

1 AN ACT relating to government data by providing for the adoption of an open data  
2 standard to allow for centralization of government data sets at a uniquely identified  
3 uniform Web site resource locator address.

4 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

5 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO  
6 READ AS FOLLOWS:

7 ***The General Assembly hereby finds and declares that it is in the best interest of the***  
8 ***Commonwealth of Kentucky that its agencies make public data sets promptly available***  
9 ***online using open standards. Making public data sets available online using open***  
10 ***standards will make the operation of state government more transparent, effective, and***  
11 ***accountable to the public and will streamline both intragovernmental and***  
12 ***intergovernmental communication and interoperability, permit the public to assist in***  
13 ***identifying efficient solutions for government, promote innovative strategies for social***  
14 ***progress, and create economic opportunities.***

15 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO  
16 READ AS FOLLOWS:

17 ***As used in Sections 1 to 5 of this Act:***

18 ***(1) "Agency strategic data architecture plan" means a comprehensive program***  
19 ***developed by a state agency that articulates both the principles and goals related***  
20 ***to the application of its services and programs to the current and future needs of***  
21 ***the state agency.***

22 ***(2) "Application programming interface" means a system access point or library***  
23 ***function that has a well-defined syntax and is accessible from application***  
24 ***programs or user code to provide well-defined functionality.***

25 ***(3) "Data" means the final versions of statistical or factual information that:***

26 ***1. Are in alphanumeric or geospatial form reflected in a list, table,***  
27 ***graph, chart, map, or other non-narrative form that can be digitally***

- 1                    transmitted or processed;
- 2                    2. Are regularly created or maintained by or on behalf of and controlled
- 3                    by a state agency; and
- 4                    3. Record a measurement, transaction, or determination, or provide
- 5                    information on government services initiatives and resources related
- 6                    to the mission of the state agency.
- 7                    (4) "Data portal" means a Web site where state agencies can provide data sets and
- 8                    other data as identified by the data working group pursuant to Section 4 of this
- 9                    Act.
- 10                   (5) "Data set" means a collection of related records maintained on a storage device
- 11                   containing data organized or formatted in a specific or prescribed way, often in
- 12                   tabular form, including metadata.
- 13                   (6) "Machine-readable" means a format in which information can be easily
- 14                   processed by computer without human intervention while ensuring no semantic
- 15                   meaning is lost.
- 16                   (7) "Metadata" means data that describes and provides information about other
- 17                   data.
- 18                   (8) "Open operating standard" means a technical data standard developed and
- 19                   maintained by a voluntary consensus standards body that is available to the
- 20                   public without royalty or fee.
- 21                   (9) "Public data set" means a comprehensive collection of interrelated data that is
- 22                   collected by a state agency and is available for inspection by the public in
- 23                   accordance with any provision of state law or regulation and is maintained on a
- 24                   computer system by, or on behalf of, a state agency, but does not include data that
- 25                   would violate federal or state law or regulation or endanger the public if the data
- 26                   were made publicly available.
- 27                   (10) "State agency" means each program cabinet listed under Roman numeral II. in

1 KRS 12.020 and each department listed under Roman numeral III. in KRS  
2 12.020.

3 (11) "Technical data standard" means:

4 (a) The common and repeated use of rules, conditions, guidelines, or  
5 characteristics for products or related processes and production methods,  
6 and related management systems practices; and

7 (b) The definition of terms, classification of components, delineation of  
8 procedures, specification of dimensions, materials, performance, designs, or  
9 operations, measurement of quality and quantity in describing materials,  
10 processes, products, systems, services, or practices, test methods and  
11 sampling procedures, or descriptions of fit and measurements of size and  
12 strength.

13 (12) "Voluntary consensus standards body" means a domestic or international  
14 organization that develops and maintains a technical data standard that utilizes a  
15 transparent deliberative process, permits the participation of and maintains a  
16 technical data standard that utilizes a transparent deliberative process, permits  
17 the participation of any party, and achieves general consensus, although not  
18 necessarily unanimity, of the participating parties, including a process for  
19 attempting to resolve any differences in viewpoint.

20 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO  
21 READ AS FOLLOWS:

22 (1) There is hereby created an open operating standard for the Commonwealth of  
23 Kentucky. The Commonwealth Office of Technology shall promulgate  
24 administrative regulations necessary for the implementation of Sections 1 to 5 of  
25 this Act. Under this open operating standard, each state agency shall make  
26 available public data sets in machine-readable format.

