to amend the Code of Virginia by*
 3 *adding in Chapter 20.1 of Title 2.2 an article numbered 8, consisting of a section numbered 2.2-2034.1,*
 4 *relating to Office of Data Governance and Analytics; oversight; Chief Data Officer; duties.*

5 [S 1137]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That § 2.2-203.2:4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is**
 9 **amended by adding in Chapter 20.1 of Title 2.2 an article numbered 8, consisting of a section**
 10 **numbered 2.2-2034.1, as follows:**

11 **§ 2.2-203.2:4. Chief Data Officer; created; report.**

12 A. As used in this section, unless the context requires a different meaning:

13 "Board" means the Executive Data Board.

14 "CDO" means the Chief Data Officer of the Commonwealth.

15 "Commonwealth Data Trust" means a secure, multi-stakeholder data exchange and analytics platform
 16 with common rules for data security, privacy, and confidentiality. The Commonwealth Data Trust ~~shall~~
 17 ~~include~~ *includes* data from state, regional, and local governments, from public institutions of higher
 18 education, and from any other sources deemed necessary and appropriate.

19 "Council" means the Data Governance Council.

20 "Group" means the Data Stewards Group.

21 "Office" means the Office of Data Governance and Analytics *as created pursuant to § 2.2-2034.1.*

22 "Open data" means data that is collected by an agency that is not prohibited from being made available to
 23 the public by applicable laws or regulations or other restrictions, requirements, or rights associated with such
 24 data.

25 B. There is created in the Office of the Secretary of Administration the Office of Data Governance and
 26 Analytics to foster and oversee the effective sharing of data among state, regional, and local public entities
 27 and public institutions of higher education, implement effective data governance strategies to maintain data
 28 integrity and security, and promote access to Commonwealth data. The purpose of the Office shall be to (i)
 29 improve compliance with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et
 30 seq.); (ii) increase access to and sharing of Commonwealth data, including open data, between state, regional
 31 and local public entities and public institutions of higher education across all levels of government; (iii)
 32 Increase the use of data and data analytics to improve the efficiency and efficacy of government services and
 33 improve stakeholder outcomes; and (iv) establish the Commonwealth as a national leader in data-driven
 34 policy, evidence-based decision making, and outcome-based performance management.

35 C. The Office shall have the following powers and duties:

36 1. To support the collection, dissemination, analysis, and proper use of data by state agencies and public
 37 entities as defined in the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.);38 2. To facilitate and guide data-sharing efforts between state, regional, and local public entities and public
 39 institutions of higher education;40 3. To develop innovative data analysis and intelligence methodologies and best practices to promote
 41 data-driven policy making, decision making, research, and analysis;

42 4. To manage and administer the Commonwealth Data Trust;

43 5. To assist the Chief Data Officer and the Chief Information Officer of the Commonwealth in the
 44 development of a comprehensive six-year Commonwealth strategic plan for information technology;

45 6. In cooperation with the Chief Information Officer of the Commonwealth, to provide technical
 46 assistance to state agencies, local governments, and regional entities to establish and promote data sharing
 47 and analytics projects including data storage, data security, privacy, compliance with federal law, the
 48 de-identification of data for research purposes, and the appropriate access to and presentation of open data
 49 and datasets to the public;

50 7. To develop measures and targets related to the performance of the Commonwealth's data governance,
 51 sharing, analytics, and intelligence program;52 8. To undertake, identify, coordinate, and oversee studies linking government services to stakeholder
 53 outcomes;54 9. To implement a website dedicated to (i) hosting open data from state, regional, and local public entities
 55 and public institutions of higher education and (ii) providing links to any other additional open data websites

56 in the Commonwealth;

57 10. To provide staff and operational support to the Virginia Data Commission, Executive Data Board,
58 Data Governance Council, and Data Stewards Group;

59 11. To apply for and accept grants from the United States government and agencies and instrumentalities
60 thereof and any other source. To those ends, the Office shall have the power to comply with such conditions
61 and execute such agreements as may be necessary or desirable;

