



FILED
INDEX DEPARTMENT
SEP 18 2012
IN THE OFFICE OF
SECRETARY OF STATE
12-03

EXECUTIVE ORDER

**ESTABLISHING AN OPEN OPERATING STANDARD FOR ILLINOIS:
USING INFORMATION TECHNOLOGY TO PROMOTE
TRANSPARENCY, EFFICIENCY AND SAVINGS**

WHEREAS, data.illinois.gov empowers the public to access and utilize public data collected and maintained by the State of Illinois and the Federal Government; and

WHEREAS, the State of Illinois is committed to be a national leader in improving access to public data sets for all citizens, and to encourage entrepreneurs and innovators to draw on this data for the benefit of all in the Land of Lincoln; and

WHEREAS, the State and municipalities of Illinois collect information and data on numerous topics including services available to the residents of the State of Illinois; and

WHEREAS, finding and utilizing government data that should be readily accessible is often burdensome for developers and the general public; and

WHEREAS, government information should be organized with consistency and should be freely available to everyone to use as they wish; and

WHEREAS, fully meeting the State's commitment to open data will require adoption of an open data operating standard and utilization of a cloud-based open data platform for the State's open data portal, coordinated strategic planning, where appropriate and feasible, by agencies as to enterprise application portfolio management, and will require the State making its open data portal available to all units of government within the State including, but not limited to, municipalities, counties and public universities statewide so that everyone may participate in the open data movement; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the executive authority set forth in Article V of the Illinois Constitution, do hereby direct as follows:

I. CREATION-ESTABLISHING AN OPEN OPERATING STANDARD

There is hereby established an open operating standard ("Illinois Open Data") for the State of Illinois. Under this open operating standard, each agency, or arm, of State government under the jurisdiction of the Governor—including any office, administration, department, division, bureau, board, commission, advisory committee or other government entity performing a governmental function of the State of Illinois—will undertake best efforts to make available public data data sets of public information. Any unit of local government which elects to do so may adopt the State standard for itself. To implement this Executive Order the State Chief Information Officer (State CIO) will establish policies, standards, and guidance as provided within this Order. In addition, the State CIO will designate, upon consultation with and approval of the Office of the Governor, a current employee of State government to act, in addition to his or her existing responsibilities, as the State Deputy Chief Information Officer for Open Data.

II. PURPOSE-POLICIES ESTABLISHED

It is the intent of this Executive Order to establish and implement an enterprise-wide commitment to fully adopting an open operating standard because making public data available online using open standards will make the operation of government across the State of Illinois more transparent, effective and accountable to the public. A statewide policy of open data will streamline intra-governmental and inter-governmental communication and interoperability, permit the public to assist in identifying efficient solutions for government, promote innovative strategies for social progress and create economic opportunities.

This Order will:

- (i) establish protocols for Illinois State agencies to make public data available online using open standards and a process establishing enterprise-wide IT management standards, policies and governance principles to enable the State to fully implement the open operating standard while managing existing information technology resources and capabilities with enhanced efficiency;
- (ii) provide for coordinated strategic planning by agencies with respect to application modernization, IT and telecommunication policy, in pursuance of a consistent statewide enterprise portfolio strategy to maximize the amount of public data made available and ensure compliance with this Order; and
- (iii) establish, in accordance with Executive Order 10 (2010), a policy, under which each State agency will evaluate cloud computing options before making any new IT or telecom investments.

III. FUNCTION-PROTOCOL AND COMPLIANCE

A. Data Availability Protocol

1. Adopting a Uniform Statewide Portal for Open Data

The public data sets agencies make available on the Internet shall be accessible through a single web portal that is linked to data.illinois.gov or any successor website maintained by, or on behalf of, the State of Illinois. If an agency cannot make all such public data sets available on the single web portal the agency shall report to the Office of the State CIO which public data set or sets it is unable to make available, the reasons why it cannot do so, and the date by which the agency expects those data sets will be available on the single web portal.

