

LC 168
2016 Regular Session
12100-002
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D R A F T

SUMMARY

Directs State Chief Information Officer to develop standards, protocols and procedures for specified executive department agencies to use in fulfilling public records requests that seek records in electronic form.

Directs Oregon Department of Administrative Services to coordinate efforts of certain executive department agencies in fulfilling public records requests for records in electronic form and to provide technical assistance to other specified executive department agencies in fulfilling public records requests for records in electronic form. Provides that duties of department become operative January 1, 2017.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fulfilling public records requests for electronic records; creating
3 new provisions; amending ORS 291.039; and declaring an emergency.

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

5 **SECTION 1.** ORS 291.039 is amended to read:

6 291.039. (1) The office of the State Chief Information Officer is established
7 in the Oregon Department of Administrative Services for the purpose of di-
8 recting, coordinating and overseeing state information technology and tele-
9 communications in accordance with ORS 291.038 and other statutes, rules
10 and policies that govern the state's or state agencies' budgeting, planning,
11 acquiring, managing, overseeing and using telecommunications and informa-
12 tion technology.

13 (2) The Governor shall appoint the State Chief Information Officer, who
14 serves at the pleasure of the Governor. The State Chief Information Officer
15 may adopt rules in accordance with ORS chapter 183 to exercise and carry

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 out the duties, functions and powers committed to the State Chief Informa-
2 tion Officer under ORS 291.038 and other statutes, rules or policies that
3 commit functions to the State Chief Information Officer.

4 (3) The State Chief Information Officer must be a person who, by training
5 and experience, is well qualified to:

6 (a) Perform the duties that the Governor specifies; and

7 (b) Carry out the functions specified in ORS 291.038 and in other statutes,
8 rules or policies that commit functions to the State Chief Information Offi-
9 cer.

10 (4)(a) The State Chief Information Officer shall:

11 (A) Serve as the Governor's chief advisor concerning information re-
12 sources, information technology, information systems, geographic informa-
13 tion systems, information systems security and telecommunications.

14 (B) Implement and maintain an information technology governance pro-
15 gram for the executive department.

16 (C) Adopt rules, policies and standards for budgeting, planning, acquiring,
17 installing, operating and overseeing telecommunications and information
18 technology for the executive department.

19 (D) Review and make recommendations to the Governor and the Legisla-
20 tive Assembly concerning state agency information technology budget re-
21 quests.

22 (E) Adopt plans, rules, policies and standards for the executive depart-
23 ment concerning geographic information systems and geographic data.

24 (F) Adopt state information systems security plans, rules, policies and
25 standards for the executive department.

26 (G) Assess state agencies each biennium to evaluate compliance with the
27 State Chief Information Officer's rules, policies and standards and provide
28 results of the assessments to the Governor and to the Joint Legislative
29 Committee on Information Management and Technology.

30 (H) Develop and promote training programs in information technology,
31 information systems security, geographic information systems, enterprise ar-

1 chitecture and project and portfolio management.

2 (I) Enhance sharing and coordination among federal, tribal, regional,
3 state government and local government entities in this state with respect to
4 geographic information systems and geographic data.

5 (J) Oversee information technology and telecommunications procurements
6 as provided in ORS 279A.050 (7).

7 (K) Conduct a market analysis each biennium to determine whether the
8 state data center is the most effective and efficient method for providing
9 information technology and information resources to state agencies and
10 other users. In conducting the market analysis, the State Chief Information
11 Officer shall consider best practices and trends among federal, state and lo-
12 cal government entities and the extent to which new or emerging technolo-
13 gies affect how the state provides information technology and information
14 resources. The State Chief Information Officer shall provide the results of
15 the analysis to the Governor and to the Joint Legislative Committee on In-
16 formation Management and Technology and may recommend changes in the
17 information technology and information resources that the state data center
18 provides or in methods that the state data center uses to provide information
19 technology and information resources.

20 (L) Identify information technology services that the State Chief Infor-
21 mation Officer recommends for design, delivery and management as enter-
22 prise or shared information technology services and, each biennium, report
23 to the Governor and the Joint Legislative Committee on Information Man-
24 agement and Technology concerning the status of new enterprise or shared
25 information technology services.

26 (M) Adopt or update each biennium an Enterprise Information Resources
27 Management Strategy for the state. In addition to the functions described in
28 ORS 184.477, the Enterprise Information Resources Management Strategy
29 must provide for integrating statewide technology initiatives, ensuring com-
30 pliance with information technology rules, policies and standards, promoting
31 coordination, consolidation and alignment of information resources and

1 technologies and effectively managing the state's and state agencies' infor-
2 mation technology portfolios. In developing the Enterprise Information Re-
3 sources Management Strategy, the State Chief Information Officer shall
4 consult with and consider advice and suggestions from the department, state
5 agencies and local governments, from private sector information technology
6 experts, from the Legislative Fiscal Officer, from the Joint Legislative Com-
7 mittee on Information Management and Technology or from individual
8 members of the Legislative Assembly that the President of the Senate and
9 the Speaker of the House of Representatives appoint for the purpose of con-
10 sulting with the State Chief Information Officer under this subsection.

