

Open, Public, Electronic and Necessary (OPEN) Government Data Act

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The federal government possesses an enormous amount of valuable public data, which should be used to improve government services and promote private sector innovation. This legislation seeks to achieve these goals by creating an expectation that – by default – government data will be open and available whenever possible. Specifically, this bill defines open data without locking in yesterday’s technology; creates standards for making federal government data available to the public; requires the federal government to use open data to improve decision making; and ensures accountability by requiring oversight during key periods of implementation.

Section 1. Short Title; Table of Contents.

Open, Public, Electronic and Necessary (OPEN) Government Data Act.

Section 2. Findings; Agency Defined.

- Describes the importance of government data.
- Describes the benefits of making government data open in format and accessible to the public.

Section 3. Rule of Construction.

- Leverages the existing statutory protections under the Freedom of Information Act (FOIA) to prevent the disclosure of information that could harm privacy, national security, and business sensitive information.

Section 4. Federal Information Policy Definitions.

- Creates a set of definitions in order to create consistent data practices across the government. The goal is to improve data portability, openness, and transparency without locking yesterday’s technology into law.

Section 5. Requirement for Making Open and Machine-Readable the Default for Government Data.

- Requires government data to be machine-readable and available in open format by default.
- Requires the use of open licenses for government data, when not prohibited by law, to improve the use of government data consumer protection.
- Encourages agencies to consider innovative uses for data by engaging with public and private entities.

Section 6. Responsibilities for the Office of Electronic Government.

- Changes the name of the Office of Electronic Government (E-Gov) to the Office of the Federal Chief Information Officer.
- Changes the name of the Administrator of the Office of E-Gov to the Federal Chief Information Officer.
- Streamlines the coordination of federal information resources management policy within the Office of Management and Budget (OMB) to include the perspective of both the Office of Information and Regulatory Affairs and the Office of the Federal Chief Information Officer.

Section 7. Data Inventory and Planning.

- Requires agencies to use existing resources to develop, maintain and regularly update an Enterprise Data Inventory of data assets – and to make these inventories available to the public.
- Establishes a process to determine what data is made public and what data must necessarily be kept non-public.
- Requires agency CIOs to make Enterprise Data Inventories available to other agencies and the public, to protect information contained therein, and to update their contents regularly.
- Enhances agency responsiveness to customer feedback by creating an exception to the Paperwork Reduction Act to reduce overhead costs of agency use of data for electronic, voluntary, and low burden efforts to collect customer feedback whose results are summarized online.
- Requires OMB to create an online repository of best practices and other tools to assist agencies to adopt open data practices.
- Requires agencies to use existing data to review their operations and ensure that the data to conduct the review is published on their website.
- Requires OMB to issue a compliance report one year after the date of enactment and every two years thereafter.
- Requires GAO, within 2 years of enactment, to report to Congress on the value of making additional government data publically available.

Section 8. Technology Portal.

- Provides a single public interface online (currently Data.gov) to share all open government data assets with the public and government agencies.

Section 9. Enhanced Chief Information Officers and Chief Information Officers Council Duties.

- Expands the role of federal CIO's to ensure the adoption and success of open data practices across the government.

Section 10. Evaluation of Agency Analytical Capabilities.

- Requires OMB, one year after enactment, to issue guidance to each agency to assess their use of data assets to support decision-making, cost savings and performance. Two years after enactment, each agency CIO shall then submit a report to Congress and OMB on this review. Three years after enactment, GAO shall submit to Congress and OMB a summary of findings, trends and recommendations for improvement.
- Provides requirements for the review.

Section 11. Effective Date.

- Requires the amendments made by the Act shall take effect 180 days after enactment.