

## Chapter 104

**(House Bill 262)**

AN ACT concerning

**State Government – Council for Open Data – Membership and Responsibilities**

FOR the purpose of renaming the Council on Open Data to be the Council for Open Data; altering the membership, member terms, and responsibilities of the Council; and generally relating to the Council for Open Data.

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 10–1501(a)  
Annotated Code of Maryland  
(2021 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 10–1501(b) and (c), 10–1503, and 10–1504  
Annotated Code of Maryland  
(2021 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – State Government**

10–1501.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Council” means the Council [on] **FOR** Open Data.
- (c) (1) “Data” means [final versions of] statistical or factual information that:
  - (i) are in alphanumeric or geospatial form reflected in a list, table, graph, chart, map, or other nonnarrative format that can be digitally transmitted or processed;
  - (ii) are regularly created or maintained by or on behalf of a governmental entity; and

(iii) records a measurement, transaction, or determination or provide information on government services, initiatives, and resources related to the mission of the covered governmental entity.

(2) “Data” does not include draft versions of statistical or factual information that are used for internal analysis by a governmental entity.

10–1503.

- (a) There is a Council [on] **FOR** Open Data.
- (b) The Council consists of the following [37] **11** members:
  - [(1) the Secretary of Agriculture;
  - (2) the Secretary of the Environment;
  - (3) the Secretary of Natural Resources;
  - (4) the Secretary of Planning;
  - (5) the Secretary of Transportation;
  - (6) the Secretary of Housing and Community Development;
  - (7) the Secretary of Commerce;
  - (8) the Secretary of General Services;
  - (9) the State Superintendent of Schools;
  - (10) the Secretary of Health;
  - (11) the Secretary of Information Technology;
  - (12) the Secretary of Public Safety and Correctional Services;
  - (13) the Secretary of State Police;
  - (14) the Director of Assessments and Taxation;
  - (15) the Secretary of Budget and Management;
  - (16) the Adjutant General of the Military Department;
  - (17) the Secretary of Emergency Management;

- (18) the Secretary of Labor;
- (19) the Secretary of Human Services;
- (20) the Director of the Governor's Office of Performance Improvement;
- (21) the Governor's Homeland Security Advisor;
- (22) the Executive Director of the Governor's Office of Crime Prevention and Policy;
- (23) the Executive Director of the Maryland Institute for Emergency Medical Services Systems;
- (24) the Executive Director of the Department of Legislative Services;
- (25) the State Archivist;]

[(26)] (1) one member of the Senate of Maryland, appointed by the President of the Senate;

[(27)] (2) one member of the House of Delegates of Maryland, appointed by the Speaker of the House;

**(3) THE STATE CHIEF DATA OFFICER;**

[(28)] (4) [five] **THREE** elected officials or employees from local entities who have knowledge of and interest in open data, appointed by the Governor in accordance with subsections (d) and (e) of this section; and

[(29)] (5) five members from the private, private utility, academic, or nonprofit sectors who have knowledge of and interest in open data, appointed by the Governor in accordance with subsection (e) of this section **THAT INCLUDES:**

**(I) AT LEAST ONE MEMBER FROM THE UNIVERSITY SECTOR;**

**(II) AT LEAST ONE MEMBER FROM THE PRIVATE SECTOR; AND**

**(III) AT LEAST ONE MEMBER FROM THE NONPROFIT SECTOR.**

(c) If a member of the Council [listed in subsection (b)(1) through (24) of this section] is unable to attend a meeting of the Council, the member may:

**(1) IF THE MEMBER IS LISTED IN SUBSECTION (B)(1) OR (2) OF THIS SECTION, DESIGNATE A STAFF MEMBER WHO REPORTS DIRECTLY TO THE MEMBER TO ATTEND THE MEETING; OR**

**(2) IF THE MEMBER IS LISTED IN SUBSECTION (B)(3) OF THIS SECTION,** designate [the Chief Information Officer or] another senior management staff member of the agency or organization to attend the meeting.

(d) Of the [five] **THREE** elected officials or employees from local entities appointed by the Governor under subsection [(b)(28)] **(B)(4)** of this section, one shall represent each of the following groups of counties:

(1) Allegany County, **CARROLL COUNTY**, Frederick County, Garrett County, and Washington County;

[(2) Caroline County, Cecil County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, and Worcester County;

**(3) (2)** Anne Arundel County, **BALTIMORE CITY, BALTIMORE COUNTY**, Calvert County, Charles County, [and] **HOWARD COUNTY, MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, AND** St. Mary's [County;

(4) Montgomery County and Prince George's] County; and

**[(5) (3)** [Baltimore City, Baltimore County, Carroll County,] **CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY**, Harford County, **KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY**, and [Howard] **WORCESTER** County.

(e) (1) This subsection applies to members of the Council appointed under subsection [(b)(28)] **(B)(4)** and [(29)] **(5)** of this section.

(2) The term of a member is 4 years[, except that five members may serve an initial 3-year term as required by the terms provided for staggered members of the Council on July 1, 2014].

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than two consecutive terms.

(6) The Governor may remove a member for neglect of duty, incompetence, or misconduct.

(f) A member of the Council may not receive compensation but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(g) **[(1)]** The **[Secretary of Information Technology]** **STATE CHIEF DATA OFFICER** is the Chair of the Council.

**[(2)]** The Director of the Governor's Office of Performance Improvement is the Vice Chair of the Council.]

(h) The staffing responsibilities of the Council shall be shared by the Department of Information Technology[, the Governor's Office of Performance Improvement,] and any [other] staff designated by the Governor.

(i) The Council may establish workgroups as necessary to complete the duties of the Council.

(j) The Council shall meet at least twice each year.

10–1504.

(a) The Council shall promote the policy established under § 10–1502 of this subtitle by:

(1) providing guidance and policy recommendations and when appropriate recommend legislation and regulations for:

(i) procedures, standards, and other deliverables for open data, including for open data portals;

(ii) promotion, advertising, and marketing of open data; and

(iii) best practices for sharing open data while taking into account privacy and security concerns;

**(2) ADVISING ON DATA INITIATIVES AND PRIORITIES;**

**(3) IDENTIFYING AND EXPLORING THE MEANS BY WHICH PARTNERSHIPS MAY BE DEVELOPED AND STRENGTHENED TO CONNECT MARYLAND DATA WITH COMMUNITIES AND SOCIAL SERVICE ORGANIZATIONS;**

[(2)] (4) coordinating the appropriate staff at each State entity for the development, maintenance, and use of open data and open data portals;

[(3)] (5) (i) identifying the collective cost of operating and investing in open data and funding mechanisms to support open data; and

(ii) advising the Governor and General Assembly on budget matters related to open data;

[(4)] (6) inviting and encouraging local entities and the legislative and judicial branches to:

(i) use open data portals established by State entities;

(ii) create their own open data portals; and

(iii) adopt policies consistent with the policy established under § 10–1502 of this subtitle;

[(5)] (7) establishing a plan for providing all open data to the public at no cost;

[(6)] (8) advocating for sound records management and data preservation practices; and

[(7)] (9) making recommendations to ensure that the purchase of new data processing devices, systems, and software by the State includes a review of compliance with the open data policy established under § 10–1502 of this subtitle and interoperability with current technology used by the State.

(b) On or before January 10 of each year, the Council shall report to the Governor and the General Assembly, in accordance with § 2–1257 of this article, on the activities of the Council for the previous year and any recommendations for legislation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.

**Approved by the Governor, April 14, 2026.**