27 (2) Public data sets that are made available on the Internet by state agencies shall be

1 accessible through a single, Web-based data portal maintained by, or on behalf  
2 of, the state as deemed appropriate by the Commonwealth Office of Technology  
3 within one (1) year from the effective date of this Act. If an agency cannot make  
4 all such public data sets available on the single Web-based data portal, the  
5 agency shall report to the Commonwealth Office of Technology the reasons why  
6 it cannot do so and the date by which it expects the data sets to be available on the  
7 single Web-based data portal.

8 (3) Public data sets that are made available by state agencies on the Internet shall be  
9 accessible through the single Web-based data portal and accessible to external  
10 search capabilities. Public data sets shall be made available in accordance with  
11 technical data standards published by the Commonwealth Office of Technology  
12 upon consultation with subject-matter experts from all state agencies,  
13 representatives of units of local governments, nonprofit organizations  
14 specializing in technology and innovation, the academic community, area  
15 development districts, and any other group interested in the use of technology  
16 and data. The open operating standards shall be created with the goal of making  
17 data sets machine-readable and available to the greatest number of users and for  
18 the greatest number of applications

19 (4) Public data sets shall be for informational purposes only. Neither the  
20 Commonwealth nor any state agency warrants the fitness of any data set made  
21 available on the single Web-based data portal for any particular purpose. Neither  
22 the Commonwealth nor any state agency shall be liable for deficiencies in the  
23 completeness or accuracy of any data set or third-party application utilizing a  
24 data set.

25 (5) With respect to information and data, there shall be a presumption that public  
26 data sets are open, to the extent permitted by law and subject to valid privacy,  
27 confidentiality, security, or other restrictions and exemptions afforded under all

1 applicable state, federal, or local law, regulation, or ordinance. While the  
2 presumption is for all data to be made public, some data elements if released  
3 could cause privacy harms, put critical information at risk, or put public safety  
4 personnel and initiatives at risk. State agencies shall use tools approved by the  
5 Commonwealth Office of Technology or subsequently promulgated through  
6 administrative regulation to assess the risk of a proposed data set by balancing  
7 the potential harm against the public interest in disclosure.

8 (6) The Commonwealth Office of Technology may take reasonable measures to  
9 maintain bandwidth availability of the single Web-based data portal. It shall  
10 conspicuously publish a public data set legal policy, as provided in Sections 1 to 5  
11 this Act, on the single Web-based data portal. It shall provide a method to solicit  
12 feedback from the public on public data set policies and public data set availability  
13 on the single Web-based data portal.

14 (7) Public data sets shall be provided in a format that permits the public to be  
15 notified of updates whenever possible and updated as often as possible to preserve  
16 the integrity and usefulness of the public data sets. Alteration or removal of  
17 public data sets shall be documented and include appropriate version tracking  
18 and archiving. The Commonwealth Office of Technology shall promulgate  
19 administrative regulations prescribing the manner in which public data sets shall  
20 be updated by an agency responsible for the sharing of the public data sets.

21 (8) Public data sets shall be made available without any registration or licensing  
22 requirement or restrictions on the use. Third parties providing public data sets  
23 are bound to the same requirements as their sponsoring agency. Anyone  
24 distributing or leveraging any public data set or application utilizing such public  
25 data set shall explicitly identify the source and version of the public data set and a  
26 description of any modifications made to the public data set. "Registration or  
27 licensing requirements or restrictions on the use" as used in this subsection shall

1 not include measures designed or required to ensure access to public data sets, to  
2 protect the single Web-based data portal from unlawful abuse or attempts to  
3 damage or impair use of the website, or to analyze the types of data being used to  
4 improve service delivery.

5 (9) For purposes of prioritizing public data sets for inclusion on the single Web-  
6 based data portal during implementation of Sections 1 to 5 of this Act, state  
7 agencies shall consider whether information contained in the public data set:

8 (a) Can be used to increase agency accountability, efficiency, and  
9 responsiveness;

10 (b) Improves public knowledge of the agency and its operations;

11 (c) Furthers the mission of the agency;

12 (d) Creates economic opportunity;

13 (e) Is received via the online forum for inclusion in a particular data set;

14 (f) Responds to a need or demand identified by public consultation or concern;

15 (g) Is sufficiently complete, accurate, and reliable to justify inclusion;

16 (h) Could disperse the personally identifiable information of an individual; and

17 (i) Is useful in evaluating the allocation of public resources through cost-  
18 benefit analysis.