2. Establishing Technical Standards for Publicly Reporting Open Data

- i. Public data sets shall be made available in accordance with technical standards published by the Office of the State CIO, in consultation with the Deputy State Chief Information Officer for Open Data, subject matter experts in all state agencies, and representatives of external entities including, but not limited to, representatives of units of local government, not-for-profit organizations specializing in technology and innovation and representatives of the academic community. Data sets shall be in a format that permits automated processing and shall make use of appropriate technology to notify the public of all updates. The State CIO, in order to ensure successful effectuation of this Order, will establish appropriate policies, procedures and protocols for the coordinated management of the State's information technology resources. In addition, upon consultation with and approval of the Office of the Governor, the State CIO may designate one or more persons to comprise the staff of the Office of the State CIO in order to carry out the duties set forth in this Executive Order.
- ii. Public data sets shall be updated as often as is necessary to preserve the integrity and usefulness of the data sets to the extent that the agency regularly maintains or updates the public data set.
- iii. Public data sets shall be made available without any registration requirement, license requirement or restrictions on their use provided that the department may require a third party providing to the public any public data set, or application utilizing such data set, to explicitly identify the source and version of the public data set and a description of any modifications made to such public data set. Registration requirements, license requirements or restrictions as used in this section shall not include measures required to ensure access to public data sets, to protect the single website housing public data sets from unlawful abuse or attempts to damage or impair use of the website, or to analyze the types of data being used to improve service delivery.
- iv. Public data sets shall be accessible to external search capabilities.

B. Compliance Timeline

FILED
INDEX DEPARTMENT
SEP 18 2012
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SECRETARY OF STATE

1. There is hereby established a timeline for compliance with agency open data standards.
2. Within 60 days of the effective date of this Order, the State CIO shall prepare and publish: (i) a technical standards manual for the publishing of public data sets in raw or unprocessed form through a single web portal by State agencies for the purpose of making public data available to the greatest number of users and for the greatest number of applications and shall, whenever practicable, use open standards for web publishing and e-government; and (ii) as needed, portfolio management policies for ensuring compliance with the requirements of this Executive Order. The manual shall identify the reasons why each technical standard was selected and for which types of data it is applicable, and may recommend or require that data be published in more than one technical standard. The manual shall include a plan to adopt or utilize a web application programming interface that permits application programs to request and receive public data sets directly from the web portal. The manual and related policies may be updated as necessary.
3. The State CIO shall consult with appropriate external entities, including units of local government, not-for-profit organizations with a specialization in technology and innovation, other State governments, academic institutions and voluntary consensus standards bodies and shall, when such participation is feasible, in the public interest and compatible with agency and departmental missions, authorities and priorities, participate with such bodies in the development of technical and open standards.

C. Plan for Agency Compliance

1. Within 120 days of the effective date of this Order, each State agency shall submit a compliance plan and a draft longer term strategic enterprise application plan consistent with this Order to the Office of the Governor and shall make such plan available to the public on the web portal. Each agency shall collaborate with the Governor's Office and the State CIO in formulating its plan. The plan shall include: (i) a summary description of public data sets under the control of each agency on or after the effective date of this Order; and (ii) a summary explanation of how its plans, charters, budgets, capital expenditures, contracts and other related documents and information for each IT and telecommunications project it proposes to undertake can be utilized to support Illinois Open Data and related savings and efficiencies. This plan shall prioritize such public data sets for inclusion on the single web portal on or before December 31, 2014, in accordance with the standards provided for in Subsection III. B.
2. For purposes of prioritizing public data sets, agencies shall consider whether information embodied in the public data set: (1) can be used to increase agency accountability and responsiveness; (2) improves public knowledge of the agency and its operations; (3) furthers the mission of the agency; (4) creates economic opportunity; (5) is received via the on-line forum for inclusion of particular public data sets; or (6) responds to a need or demand identified by public consultation.
3. No later than July 1, 2013 and every July first thereafter, the State CIO shall submit and post on the web portal an update of the compliance plan. This update shall include the specific measures undertaken to make public data sets available on the single web portal since the immediately preceding update, specific measures that will be undertaken prior to the next update, an update to the list of public data sets if necessary, any changes to the prioritization of public data sets and an update to the timeline for the inclusion of data sets on the single web portal if necessary.
4. Consistent with both the Executive Order 10 (2010) directive requiring agencies to limit information technology expenditures by increasing the use of cloud computing where appropriate, and with the Federal Government's cloud computing strategy, all agencies are required to evaluate safe, secure cloud computing options, before making any new IT or telecom investments, and, if feasible, adopt suitable cloud computing solutions. Each agency shall re-evaluate its technology sourcing strategy to include consideration and application of cloud computing solutions as part of the budget process.

