

DRAFT

SUMMARY

Requires public body to share geospatial framework data of which public body is custodian with other public bodies if public body may do so using existing data and existing resources and without additional cost.

Provides that State Chief Information Officer is repository for shared geospatial framework data and requires State Chief Information Officer to provide secure electronic means by which public bodies may share geospatial framework data. Requires State Chief Information Officer to determine how often public bodies must share geospatial framework data.

Provides for certain exemptions from fees and liabilities in connection with sharing of geospatial framework data.

Becomes operative July 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to sharing geospatial framework data among public bodies; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “Critical infrastructure information” means information about infrastructure that is so vital to this state and the United States that the incapacity or destruction of the infrastructure would detrimentally affect the personal and economic security, health or safety of residents of this state, including information about the security of items listed in ORS 192.502 (33).

(b) “Geospatial framework data” means digital data that comprise:

(A) Geographic or projected map coordinate values, identification codes and associated descriptive data for locating and describing fea-

tures and phenomena above, on or below the surface of the earth;

(B) Data that a public body is authorized by law to create and provide; and

(C) Data that the State Chief Information Officer identifies as necessary to support the business processes of various governmental agencies.

(c) "Public body" has the meaning given that term in ORS 174.109.

(2)(a) A public body shall share with other public bodies geospatial framework data of which the public body is a custodian, as defined in ORS 192.410, subject to the provisions of ORS 192.410 to 192.505 if:

(A) The public body does not incur costs other than the costs the public body would incur as a custodian of the geospatial framework data; and

(B) The public body uses existing data and existing resources to share the geospatial framework data.

(b) The State Chief Information Officer by rule shall identify specific sets of geospatial framework data that are subject to the requirements of this subsection.

(3) The State Chief Information Officer is the central repository for geospatial framework data that is subject to the requirements of subsection (2) of this section. The State Chief Information Officer shall provide secure electronic means by which a public body may transmit the geospatial framework data to the central repository and shall make the geospatial framework data available and accessible only to other public bodies through secure electronic means.

(4)(a) A public body shall provide geospatial framework data that is subject to the requirements set forth in subsection (2) of this section in accordance with data standards that the State Chief Information Officer adopts under ORS 291.038 and 291.039. If the State Chief Information Officer has not adopted data standards for the type of geospatial framework data the public body must share, the public body

1 shall provide the geospatial framework data in the format in which the
2 public body ordinarily maintains custody of the geospatial framework
3 data.

4 (b) A public body shall share geospatial framework data in accord-
5 ance with this subsection at intervals that the State Chief Information
6 Officer specifies by rule or, in the absence of a rule, annually.

7 (5) A public body that shares geospatial framework data of which
8 the public body is a custodian, as defined in ORS 192.410, with another
9 public body in accordance with this section may:

10 (a) Share the geospatial framework data without entering into a
11 written agreement with the other public body;

12 (b) Retain custody of the public body's geospatial framework data;

13 (c) Prohibit the other public body from sharing or redistributing the
14 geospatial framework data if the public body notifies the other public
15 body that the geospatial framework data is exempt from disclosure
16 under ORS 192.410 to 192.505 or if the public body claims a copyright
17 or other proprietary interest in the geospatial framework data;

18 (d) Withhold from public disclosure any geospatial framework data
19 that is critical infrastructure information, notwithstanding the pro-
20 visions of ORS 192.410 to 192.505; and

21 (e) Share geospatial framework data without imposing or becoming
22 subject to fees under ORS 190.050 or 192.440 and without liability for:

23 (A) Omissions, inaccuracies or other errors in the geospatial
24 framework data; and

25 (B) Damages, losses or other claims that may arise from the other
26 public body's use of the geospatial framework data.

27 **SECTION 2.** (1) Section 1 of this 2016 Act becomes operative on July
28 1, 2016.

29 (2) The State Chief Information Officer and a public body that is
30 subject to section 1 of this 2016 Act may take any action before the
31 operative date specified in subsection (1) of this section that is neces-

1 sary to enable the State Chief Information Officer or the public body
2 to exercise, on and after the operative date specified in subsection (1)
3 of this section, all of the duties, functions and powers conferred on the
4 State Chief Information Officer or the public body by section 1 of this
5 2016 Act.

6 SECTION 3. This 2016 Act being necessary for the immediate pres-
7 ervation of the public peace, health and safety, an emergency is de-
8 clared to exist, and this 2016 Act takes effect on its passage.