19 (10) The Commonwealth Office of Technology shall evaluate safe and secure  
20 information platforms, including platforms furnished by third parties, before  
21 making any new information technology or telecommunications investments and  
22 adopt appropriate solutions for a single Web-based data portal.

23 (11) The provisions of Sections 1 to 5 of this Act shall apply to the records of third  
24 parties that create or acquire information, records, or data on behalf of the  
25 Commonwealth or any state agency as well as any data that would otherwise be  
26 considered public data that is not owned by a state agency.

27 (12) All public data sets shall be entirely in the public domain for purposes of federal

1 copyright law.

2 (13) The Commonwealth Office of Technology may include data sets of other  
3 nongovernmental entities, institutions, or nonprofits on the single Web-based  
4 data portal if the data:

5 (a) Meets the publication standards of the Commonwealth Office of  
6 Technology;

7 (b) Is created for a noncommercial purpose; and

8 (c) Is so intertwined with the Commonwealth that the Commonwealth Office of  
9 Technology finds that its exclusion would be impracticable or inconvenient.

10 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO  
11 READ AS FOLLOWS:

12 (1) Within ninety (90) days of the effective date of this Act, the Commonwealth  
13 Office of Technology shall convene the data working group. The members of the  
14 working group shall include representatives and agency data officers from state  
15 agencies. Within forty-five (45) days of the effective date of this Act, each state  
16 agency shall appoint an agency data officer who shall represent the agency in the  
17 working group. The working group shall assist the Commonwealth Office of  
18 Technology in carrying out the duties prescribed in Sections 1 to 5 of this Act.  
19 Representatives of the Administrative Office of the Courts and the Legislative  
20 Research Commission may elect to participate in the working group. Other state  
21 entities that are not considered state agencies under Sections 1 to 5 of this Act  
22 may elect to participate in the working group at the discretion of the executive  
23 director of the Commonwealth Office of Technology.

24 (2) Within one hundred twenty (120) days of the effective date of this Act, the  
25 representatives of the data working group shall provide the Commonwealth  
26 Office of Technology with a list of all public data sets.

27 (3) Within one hundred twenty (120) days of the effective date of this Act, the

1 Commonwealth Office of Technology shall prepare and publish a portal use and  
2 technical data standards library for the publishing by state agencies of public  
3 data sets in raw or unprocessed form for the purpose of making public data  
4 available to the greatest number of users and applications, and shall, whenever  
5 practicable, use open standards for Web publishing and e-government. The  
6 library shall include instructions or utilize a Web application programming  
7 interface that permits application programs to request and receive public data  
8 sets directly from the single Web-based data portal. The library and related  
9 policies shall be updated as necessary. The Commonwealth Office of Technology  
10 shall consult with subject-matter experts from all state agencies, representatives  
11 of units of local governments, nonprofit organizations specializing in technology  
12 and innovation, the academic community, and voluntary consensus standards  
13 bodies and participate with those bodies in the development of technical and open  
14 standards when participation is feasible, in the public interest, and compatible  
15 with agency missions, authorities, and priorities.

16 (4) Within one hundred twenty (120) days of the effective date of this Act, each state  
17 agency shall submit an implementation plan and an agency strategic data  
18 architecture plan consistent with Sections 1 to 5 of this Act to the Commonwealth  
19 Office of Technology for integration at the enterprise level and shall make the  
20 plans available to the public on the open data portal. A state agency shall  
21 collaborate with the Commonwealth Office of Technology in formulating these  
22 plans. The implementation plan shall include a summary description of public  
23 data sets under the control of the state agency as of the effective date of this Act.  
24 A state agency shall review and update the plans no later than July 1 every year  
25 thereafter.

