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A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding section 449.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 449. (1) ALL STATE AGENCIES SHALL USE REASONABLE EFFORTS**
2 **TO MAKE APPROPRIATE AND EXISTING ELECTRONIC DATA SETS MAINTAINED BY**
3 **STATE AGENCIES ELECTRONICALLY AVAILABLE IN A MACHINE READABLE**
4 **FORMAT TO THE PUBLIC THROUGH THE STATE'S OPEN DATA PORTAL AT**
5 **DATA.MICHIGAN.GOV OR SUCCESSOR WEBSITE DESIGNATED BY THE CHIEF**
6 **INFORMATION OFFICER SUBJECT TO ALL OF THE FOLLOWING:**

7 **(A) NOTHING IN THIS SECTION SHALL REQUIRE A STATE AGENCY TO**
8 **CREATE NEW ELECTRONIC DATA SETS OR TO MAKE DATA SETS AVAILABLE UPON**
9 **DEMAND.**

10 **(B) DATA LICENSED TO THE STATE BY ANOTHER PERSON OR ENTITY**



1 SHALL NOT BE MADE PUBLIC UNDER THIS SECTION UNLESS THE PERSON OR
2 ENTITY LICENSING THE DATA AGREES TO THE PUBLIC DISCLOSURE.

3 (C) PROPRIETARY AND OTHER INFORMATION PROTECTED FROM
4 DISCLOSURE BY LAW OR CONTRACT SHALL NOT BE DISCLOSED.

5 (D) NOTHING IN THIS SECTION SHALL REQUIRE THE DISCLOSURE OF
6 INFORMATION THAT IS CONSIDERED CONFIDENTIAL BY STATE OR FEDERAL
7 LAW.

8 (2) DISCLOSURE OF ELECTRONIC DATA UNDER THIS SECTION SHALL BE
9 CONSISTENT WITH THE POLICIES, PROCEDURES, AND STANDARDS DEVELOPED
10 BY THE CHIEF INFORMATION OFFICER AND CONSISTENT WITH STATE AND
11 FEDERAL LAWS RELATED TO SECURITY AND PRIVACY. NO PERSONALLY
12 IDENTIFIABLE INFORMATION SHALL BE POSTED ONLINE UNLESS THE
13 IDENTIFIED INDIVIDUAL HAS CONSENTED TO THE POSTING OR THE POSTING
14 IS NECESSARY TO FULFILL THE LAWFUL PURPOSES OR DUTIES OF THIS
15 STATE.

16 (3) NOTHING IN THIS SECTION SHALL REQUIRE THE CHIEF
17 INFORMATION OFFICER TO ADOPT RULES.

18 (4) ALL DATA SHALL BE OPEN BY DEFAULT. EACH STATE AGENCY SHALL
19 UPDATE ITS ELECTRONIC DATA SETS IN THE MANNER PRESCRIBED BY THE
20 CHIEF INFORMATION OFFICER AND AS OFTEN AS IS NECESSARY TO PRESERVE
21 THE INTEGRITY AND USEFULNESS OF THE DATA SETS TO THE EXTENT THAT
22 THE DEPARTMENT REGULARLY MAINTAINS OR UPDATES THE DATA SETS.

23 (5) EACH STATE AGENCY SHALL UPDATE ITS ELECTRONIC DATA SETS IN
24 THE MANNER PRESCRIBED BY THE CHIEF INFORMATION OFFICER AND AS OFTEN
25 AS IS NECESSARY TO PRESERVE THE INTEGRITY AND USEFULNESS OF THE
26 DATA SETS TO THE EXTENT THAT THE DEPARTMENT REGULARLY MAINTAINS OR
27 UPDATES THE DATA SETS.



1 (6) DATA SETS SHALL BE AVAILABLE FOR INFORMATIONAL PURPOSES
2 ONLY. THE STATE DOES NOT WARRANT THE FITNESS OF ANY DATA SET FOR A
3 PARTICULAR PURPOSE AND SHALL NOT BE LIABLE FOR ANY DEFICIENCIES IN
4 THE COMPLETENESS OR ACCURACY OF ANY DATA SET, EXCEPT WHERE THE
5 STATE'S CONDUCT WOULD CONSTITUTE GROSS NEGLIGENCE, WILLFUL AND
6 WANTON MISCONDUCT, OR INTENTIONAL MISCONDUCT.

7 (7) THE CHIEF INFORMATION OFFICER MAY MAKE THE AGENCIES'
8 ELECTRONIC DATA SETS ON DATA.MICHIGAN.GOV AVAILABLE TO THIRD
9 PARTIES PURSUANT TO A OPEN LICENSE, WHICH MAY REQUIRE THE LICENSEE
10 TO ALLOW ANY USER TO COPY, DISTRIBUTE, DISPLAY, OR CREATE
11 DERIVATIVE WORKS AT NO COST.

