

JLCIMT/State CIO Geospatial Data Sharing Work Group

May 31, 2016

Potential Legislative Concept - Overview Document

Topic: Geospatial Framework data sharing between public bodies

Problem Statement:

- Decisions by government that save lives, protect property, preserve wildlife and natural resources, and ensure sustainable development have a crucial element in common: Success depends on reliable, accurate, timely information.
- Today, many decisions are based only on the best available data, which can be very poor and therefore have great uncertainty. Often, data is not available when needed or is inadequate for the particular decision. While some data sharing happens, much of the data collected and managed by government agencies is not shared, so agencies continue to duplicate the collection, management, and storage of data in their own operational silos.
- Geospatial data – any dataset with a locational element, such as an address, tax lot ID or latitude/longitude coordinate – is an essential component of the business of government. The vast majority of all information used in government at all levels can be referenced to a location.
- There are a variety of impediments that prevent data sharing between government agencies. Those impediments can be summarized as: privacy/confidentiality, liability/risk, and cost. Additional issues that must be addressed within any legislative concept concerning geospatial data sharing among public bodies include - governance, the effectiveness and use of intergovernmental agreements, and the cost of geospatial data management and sharing.
- Privacy/Confidentiality - the Public Records Laws include quite a number of classes of records that are exempt from public disclosure. That has made it more and more difficult for government agencies to confidently share data sets without risking the public disclosure of information that should be protected.
- Liability/Risk - Errors and inconsistencies exist in data, regardless of how much money and time is spent to get everything right. If those errors result in damage or loss of some kind, the authoritative government entity can be drawn into a protracted legal battle. Even if the government wins, there is a significant fear of being drawn into court. The concept of sovereign immunity in this type of case hasn't been fully tested. That has made it more difficult for government agencies to confidently share data without incurring the risk of legal action.
- Cost - ORS 190.050 & ORS 268.357 allow local and regional governments to charge for geospatial data under certain conditions. This was originally intended to help local governments pay for development and maintenance of geospatial data. Nevertheless, many local governments continue to struggle with the cost of development and maintenance of critical geospatial data, and many simply can't afford it, which means Oregon Government at all levels has "data holes." Access to and sharing of data between public bodies conditioned on the charging and payment of fees inhibits efficient and effective government decision making.
- Governance - Since 1994, the current Oregon Geographic Information Council has operated under a Governor's executive order with a membership predominately comprised of state agency representatives. In order to increase buy-in, participation, and adherence to the data sharing standards OGIC may set, stakeholders across Oregon's geospatial data sharing community strongly advocate for the establishment of the council as a statutory body with a more diverse, equitable, multi-jurisdictional membership comprised of representatives from federal, tribal, regional, state, and local government agencies and professional associations, non-profit organizations, and the public.

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- Intergovernmental Agreements - Stakeholders across Oregon's geospatial data sharing community understand and agree that the sheer number of Framework data sets to be shared among and between over 1000 public bodies operating in Oregon calls into question the efficacy of the use of intergovernmental agreements alone to establish the parameters within which geospatial Framework data will be shared. Statutory changes are needed. However, stakeholders believe that the use of intergovernmental agreements to manage data sharing between two or more jurisdictions makes sense in certain circumstances and that any legislative concept should preserve the ability for public bodies to develop and execute intergovernmental agreements in the future.
- Cost of data management and sharing - Many local governments and other geospatial Framework data providers don't keep the data in state standard formats now. Instead local governments and other data providers rely on regional aggregators or data stewards to transform the data, or they must transform it themselves before submitting it for publication at the Oregon Spatial Data Library. That means there's a cost for sharing standardized geospatial framework data. There are also maintenance costs for all the data providers, and for the stewards who have to aggregate the maintained data from all the providers. Stewards or aggregators are sometimes, for some geospatial Framework data sets, the only place where standardization is occurring. OGIC, through the appropriate stakeholder communities that are a part of its governance structure, needs to be setting and updating standards as better ways of doing things are identified. Then OGIC, through its governance structure, must also work with those stakeholders to identify acceptable costs for updating, transforming, and aggregating geospatial Framework data. This would be similar to what happens now with ORMAP for tax lot data, with the ORMAP Advisory Committee and Technical Committee setting standards and agreeing on acceptable costs and the distribution of funds for specific purposes.

Proposed Solution – a Legislative Concept that:

- Establishes the Oregon Geographic Information Council as a statutory body tasked with adopting, in consultation with the State Chief Information Officer, rules, policies and standards governing the identification of geospatial Framework data sets to be shared between public bodies, the frequency by which geospatial Framework data sets will be shared between public bodies, and the collection, use, management, sharing, maintenance, and funding of geospatial Framework data between public bodies in this state. OGIC membership will be diverse, multi-jurisdictional, and will include equitable representation by members from Federal, Tribal, Regional, State and local government agencies as well as professional associations, non-profit organizations and the public. OGIC would be established within the Office of the State CIO in the same manner that the State Interoperability Executive Council (SIEC) was established within HB 4031 (2014).
- Establishes the Oregon Geospatial Enterprise Office (GEO) and State Geographic Information Officer (GIO) position as the supporting, professional, and technical support components necessary for OGIC and geospatial Framework data sharing among Oregon public bodies to operate effectively. GEO and the State GIO position are currently, administratively established within the Office of the State CIO. In alignment with the approach taken with the State Interoperability Coordinator position within HB 4031 (2014) related to the SIEC and the State CIO, the Legislative Concept would formally establish the State GIO position and outline the State GIO's roles and responsibilities in support of OGIC and the State CIO.

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- Establishes an OGIC Fund. Monies in the fund would be used for development, acquisition or maintenance of geospatial Framework data or for such other activities authorized by the council that further the sharing of geospatial Framework data among public bodies in this state.
- Requires public bodies to share geospatial Framework data of which a public body is custodian (as defined in ORS 192.410) with other public bodies if the public body may do so using existing data and existing resources and without additional cost. Calls out the role of public bodies that serve as aggregators of data from multiple jurisdictions.
- Highlights and reinforces existing privacy/confidentiality/exemptions from public disclosure protections for critical infrastructure and other data/information within existing public records laws (ORS 192.410 to 192.505). This Legislative Concept concerns sharing of geospatial data among and between public bodies in Oregon. Public bodies in Oregon are all subject to the same public records laws and the same privacy/confidentiality/exemption from public disclosure protections (ORS 192.410 to 192.505).
- Provides that Oregon GEO shall establish, operate, support and maintain a central repository for shared geospatial Framework data (the Oregon Spatial Data Library); requires Oregon GEO to provide secure electronic means by which public bodies may share geospatial Framework data.
- Provides for certain exemptions from fees and liabilities in connection with sharing of geospatial Framework data among public bodies.

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Geospatial Framework Data

Framework data are fundamental geospatial data elements (~250 data elements), typically statewide in extent, considered to be authoritative, and intended to serve the purposes of a broad range of users at all levels of government, academia, and potentially the private sector and the public at large.

Framework datasets are organized into fifteen themes (in addition to reference data), developed to agreed-upon standards, shared openly, and are currently maintained through a voluntary collaborative community-based effort under stewardship agreements participated in by local, regional, and state level agencies within Oregon.

Oregon Framework Themes

Framework forms the data backbone of GIS. Oregon's Framework Team is focused on development and stewardship of the seven national GIS framework themes and eight commonly needed Oregon data themes. Reference is not a theme like the others, but organizes cross-theme information.



List of >250 geospatial framework data elements is available upon request.