26 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO  
27 READ AS FOLLOWS:



- 1 (1) The Auditor of Public Accounts shall conduct a series of examinations and  
2 verifications as described in this section and shall make recommendations to  
3 improve the disclosure and inclusion of all public data sets required to be on the  
4 single Web-based data portal pursuant to Sections 1 to 5 of this Act.
- 5 (2) Within one hundred eighty (180) days of the effective date of this Act, the Auditor  
6 of Public Accounts shall present to the Governor a plan for conducting  
7 examinations and verifications described in this section. The Governor shall  
8 review this plan to verify that it conforms with either a generally accepted  
9 auditing process or a process that the Auditor of Public Accounts would use in  
10 such an examination. The Governor may make recommendations to the Auditor  
11 of Public Accounts in order to improve the auditing process and ensure  
12 compliance with the Kentucky Open Data Portal Act, Sections 1 to 5 of this Act.
- 13 (3) No later than two (2) years after the effective date of this Act, and every two (2)  
14 years thereafter, the Auditor of Public Accounts shall conduct an examination  
15 and verification of the compliance with the requirements of Sections 1 to 5 of this  
16 Act and submit the findings of the examination and verification to the Governor,  
17 the Legislative Research Commission, the examined state agency, and the  
18 Commonwealth Office of Technology. these findings shall include a list of all  
19 public data sets that were not made available on the single Web-based portal in  
20 accordance with the provisions of Sections 1 to 5 of this Act or were not disclosed  
21 in the agency compliance plan as required in Section 4 of this Act, as well as a  
22 description of any deviations in the examination and verification process from  
23 the plan approved pursuant to Section 4 of this Act. In preparing these findings,  
24 the Auditor of Public Accounts shall accept suggestions from the public as to  
25 possible public data sets within state agencies that have not yet been disclosed.
- 26 (4) No later than two (2) years after the effective date of this Act, the Auditor of  
27 Public Accounts shall submit a written report to the Governor and to the

1 Legislative Research Commission describing the Commonwealth's compliance  
2 with the requirements of Sections 1 to 5 of this Act, including a complete list of  
3 public data sets discovered by the office or agency designated by the Governor  
4 that were not previously made available on the single Web-based data portal or  
5 disclosed in the agency compliance plan as well as recommendations to improve  
6 the disclosure and inclusion of all public data sets required to be included on the  
7 single Web-based data portal. In preparing this report, the office or agency  
8 designated by the Auditor of Public Accounts shall also accept suggestions from  
9 the public as to possible public data sets that have not been disclosed. The report  
10 and findings shall be posted on the open data portal Web site no later than ten  
11 (10) days after submission to the Governor.

12 (5) No later than December 31, 2021, and every year thereafter, the Commonwealth  
13 Office of Technology shall submit and post on the open data portal an update of  
14 the compliance plan to the Governor. The update shall include the specific  
15 measures undertaken to make public data sets available on the single Web-based  
16 data portal since the most recent update, specific measures to be undertaken prior  
17 to the next update, an update to the list of public data sets, any changes to the  
18 prioritization of public data sets, and an update to the timeline for the inclusion  
19 of data sets on the single Web-based data portal. If a public data set cannot be  
20 made available on the single Web-based data portal on or before December 31,  
21 2021, the update shall state the reasons why it cannot be made available and, to  
22 the extent practicable, the date estimated by which the agency believes that this  
23 public data set will be available on the single Web-based data portal.

24 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO  
25 READ AS FOLLOWS:

26 (1) There is hereby established the Commonwealth of Kentucky Data Governance  
27 and Management Advisory Board, which shall be administratively attached to the

1 Commonwealth Office of Technology.

2 (2) The Commonwealth of Kentucky Data Governance and Management Advisory  
3 Board shall advise the chief data officer of the Commonwealth regarding the  
4 establishment of business rules, guidelines, and best practices as set forth in  
5 Sections 1 to 5 of this Act.

6 (3) The Commonwealth of Kentucky Data Governance and Management Advisory  
7 Board shall consist of nine (9) voting members and fifteen (15) nonvoting  
8 members as follows:

9 (a) The secretary of the Cabinet for Health and Family Services or his or her  
10 designee;

11 (b) The secretary of the Justice and Public Safety Cabinet or his or her  
12 designee;

13 (c) The secretary of the Transportation Cabinet or his or her designee;

14 (d) The secretary of the Education and Workforce Development Cabinet or his  
15 or her designee;

16 (e) The secretary of the Finance and Administration Cabinet or his or her  
17 designee;

18 (f) The secretary of the Cabinet for Economic Development or his or her  
19 designee;

20 (g) The Commonwealth of Kentucky chief information officer, who shall serve  
21 as chair;