62 12. To solicit, receive, and consider proposals for funding projects or initiatives from any state or federal
63 agency, local or regional government, public institution of higher education, nonprofit organization, or
64 private person or corporation;

65 13. To enter into public-private partnerships and agreements with public institutions of higher education
66 in the Commonwealth to conduct data sharing and analytics projects;

67 14. To solicit and accept funds, goods, and in-kind services that are part of any accepted project proposal;

68 15. To establish ad hoc committees or project teams to investigate related technology or technical issues
69 and provide results and recommendations for Office action;

70 16. To enter into reciprocal data-sharing agreements with state agencies for the purpose of sharing
71 veteran-specific data in order to support data-informed outreach plans for veterans. Such agencies may
72 include the Department of Veterans Services, Department of Corrections, Department of Social Services,
73 Virginia Employment Commission, Department of Small Business and Supplier Diversity, Department of
74 Taxation, and other relevant state agencies that have access to data regarding veterans residing in the
75 Commonwealth; and

76 17. To establish such bureaus, sections, or units as the Office deems appropriate to carry out its goals and
77 responsibilities.

78 There is created in the Office of the Secretary of Administration the position of Chief Data Officer of the
79 Commonwealth to oversee the operation of *lead* the Office of Data Governance and Analytics. The CDO
80 shall exercise and perform the duties conferred or imposed upon him by law and perform such other duties as
81 may be required by the Governor and the Secretary of Administration. The CDO shall not be considered the
82 custodian of any public records in or derived from the Commonwealth Data Trust. The CDO shall:

83 1. Establish business rules, guidelines, and best practices for the use of data, including open data, in the
84 Commonwealth. Such rules, guidelines, and best practices shall address, at a minimum, (i) the sharing of data
85 between state, regional, and local public entities and public institutions of higher education, and, when
86 appropriate, private entities; (ii) data storage; (iii) data security; (iv) privacy; (v) compliance with federal law;
87 (vi) the de-identification of data for research purposes; and (vii) the appropriate access to and presentation of
88 open data and datasets to the public;

89 2. Assist state, regional, and local public entities, public institutions of higher education, and employees
90 thereof, with the application of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800
91 et. seq.) and understanding the applicability of federal laws governing privacy and access to data to the data
92 sharing practices of the Commonwealth;

93 3. Assist the Chief Information Officer of the Commonwealth with matters related to the creation, storage,
94 and dissemination of data upon request;

95 4. Encourage and coordinate efforts of state, regional, and local public entities and public institutions of
96 higher education to access and share data, including open data, across all levels of government in an effort to
97 improve the efficiency and efficacy of services, improve outcomes, and promote data-driven policy making,
98 decision making, research, and analysis;

99 5. Oversee the implementation of a website dedicated to (i) hosting open data from state, regional, and
100 local public entities and public institutions of higher education and (ii) providing links to any other additional
101 open data websites in the Commonwealth;

102 6. Enter into contracts for the purpose of carrying out the provisions of this section;

103 7. ~~Rent office space and procure equipment, goods, and services necessary~~ Obtain from the Virginia
104 Information Technologies Agency office space and human resources, procurement, fiscal, and other
105 administrative support and resources necessary to support the operations of the Office and to carry out the
106 provisions of this section; and

107 8. Report on the activities of the Office, ~~and the Commonwealth Data Trust, and the Virginia Data~~
108 ~~Commission established pursuant to Article 13 (§ 2.2-2558 et seq.) of Chapter 25~~ annually by December 1 to
109 the Governor and the General Assembly.

110 E. C. The Commonwealth Data Trust shall be governed by a multi-level governance structure as follows:

111 1. The Executive Data Board shall consist of the directors or chief executives, or their designees, of
112 executive branch agencies engaged in data sharing and analytics projects with the Commonwealth Data Trust.
113 The CDO shall chair the Board. Members of the Board shall (i) translate the Commonwealth's data-driven
114 policy goals and objectives into performance targets at their respective agencies; (ii) allocate appropriate
115 resources at their respective agencies to support data governance, sharing, and analytics initiatives; and (iii)
116 provide any reports to the Office regarding their respective agencies' data analytics work and implementation

117 of recommendations.

