

SENATE BILL 1539

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 10, relative to the Accountability and Engagement Through Transparency Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 10, Chapter 7, Part 2, is amended by adding the following as a new section:

- (a) This section is known and may be cited as the "Accountability and Engagement Through Transparency Act."
- (b) The purpose of this section is to facilitate an accessible and useable database of publicly available information generated by state agencies.
- (c) The state chief information officer shall appoint a chief data officer. The responsibilities of the chief data officer are:
 - (1) To create and maintain an open data program;
 - (2) To support the proactive release of all publishable state data, in open formats;
 - (3) To publish high-quality, updated data with documentation (metadata) and permanence to encourage maximum use;
 - (4) To provide or support access to free, historical archives of all released state data;
 - (5) To measure the effectiveness of datasets made available through the open data program by connecting open data efforts to the state's programmatic priorities;

(6) To minimize limitations on the disclosure of public information while appropriately safeguarding protected and sensitive information; and

(7) To support innovative uses of the state's publishable data by agencies, the public, and other partners.

(d) The chief data officer shall work with the state's departments and agencies to:

(1) For each state agency, identify and publish appropriate contact information for a lead open data coordinator who will be responsible for managing that agency's participation in the open data program;

(2) Oversee the creation of a comprehensive inventory of datasets held by each state agency which is published to the central open data location and is regularly updated;

(3) Develop and implement a process for determining the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;

(4) Develop and implement a process for prioritizing the release of datasets which takes into account new and existing signals of interest from the public, such as the frequency of public records requests; the state's programmatic priorities; existing opportunities for data use in the public interest; and cost;

(5) Proactively consult with members of the public, agency staff, journalists, researchers, and other stakeholders to identify the datasets which will have the greatest benefit to state residents if published in a high-quality manner; and

(6) Establish processes for publishing datasets to the central open data location, including processes for ensuring that datasets are high quality, up-to-date, are in use-appropriate formats, and exclude protected and sensitive information. The processes established pursuant to this subdivision (d)(6) must:

(A) Ensure that appropriate metadata is provided for each dataset in order to facilitate its use;

(B) Develop and oversee a routinely updated, public timeline for new dataset publication; and

(C) Ensure that published datasets are available for bulk download without legal encumbrance.

(e) In order to increase and improve use of the state's open data, the chief data officer shall actively encourage agency and public participation through providing regular opportunities for feedback and collaboration.

(f) The chief data officer shall prioritize publication of data sets:

(1) That increase the transparency and accountability of government, including campaign finance data, ethics reports, and budget and legislative material; and

(2) Most likely to support economic development in this state.

(g)

(1) The department of finance and administration shall create and maintain a central open data location on the department's website or in another suitable online location where the state's published data is available for download.

(2) Published datasets must be placed into the public domain, meaning that there are no restrictions or requirements placed on the use of these datasets.

(3) Each published dataset must be associated with contact information for the appropriate manager of that dataset as well as with a file layout or data dictionary that provides information about field labels and values.

(h) Within one (1) year of the effective date of this act, and thereafter no later than March 1 of each year, the chief data officer shall publish an annual open data report. The report must include:

(1) Assessment of progress toward achievement of the goals of the open data program;

(2) An assessment of how this state's open data program has furthered or will further the state's programmatic priorities;

(3) A description and publication timeline for datasets envisioned to be published by this state in the following year; and

(4) Suggestions for improving the open data management processes.

SECTION 2. For purposes of appointing the chief data officer and developing the open data program, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2022, the public welfare requiring it.