22 (h) The mayor of Louisville or his or her designee;

23 (i) The president of the Kentucky Council on Postsecondary Education or his  
24 or her designee;

25 (j) A member of the General Assembly appointed by the Speaker of the House  
26 of Representatives to serve as a nonvoting member;

27 (k) A member of the General Assembly appointed by the Minority Leader of the

- 1           House of Representatives to serve as a nonvoting member;
- 2           (l) A member of the General Assembly appointed by the President of the Senate
- 3           to serve as a nonvoting member;
- 4           (m) A member of the General Assembly appointed by the Minority Leader of the
- 5           Senate to serve as a nonvoting member;
- 6           (n) The chief data officer for the Commonwealth Office of Technology to serve
- 7           as a nonvoting member;
- 8           (o) The chief information security officer for the Commonwealth Office of
- 9           Technology to serve as a nonvoting member;
- 10          (p) The chief compliance officer for the Commonwealth Office of Technology
- 11          to serve as a nonvoting member;
- 12          (q) The executive director of the Office of Homeland Security or his or her
- 13          designee to serve as a nonvoting member;
- 14          (r) The Attorney General or his or her designee to serve as a nonvoting
- 15          member;
- 16          (s) The State Treasurer or his or her designee to serve as a nonvoting member;
- 17          (t) The Secretary of State or his or her designee to serve as a nonvoting
- 18          member;
- 19          (u) The state librarian or his or her designee to serve as a nonvoting member;
- 20          (v) The director of the Administrative Office of the Courts or his or her
- 21          designee to serve as a nonvoting member;
- 22          (w) A representative from the Kentucky Association of Counties as a nonvoting
- 23          member; and
- 24          (x) A representative from the Kentucky League of Cities as a nonvoting
- 25          member.
- 26          (4) Members of the board shall meet at least two (2) times per year and may meet at
- 27          such other times as the chair shall designate. A majority of members shall

1        **constitute a quorum for the transaction of business. Members shall serve without**  
 2        **compensation.**

3        ➔Section 7. KRS 12.050 is amended to read as follows:

4        Unless otherwise provided by law, deputy heads of departments, **agency data officers,**  
 5        and directors of divisions and institutions shall be appointed by the heads of the  
 6        departments and in statutory departments the appointment of deputy heads of  
 7        departments, **agency data officers,** and heads of divisions shall be with the prior written  
 8        approval of the Governor. In departments each division head shall report to the head of  
 9        the department to which the division is assigned.

10       ➔Section 8. KRS 42.732 is amended to read as follows:

11       (1) There is hereby created the Kentucky Information Technology Advisory Council to:

12       (a) Advise the executive director of the Commonwealth Office of Technology on  
 13       approaches to coordinating information technology solutions among libraries,  
 14       public schools, local governments, universities, and other public entities;

15       (b) Advise the executive director of the Commonwealth Office of Technology on  
 16       coordination among and across the organizational units of the executive  
 17       branch of state government to prepare for, respond to, and prevent attacks;{  
 18       ~~and~~}

19       (c) Provide a forum for the discussion of emerging technologies that enhance  
 20       electronic accessibility to various publicly funded sources of information and  
 21       services; **and**

22       **(d) Advise the data working group on inclusion of data sets to be included in**  
 23       **the open data portal.**

24       (2) The Kentucky Information Technology Advisory Council shall consist of:

25       (a) The state budget director or a designee;

26       (b) The state librarian or a designee;

27       (c) One (1) representative from the public universities to be appointed by the

- 1 Governor from a list of three (3) persons submitted by the Council on  
2 Postsecondary Education;
- 3 (d) Three (3) citizen members from the private sector with information  
4 technology knowledge and experience appointed by the Governor;
- 5 (e) Two (2) representatives of local government appointed by the Governor;
- 6 (f) One (1) representative from the area development districts appointed by the  
7 Governor from a list of names submitted by the executive directors of the area  
8 development districts;
- 9 (g) One (1) member of the media appointed by the Governor;
- 10 (h) The executive director of the Kentucky Authority for Educational Television;
- 11 (i) The chair of the Public Service Commission or a designee;
- 12 (j) Two (2) members of the Kentucky General Assembly, one (1) from each  
13 chamber, selected by the Legislative Research Commission;
- 14 (k) One (1) representative of the Administrative Office of the Courts;
- 15 (l) One (1) representative from the public schools system appointed by the  
16 Governor;
- 17 (m) One (1) representative of the Kentucky Chamber of Commerce;
- 18 (n) The executive director of the Commonwealth Office of Technology; and
- 19 (o) The executive director of the Kentucky Communications Network Authority  
20 or designee.
- 21 (3) Appointed members of the council shall serve for a term of two (2) years. Members  
22 who serve by virtue of an office shall serve on the council while they hold the  
23 office.
- 24 (4) Vacancies on the council shall be filled in the same manner as the original  
25 appointments. If a nominating organization changes its name, its successor  
26 organization having the same responsibilities and purposes shall be the nominating  
27 organization.