118 2. The Data Governance Council shall consist of employees of the agencies represented on the Board,
119 selected by the Board members from their respective agencies. The CDO, or his designee, shall chair the
120 Council. The Council shall (i) liaise between state agency operations and the CDO; (ii) advise the CDO on
121 data technology, policy, and governance structure; (iii) administer data governance policies, standards, and
122 best practices, as set by the Board; (iv) oversee data sharing and analytics projects; (v) review open data
123 assets prior to publication; (vi) provide to the Board any reports on the Council's recommendations and work
124 as required by the Board; (vii) develop necessary privacy and ethical standards and policies for
125 Commonwealth Data Trust resources; (viii) monitor the sharing of Commonwealth Data Trust member-
126 contributed data resources; (ix) review and approve new Commonwealth Data Trust-managed data resources;
127 and (x) conduct any other business the CDO deems necessary for Commonwealth Data Trust governance.

128 3. The Data Stewards Group shall consist of employees from executive branch agencies with technical
129 experience in data management or data analytics. Executive branch agencies shall be encouraged to designate
130 at least one agency data steward to serve on the Group and may designate multiple data stewards as
131 appropriate based upon organizational or data system responsibilities. The Group shall (i) provide the Board
132 and Council with technical subject matter expertise in support of data policies, standards, and best practices;
133 (ii) implement data sharing and analytics projects promoting data accessibility, sharing, and reuse, thereby
134 reducing redundancy across the Commonwealth; (iii) coordinate and resolve technical stewardship issues for
135 standardized data; (iv) ensure data quality processes and standards are implemented consistently by agencies
136 in the Commonwealth; (v) provide communication and education to data users on the appropriate use,
137 sharing, and protection of the Commonwealth's data assets; (vi) promote the collection and sharing of
138 metadata by registering data assets in the Virginia Data Catalog; (vii) liaise with agency project managers and
139 information technology investment staff to ensure adherence to Commonwealth data standards and data
140 sharing requirements; and (viii) support informed, data-driven decision making through compliance with
141 Commonwealth data policies, standards, and best practices.

142 ~~F. D.~~ In carrying out the provisions of this section, the Office shall coordinate and collaborate with, to the
143 fullest extent authorized by federal law and notwithstanding any state law to the contrary, all agencies set
144 forth in subsection A of § 2.2-212 and subsection A of § 2.2-221; any other state, regional, and local public
145 bodies, including community services boards; local law-enforcement agencies; any health and human
146 services-related entity of a political subdivision that receives state funds; public institutions of higher
147 education; and, when appropriate, private entities.

148 ~~G. E.~~ The Office shall be considered an agent of any state agency in the executive branch of government
149 that shares information or data with the ~~office~~ Office, and shall be an authorized recipient of information
150 under any statutory or administrative law governing the information or data. Interagency data shared pursuant
151 to this section shall not constitute a disclosure or release of information or data under any statutory or
152 administrative law governing the information or data.

153 ~~H. F.~~ The Office shall be responsible for overseeing and supporting any workforce development data
154 systems authorized under the Secretary of Labor to ensure the interoperability of the systems, to facilitate
155 data sharing, to identify innovative technology solutions, and to support processes that create data-informed
156 decisions.

157 *Article 8.*

158 *Office of Data Governance and Analytics.*

159 **§ 2.2-2034.1. Office of Data Governance and Analytics created.**

160 A. As used in this section, unless the context requires a different meaning:

161 "CDO" means the Chief Data Officer of the Commonwealth.

162 "Commonwealth Data Trust" means a secure, multi-stakeholder data exchange and analytics platform
163 with common rules for data security, privacy, and confidentiality. The Commonwealth Data Trust includes
164 data from state, regional, and local governments, from public institutions of higher education, and from any
165 other sources deemed necessary and appropriate.

166 "Office" means the Office of Data Governance and Analytics as created in this section.

