

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 807

(Chair, Health and Government Operations
Committee)(By Request - Departmental - Information
Technology)

Health and Government Operations

Education, Energy, and the Environment

**Information Technology - Modernizing Data Governance - Office of Enterprise
Data and Council for Open Data Advancement**

This departmental bill generally codifies Executive Order 01.01.2021.09 by (1) establishing the Office of Enterprise Data (OED) and the position of State Chief Data Officer (SCDO) within the Department of Information Technology (DoIT) and (2) requiring each unit of State government to appoint an agency data officer with specified responsibilities. The bill also renames the Council on Open Data to the Council for Open Data Advancement and modifies the council’s membership and responsibilities. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: The bill generally codifies the State’s existing data governance structure and, therefore, is not anticipated to materially affect State government operations or finances, as discussed below. The bill’s requirements for the Council for Open Data Advancement can be handled using existing budgeted resources.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: DoIT has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary:

State Chief Data Officer and Office of Enterprise Data

SCDO must be appointed by the Governor and supervised by the Secretary of Information Technology. SCDO's responsibilities include:

- 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;
- providing advice, recommendations, and consultation to the Governor and any unit of State government concerning data policies, procedures, and standards;
- 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;
- compiling an authoritative inventory of data collected, created, or maintained by units of State government, as specified;
- except as otherwise provided in law, designating and facilitating access to authoritative data sources; and
- overseeing the data literacy of State employees to ensure State data are responsibly understood, analyzed, and communicated.

SCDO is the head of OED, and DoIT must provide the office with sufficient staff to perform the functions required by the bill. Broadly speaking, the office must establish:

- a statewide data governance program that (1) includes a framework, standards, and guidance that meet specified requirements; (2) provides services and advice to units of State government on how to mature their data programs; and (3) ensures units of State government are leveraging State data as a strategic asset;
- a data sharing program to (1) establish a framework, standards, and processes that meet specified requirements; (2) administer a secure multistakeholder data exchange and analytics platform applying common rules for data security, privacy, and confidentiality; and (3) provide services and advise to units of State government, as specified; and
- a data literacy program to (1) establish a framework and develop guidance that meets specified requirements; (2) administer a secure multistakeholder data academy platform with curated content; (3) develop guidance on the effective understanding, analysis, privacy safeguarding, and protection of State data for all

appropriate employees and units of State government; (4) manage data training for all appropriate employees of units of State government; and (5) establish a list of defined data terms and create a unified data language in the State.

State Agency Data Officers

Each unit of State government must appoint an agency data officer who must report directly to the unit head or an appropriate senior official within the unit of State government. Each data officer must be responsible for:

- collaborating with SCDO to ensure that data initiatives are consistent with the statewide data strategy;
- developing and implementing data governance policies and procedures, as specified;
- overseeing data quality initiatives and ensuring data accuracy, reliability, accessibility, and retention of State data, as specified;
- facilitating data sharing within and between units of State government and with external partners, as specified;
- assisting with facilitating participation of State employees in data training provided by OED;
- adopting a data privacy governance and risk management program and implementation of reasonable privacy procedures and practices, as specified;
- reducing the amount of personally identifiable information collected and retained to only that necessary for the proper performance of the authorized functions of the unit of State government;
- reporting to OED at intervals established by SCDO on specified issues; and
- making available to SCDO any data or metadata requested.

Council for Open Data Advancement

The Council on Open Data is renamed to the Council for Open Data Advancement and, instead of having 37 members, the bill requires the council to have 11 members which include SCDO (who is chair of the council), appointed members from the General Assembly, local government representatives, and members from the private, academic, or nonprofit sectors.

The bill repeals the council's responsibilities to (1) coordinate staff at each State entity for the development, maintenance, and use of open data and open data portals and (2) identify the collective cost of operating and investing in open data and funding mechanism to support open data. Instead, the bill requires the council to (1) advise on data initiatives and

priorities and (2) identify and explore how partnerships may be developed and strengthened to connect Maryland data with communities and social service organizations.

Current Law:

Department of Information Technology

DoIT and the Secretary of Information Technology are responsible for, among other things: (1) developing, maintaining, revising, and enforcing information technology (IT) policies, procedures, and standards; (2) providing technical assistance, advice, and recommendations to the Governor and any unit of State government concerning IT matters; (3) reviewing agency project plans to make information and services available to the public over the Internet; and (4) developing and maintaining a statewide IT Master Plan, as specified. “Information technology” means all electronic information processing, including maintenance, telecommunications, hardware, software, and associated services.