1 (5) Members shall receive no compensation but shall receive reimbursement for actual  
2 and necessary expenses in accordance with travel and subsistence requirements  
3 established by the Finance and Administration Cabinet.

4 ➔Section 9. KRS 42.726 is amended to read as follows:

5 (1) The Commonwealth Office of Technology shall be the lead organizational entity  
6 within the executive branch regarding delivery of information technology services,  
7 including application development and delivery, and shall serve as the single  
8 information technology authority for the Commonwealth.

9 (2) The roles and duties of the Commonwealth Office of Technology shall include but  
10 not be limited to:

11 (a) Providing technical support and services to all executive agencies of state  
12 government in the application of information technology;

13 (b) Assuring compatibility and connectivity of Kentucky's information systems;

14 (c) Developing strategies and policies to support and promote the effective  
15 applications of information technology within state government as a means of  
16 saving money, increasing employee productivity, and improving state services  
17 to the public, including electronic public access to information of the  
18 Commonwealth;

19 (d) Developing, implementing, and managing strategic information technology  
20 directions, standards, and enterprise architecture, including implementing  
21 necessary management processes to assure full compliance with those  
22 directions, standards, and architecture;

23 (e) Promoting effective and efficient design and operation of all major  
24 information resources management processes for executive branch agencies,  
25 including improvements to work processes;

26 (f) Developing, implementing, and maintaining the technology infrastructure of  
27 the Commonwealth and all related support staff, planning, administration,

- 1           asset management, and procurement for all executive branch cabinets and  
2           agencies except:
- 3           1.    Agencies led by a statewide elected official;
  - 4           2.    The nine (9) public institutions of postsecondary education;
  - 5           3.    The Department of Education's services provided to local school  
6           districts;
  - 7           4.    The Kentucky Retirement Systems and the Teachers' Retirement  
8           System;
  - 9           5.    The Kentucky Housing Corporation;
  - 10          6.    The Kentucky Lottery Corporation;
  - 11          7.    The Kentucky Higher Education Student Loan Corporation; and
  - 12          8.    The Kentucky Higher Education Assistance Authority;
- 13          (g) Facilitating and fostering applied research in emerging technologies that offer  
14          the Commonwealth innovative business solutions;
- 15          (h) Reviewing and overseeing large or complex information technology projects  
16          and systems for compliance with statewide strategies, policies, and standards,  
17          including alignment with the Commonwealth's business goals, investment,  
18          and other risk management policies. The executive director is authorized to  
19          grant or withhold approval to initiate these projects;
- 20          (i) Integrating information technology resources to provide effective and  
21          supportable information technology applications in the Commonwealth;
- 22          (j) Establishing a central statewide geographic information clearinghouse to  
23          maintain map inventories, information on current and planned geographic  
24          information systems applications, information on grants available for the  
25          acquisition or enhancement of geographic information resources, and a  
26          directory of geographic information resources available within the state or  
27          from the federal government;



- 1 (k) Coordinating multiagency information technology projects, including  
2 overseeing the development and maintenance of statewide base maps and  
3 geographic information systems;
- 4 (l) Providing access to both consulting and technical assistance, and education  
5 and training, on the application and use of information technologies to state  
6 and local agencies;
- 7 (m) In cooperation with other agencies, evaluating, participating in pilot studies,  
8 and making recommendations on information technology hardware and  
9 software;
- 10 (n) Providing staff support and technical assistance to the Geographic Information  
11 Advisory Council and the Kentucky Information Technology Advisory  
12 Council;
- 13 (o) Overseeing the development of a statewide geographic information plan with  
14 input from the Geographic Information Advisory Council;
- 15 (p) Developing for state executive branch agencies a coordinated security  
16 framework and model governance structure relating to the privacy and  
17 confidentiality of personal information collected and stored by state executive  
18 branch agencies, including but not limited to:
- 19 1. Identification of key infrastructure components and how to secure them;
  - 20 2. Establishment of a common benchmark that measures the effectiveness  
21 of security, including continuous monitoring and automation of  
22 defenses;
  - 23 3. Implementation of vulnerability scanning and other security  
24 assessments;
  - 25 4. Provision of training, orientation programs, and other communications  
26 that increase awareness of the importance of security among agency  
27 employees responsible for personal information; and