12 (8) THE CHIEF INFORMATION OFFICER SHALL DEVELOP POLICIES AND
13 PROCEDURES TO IMPLEMENT THIS SECTION, INCLUDING STANDARDS TO
14 DETERMINE WHICH DATA SETS ARE APPROPRIATE FOR ONLINE DISCLOSURE,
15 PROVIDED THAT THE STANDARDS SHALL NOT REQUIRE THE AGENCIES TO POST
16 PERSONALLY IDENTIFIABLE INFORMATION, INFORMATION THAT MAY POSE A
17 PERSONAL OR PUBLIC SECURITY RISK, OR INFORMATION THAT IS OTHERWISE
18 INAPPROPRIATE FOR ONLINE DISCLOSURE AS PART OF A DATA SET. THE
19 POLICY AND PROCEDURES SHALL INCLUDE BOTH OF THE FOLLOWING:

20 (A) TECHNICAL REQUIREMENTS WITH THE GOAL OF MAKING DATA SETS
21 AVAILABLE TO THE GREATEST NUMBER OF USERS AND FOR THE GREATEST
22 NUMBER OF APPLICATIONS. DATA SHALL BE PUBLISHED IN COMMON MACHINE-
23 TO-MACHINE EXCHANGE FORMATS, EXCEPT WHEN NOT AT ALL FEASIBLE.

24 (B) GUIDELINES FOR STATE AGENCIES TO FOLLOW IN MAKING DATA
25 SETS AVAILABLE. THIS SHALL INCLUDE A DICTIONARY PROVIDING
26 DEFINITIONS FOR THE DATA SETS AND DATA COLUMNS AND PUBLISH IT ON
27 DATA.MICHIGAN.GOV OR A SUCCESSOR WEBSITE DESIGNATED BY THE CHIEF



1 INFORMATION OFFICER.

2 (9) WITHIN 30 DAYS OF THE ISSUANCE OF THE OPEN DATA POLICY,
3 THE CHIEF INFORMATION OFFICER SHALL PUBLISH AN OPEN ONLINE
4 REPOSITORY OF TOOLS AND BEST PRACTICES TO ASSIST STATE AGENCIES IN
5 INTEGRATING THE OPEN DATA POLICY INTO THEIR OPERATIONS IN
6 FURTHERANCE OF THEIR MISSIONS. THE CHIEF INFORMATION OFFICER SHALL
7 REGULARLY UPDATE THIS ONLINE REPOSITORY AS NEEDED TO ENSURE IT
8 REMAINS A RESOURCE TO FACILITATE THE ADOPTION OF OPEN DATA
9 PRACTICES.

10 (10) THE CHIEF INFORMATION OFFICER WILL PUBLISH A PUBLIC
11 REPORT YEARLY SHOWING PROGRESS MADE BY ALL STATE AGENCIES ON ALL
12 OPEN DATA EFFORTS.

13 (11) AS USED IN THIS SECTION:

14 (A) "CHIEF INFORMATION OFFICER" MEANS THE CHIEF INFORMATION
15 OFFICER OF THIS STATE.

16 (B) "DATA" MEANS FINAL VERSIONS OF STATISTICAL OR FACTUAL
17 INFORMATION THAT MEETS BOTH OF THE FOLLOWING:

18 (i) DATA ARE FACTS, FIGURES, OR SYMBOLS AND MAY BE IN
19 ALPHANUMERIC FORM REFLECTED IN A LIST, TABLE, GRAPH, CHART, OR
20 OTHER NARRATIVE OR NONNARRATIVE FORM, THAT CAN BE DIGITALLY
21 TRANSMITTED OR PROCESSED.

22 (ii) DATA ARE REGULARLY CREATED OR MAINTAINED BY OR ON BEHALF
23 OF AND STEWARDED BY A STATE AGENCY AND RECORD A FACT, FIGURE, OR
24 SYMBOL.

25 (C) "DATA SET" MEANS A NAMED COLLECTION OF RELATED RECORDS ON
26 AN ELECTRONIC STORAGE DEVICE, WITH THE COLLECTION CONTAINING
27 INDIVIDUAL DATA UNITS ORGANIZED OR FORMATTED IN A SPECIFIC AND



1 PRESCRIBED WAY, OFTEN IN TABULAR FORM, AND ACCESSED BY A SPECIFIC
2 ACCESS METHOD THAT IS BASED ON THE DATA SET ORGANIZATION, PROVIDED
3 THAT A DATA SET SHALL NOT INCLUDE ANY DATA THAT ARE PROTECTED FROM
4 DISCLOSURE UNDER APPLICABLE FEDERAL OR STATE LAW, OR CONTRACT, OR
5 DATA THAT ARE PROPRIETARY.