State Chief Data Officer

[Executive Order 01.01.2021.09](#) was signed in 2021 and established SCDO in the Office of the Governor. Under the Executive Order, SCDO has numerous responsibilities related to the State’s management of data, including (1) supervising and directing the use and management of data by units of State government under the supervision and direction of the Governor; (2) assessing the data needed by State units to inform policy decisions; (3) facilitating and coordinating the sharing of State data, as specified; (4) receiving and compiling an inventory of State unit data; and (5) creating a strategic plan for State data. DoIT advises that approximately one year ago, the officer was moved into DoIT, and DoIT created an office to provide the officer with the staffing resources necessary to carry out these responsibilities.

Additionally, the Executive Order requires specified State agencies to designate an agency data officer to, among other things (1) implement measures for the secure, efficient, and effective use of data; (2) provide administrative support to SCDO on behalf of the agency; (3) receive and promptly address inquiries, requests, or concerns about access to the agency’s data; (4) comply with direction from SCDO as to the use and management of the unit’s data; (5) conduct an annual data inventory that meets specified requirements; and (6) make available to SCDO any data requested.

Council on Open Data

Chapter 69 of 2014 established the Council on Open Data and established that it is the policy of the State that open data be machine readable and released to the public in ways that make the data easy to find, accessible, and usable, including through the use of open

data portals. The council is chaired by the Secretary of Information Technology and must be staffed by DoIT, the Governor's Office of Performance Improvement, and any other staff designated by the Governor. The council must meet at least twice per year and may establish workgroups as necessary to complete its duties. The council must promote the aforementioned State policy on open data by:

- providing guidance and policy recommendations related to open data, as specified;
- coordinating the appropriate staff at each State entity for the development, maintenance, and use of open data and open data portals;
- identifying specified operational and investment costs related to open data and advising the Governor and General Assembly on budget matters related to open data;
- inviting and encouraging local entities and the legislative and judicial branches to (1) use open data portals established by State entities; (2) create their own open data portals; and (3) adopt policies consistent with the State policy on open data;
- establishing a plan for providing all open data to the public at no cost;
- advocating for sound records management and data preservation practices; and
- making specified recommendations concerning the purchase of new data processing devices, systems, and software by the State.

By January 10 of each year, the council must report to the Governor and General Assembly on its activities from the previous year and any recommendations for legislation.

Background: DoIT advises that by codifying the SCDO position and OED and modifying the existing council on open data, the bill will improve data management across State government for better decision making and operations. DoIT advises that numerous other states, including New York, Texas, and Washington, have had success with similar data governance structures.

State Expenditures:

Department of Information Technology

As noted above, the SCDO position was created in 2021 by [Executive Order 01.01.2021.09](#) as an advisory position in the Office of the Governor, and was moved into DoIT approximately one year ago to provide the officer with an office and the staff necessary to fulfil the requirements of the Executive Order. The office's and officer's current duties and responsibilities are generally consistent with those required by the bill and, therefore, codifying the office and officer position is not anticipated to materially affect DoIT's operations or finances.

Otherwise, DoIT (as the staffing agency for the council) can handle the new responsibilities of the Council for Open Data Advancement required by the bill using existing budgeted resources.

Other State Agencies

In addition to establishing SCDO, the Executive Order required specified State agencies to appoint a data officer with similar responsibilities to those required for agency data officers by the bill. Indeed, most agencies that responded to a request for information for this fiscal and policy note advise that either they are already in compliance with the bill's requirements or the bill's requirements can be handled using existing budgeted resources.

However, some State agencies, (notably the Maryland Department of Planning and the Department of Public Safety and Correctional Services) anticipate that the bill may result in an increased workload that cannot be handled by the agency's existing data officer or other existing staff. While this analysis assumes that the bill does not materially affect State agency operations or finances (since the bill generally codifies the existing Executive Order), to the extent some agencies require additional staff to implement the bill, expenditures may increase if they pursue additional staff through the annual operating budget process.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Information Technology; Department of Commerce; Maryland Institute for Emergency Medical Services Systems; Maryland Association of Counties; Maryland Municipal League; Governor's Office; Maryland State Department of Education; Maryland Department of Agriculture; Department of Budget and Management; Maryland Department of the Environment; Maryland Department of Health; Department of Housing and Community Development; Department of Human Services; Maryland Department of Labor; Department of Natural Resources; Maryland Department of Planning; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Maryland State Archives; Department of Legislative Services

Fiscal Note History:
js/mcr

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Information Technology – Modernizing Data Governance – Office of Enterprise Data and Council for Open Data Advancement

BILL NUMBER: HB 807

PREPARED BY: Sara Elalamy - Legislative Director

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

N/A