

Joint Legislative Committee on Information Management and Technology

November 17, 2015

Potential Legislative Concept

Topic: Geospatial 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.
- 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.

Proposed Solution – a Legislative Concept that:

- Directs public bodies in Oregon to share geospatial data, for which they are the custodian, with other public bodies and attempts to eliminate the charging of fees or the transfer of funds between public bodies for the purpose of sharing geospatial data.
- Provides that public bodies that share geospatial data with another public body are not liable for errors, inaccuracies or omissions in the data and shall be held harmless from and against all damage, loss or liability arising from any use of geospatial data shared with other public bodies.
- Provides that a public body that shares geospatial data or receives shared data may withhold the shared data from public disclosure if the data consist of critical infrastructure information or is otherwise exempted from public disclosure within ORS 192.410 to 192.505 or other laws.
- Provides that the State Chief Information Officer shall serve as the authoritative central repository for the shared geospatial data and shall be responsible for making the data accessible to the identified user community, either from the central repository or via electronically shared services.