11 (N) Identify and recommend to the Governor, within the State Chief In-
12 formation Officer's biennial budget request, resources that are necessary to
13 implement the Enterprise Information Resources Management Strategy.

14 **(O) Develop standards, protocols and procedures for executive de-**
15 **partment agencies to use in searching for and identifying requested**
16 **public records that are retained in electronic form and to use in ful-**
17 **filling public records requests that seek records in electronic form.**

18 (b) As used in this subsection:

19 (A) "Executive department" has the meaning given that term in ORS
20 174.112, except that "executive department" does not include the Secretary
21 of State in performing the duties of the constitutional office of Secretary of
22 State or the State Treasurer in performing the duties of the constitutional
23 office of State Treasurer.

24 (B) "Geographic data" means digital data that consist of geographic or
25 projected map coordinate values, identification codes and associated de-
26 scriptive data to locate and describe boundaries or features on, above or be-
27 low the surface of the earth, demographic data or related data.

28 (C) "Geographic information system" means hardware, software, and data
29 for capturing, managing, analyzing and displaying geographic data.

30 (D) "Information system" means computers, hardware, software, storage
31 media, networks, operational procedures and processes used in collecting,

1 processing, storing, sharing or distributing information within, or with any
2 access beyond ordinary public access to, the state's shared computing and
3 network infrastructure.

4 (E) "State government" has the meaning given that term in ORS 174.111.

5 (5) The State Chief Information Officer may:

6 (a) Organize and reorganize the office of the State Chief Information Of-
7 ficer in the manner the State Chief Information Officer considers necessary
8 to conduct the work of the office of the State Chief Information Officer
9 properly.

10 (b) Divide the office of the State Chief Information Officer into adminis-
11 trative programs, units or sections and appoint an individual to administer
12 each program, unit or section that the State Chief Information Officer es-
13 tablishes under this subsection. The individual the State Chief Information
14 Officer appoints serves at the pleasure of the State Chief Information Officer
15 and must be well qualified by technical training and experience in the
16 functions the individual will perform. The State Chief Information Officer's
17 actions under this paragraph are subject to ORS chapter 240.

18 (c) Appoint subordinate officers and employees of the office of the State
19 Chief Information Officer, prescribe the officers' and employees' duties and
20 fix compensation for the officers and employees. The State Chief Information
21 Officer's actions under this paragraph are subject to ORS chapter 240.

22 (d) Delegate to an employee of the office of the State Chief Information
23 Officer or to another individual any duty, function or power that the State
24 Chief Information Officer may exercise or perform under ORS 291.038 or
25 under other statutes, rules or policies that commit functions to the State
26 Chief Information Officer. For the purpose of performing an official act in
27 the State Chief Information Officer's name, the State Chief Information Of-
28 ficer may delegate a duty, function or power by means of an interagency
29 agreement, an intergovernmental agreement in accordance with ORS chapter
30 190 or a contract. An official act that an individual performs in the name
31 of the State Chief Information Officer under a delegation from the State

1 Chief Information Officer under this paragraph is an official act of the State
2 Chief Information Officer.

3 **SECTION 2. (1) As used in this section, “executive department” has**
4 **the meaning given that term in ORS 174.112, except that “executive**
5 **department” does not include the Secretary of State in performing the**
6 **duties of the constitutional office of Secretary of State or the State**
7 **Treasurer in performing the duties of the constitutional office of State**
8 **Treasurer.**

9 (2) The Oregon Department of Administrative Services shall coor-
10 dinate the efforts of each executive department agency for which the
11 department is the custodian of the public records of the agency that
12 are retained in electronic form, in fulfilling public records requests
13 made of the agency.

14 (3) The department shall provide technical assistance to each exec-
15 utive department agency for which the department is not the custo-
16 dian of the public records of the agency that are retained in electronic
17 form, in fulfilling public records requests made of the agency.

18 (4) When an executive department agency is aware that the same
19 public records request has been made of itself and one or more other
20 executive department agencies, the agency shall consult with the de-
21 partment prior to producing records in order to ensure consistency
22 between agencies in the production of records.

23 (5) In providing coordination and technical assistance under this
24 section, the department shall apply the standards, protocols and pro-
25 cedures that the State Chief Information Officer develops under ORS
26 291.039 (4)(a)(O).

27 **SECTION 3. Section 2 of this 2016 Act becomes operative January**
28 **1, 2017.**

29 **SECTION 4. The State Chief Information Officer and the Oregon**
30 **Department of Administrative Services may adopt rules to implement**
31 **the provisions of ORS 291.039 (4)(a)(O), as amended by section 1 of this**

1 **2016 Act, and section 2 of this 2016 Act, including but not limited to**
2 **rules establishing procedures for compiling public records that are**
3 **stored in electronic form.**

4 **SECTION 5. This 2016 Act being necessary for the immediate pres-**
5 **ervation of the public peace, health and safety, an emergency is de-**
6 **clared to exist, and this 2016 Act takes effect on its passage.**

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