167 "Open data" means data that is collected by an agency that is not prohibited from being made available
168 to the public by applicable laws or regulations or other restrictions, requirements, or rights associated with
169 such data.

170 B. There is created in the Virginia Information Technologies Agency the Office of Data Governance and
171 Analytics to foster and oversee the effective sharing of data among state, regional, and local public entities
172 and public institutions of higher education, implement effective data governance strategies to maintain data
173 integrity and security, and promote access to Commonwealth data. The Office shall be overseen by the Chief
174 Information Officer of the Commonwealth as a part of the Virginia Information Technologies Agency but led
175 in strategy and prioritization by the Chief Data Officer, as established pursuant to § 2.2-203.2:4. The
176 purpose of the Office shall be to (i) improve compliance with the Government Data Collection and
177 Dissemination Practices Act (§ 2.2-3800 et seq.); (ii) increase access to and sharing of Commonwealth data,

178 including open data, between state, regional, and local public entities and public institutions of higher
179 education across all levels of government; (iii) increase the use of data and data analytics to improve the
180 efficiency and efficacy of government services and stakeholder outcomes; and (iv) establish the
181 Commonwealth as a national leader in data-driven policy, evidence-based decision making, and
182 outcome-based performance management.

183 C. The Office shall have the following powers and duties:

184 1. To support the collection, dissemination, analysis, and proper use of data by state agencies and public
185 entities as defined in the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.);

186 2. To facilitate and guide data-sharing efforts between state, regional, and local public entities and public
187 institutions of higher education;

188 3. To develop innovative data analysis and intelligence methodologies and best practices to promote
189 data-driven policy making, decision making, research, and analysis;

190 4. To manage and administer the Commonwealth Data Trust;

191 5. To assist the Chief Data Officer and the Chief Information Officer of the Commonwealth in the
192 development of a comprehensive six-year Commonwealth strategic plan for information technology;

193 6. In cooperation with others in the Virginia Information Technologies Agency, to provide technical
194 assistance to state agencies, local governments, and regional entities to establish and promote data sharing
195 and analytics projects, including data storage, data security, privacy, compliance with federal law, the
196 de-identification of data for research purposes, and the appropriate access to and presentation of open data
197 and datasets to the public;

198 7. To develop measures and targets related to the performance of the Commonwealth's data governance,
199 sharing, analytics, and intelligence program;

200 8. To undertake, identify, coordinate, and oversee studies linking government services to stakeholder
201 outcomes;

202 9. To implement a website dedicated to (i) hosting open data from state, regional, and local public entities
203 and public institutions of higher education and (ii) providing links to any other additional open data websites
204 in the Commonwealth;

205 10. To provide staff and operational support to the Executive Data Board, Data Governance Council, and
206 Data Stewards Group, the multi-level governance structure established pursuant to § 2.2-203.2:4 that
207 governs the Commonwealth Data Trust;

208 11. To apply for and accept grants from the United States government and agencies and instrumentalities
209 thereof and any other source. To those ends, the Office shall have the power to comply with such conditions
210 and execute such agreements as may be necessary or desirable;

211 12. To solicit, receive, and consider proposals for funding projects or initiatives from any state or federal
212 agency, local or regional government, public institution of higher education, nonprofit organization, or
213 private person or corporation;

214 13. To enter into public-private partnerships and agreements with public institutions of higher education
215 in the Commonwealth to conduct data sharing and analytics projects;

216 14. To solicit and accept funds, goods, and in-kind services that are part of any accepted project
217 proposal;

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219 and provide results and recommendations for Office action; and

220 16. To enter into reciprocal data-sharing agreements with state agencies for the purpose of sharing
221 veteran-specific data in order to support data-informed outreach plans for veterans. Such agencies may
222 include the Department of Veterans Services, Department of Corrections, Department of Social Services,
223 Virginia Employment Commission, Department of Small Business and Supplier Diversity, Department of
224 Taxation, and other relevant state agencies that have access to data regarding veterans residing in the
225 Commonwealth.