1           5.    Development of and making available a cyber security incident response  
2                    plan and procedure;~~and~~

3           (q)   Preparing proposed legislation and funding proposals for the General  
4                    Assembly that will further solidify coordination and expedite implementation  
5                    of information technology systems;and

6           *(r)   Developing, implementing, and managing the sharing of data and data set*  
7                    *development by all executive agencies of the state pursuant to the Kentucky*  
8                    *Open Data Standards and Portal Act, Sections 1 to 5 of this Act.*

- 9   (3)   The Commonwealth Office of Technology may:
- 10       (a)   Provide general consulting services, technical training, and support for generic  
11                    software applications, upon request from a local government, if the executive  
12                    director finds that the requested services can be rendered within the  
13                    established terms of the federally approved cost allocation plan;
- 14       (b)   Promulgate administrative regulations in accordance with KRS Chapter 13A  
15                    necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420,  
16                    186A.040, 186A.285, and 194A.146;
- 17       (c)   Solicit, receive, and consider proposals from any state agency, federal agency,  
18                    local government, university, nonprofit organization, private person, or  
19                    corporation;
- 20       (d)   Solicit and accept money by grant, gift, donation, bequest, legislative  
21                    appropriation, or other conveyance to be held, used, and applied in accordance  
22                    with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, 186A.285, and  
23                    194A.146;
- 24       (e)   Make and enter into memoranda of agreement and contracts necessary or  
25                    incidental to the performance of duties and execution of its powers, including,  
26                    but not limited to, agreements or contracts with the United States, other state  
27                    agencies, and any governmental subdivision of the Commonwealth;

- 1 (f) Accept grants from the United States government and its agencies and  
2 instrumentalities, and from any source, other than any person, firm, or  
3 corporation, or any director, officer, or agent thereof that manufactures or sells  
4 information resources technology equipment, goods, or services. To these  
5 ends, the Commonwealth Office of Technology shall have the power to  
6 comply with those conditions and execute those agreements that are  
7 necessary, convenient, or desirable; and
- 8 (g) Purchase interest in contractual services, rentals of all types, supplies,  
9 materials, equipment, and other services to be used in the research and  
10 development of beneficial applications of information resources technologies.  
11 Competitive bids may not be required for:
- 12 1. New and emerging technologies as approved by the executive director or  
13 her or his designee; or
  - 14 2. Related professional, technical, or scientific services, but contracts shall  
15 be submitted in accordance with KRS 45A.690 to 45A.725.
- 16 (4) Nothing in this section shall be construed to alter or diminish the provisions of KRS  
17 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and  
18 Records Commission and the Department for Libraries and Archives.
- 19 (5) The Commonwealth Office of Technology shall, on or before October 1 of each  
20 year, submit to the Legislative Research Commission a report in accordance with  
21 KRS 57.390 detailing:
- 22 (a) Any security breaches that occurred within organizational units of the  
23 executive branch of state government during the prior fiscal year that required  
24 notification to the Commonwealth Office of Technology under KRS 61.932;
  - 25 (b) Actions taken to resolve the security breach, and to prevent additional security  
26 breaches in the future;
  - 27 (c) A general description of what actions are taken as a matter of course to protect

1                   personal data from security breaches; and

2           (d) Any quantifiable financial impact to the agency reporting a security breach.

3           ➔Section 10. If any provision of this Act or the application thereof to any person  
4 or circumstance is held invalid, the invalidity shall not affect other provisions or  
5 applications of the Act that can be given effect without the invalid provision or  
6 application, and to this end the provisions of this Act are severable.

7           ➔Section 11. Sections 1 to 5 of this Act may be cited as "The Kentucky Open  
8 Data Standards and Portal Act."