IV. TRANSPARENCY AND LIABILITY

- A. The State CIO shall conspicuously publish the open data legal policy of Part IV.C., *infra*, on the web portal.

FILED
INDEX DEPARTMENT
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- B. The State CIO may establish and maintain an on-line forum to solicit feedback from the public and to encourage public discussion on open data policies and public data set availability on the web portal.
- C. The open data legal policy is as follows:

Public data sets made available on the web portal are provided for informational purposes. The State does not warranty the completeness, accuracy, content or fitness for any particular purpose or use of any public data set made available on the web portal, nor are any such warranties to be implied or inferred with respect to the public data sets furnished therein.

The State is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any public data set, or application utilizing such data set, provided by any third party.

Nothing in this Order is to be construed to create a private right of action to enforce its provisions.

V. SUPERSEDING CONFLICTING, PRECEDING ORDERS AND AGREEMENTS

To the extent that any Executive Order, Administrative Order, Intergovernmental or Interagency Agreement (to which the State of Illinois or one of its executive branch agencies is a party), or other policy, procedure or protocol conflicts with, contradicts, or is inconsistent with any provision of this Executive Order, any such conflicting, contradicting, or inconsistent order, agreement, policy, procedure, or protocol is hereby expressly revoked, repealed and superseded.

VI. DEFINITIONS

“Cloud computing,” as defined by the National Institute of Standards and Technology, is a model for enabling convenient, on-demand network access to a shared pool of configurable computing resources (*e.g.*, networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction.

“Data” means final versions of statistical or factual information (i) in alphanumeric form reflected in a list, table, graph, chart or other non-narrative form, that can be digitally transmitted or processed; and (ii) regularly created or maintained by or on behalf of and owned by an agency that records a measurement, transaction, or determination related to the mission of an agency. “Data” does not include information provided to an agency by other governmental entities, nor does it include image files, such as designs, drawings, maps, photos, or scanned copies of original documents, except that it does include statistical or factual information about such image files and shall include geographic information system data.

Data not subject to the requirements of this Order include:

- (1) data to which an agency may deny access pursuant to any provision of a federal, state or local law, rule or regulation;
- (2) data that contains a significant amount of data to which an agency may deny access pursuant to any provision of a federal, state or local law, rule or regulation where redacting such protected data in order to publish the unprotected elements would impose undue financial or administrative burden;
- (3) data that reflects the internal deliberative process of an agency or agencies, including but not limited to negotiating positions, future procurements, or pending or reasonably anticipated legal or administrative proceedings;
- (4) data stored on an agency-owned personal computing device, or data stored on a portion of a network that has been exclusively assigned to a single agency employee or a single agency owned or controlled computing device;
- (5) materials subject to copyright, patent, trademark, confidentiality agreements or trade secret protection;
- (6) proprietary applications, computer code, software, operating systems or similar materials;
- (7) employment records, internal employee-related directories or lists, facilities data, information technology, internal service-desk and other data related to internal agency administration; and
- (8) any other data the publication of which is prohibited by law.

FILED
INDEX DEPARTMENT
SEP 18 2012

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SECRETARY OF STATE

“Open operating standard” means a technical standard developed and maintained by a voluntary consensus standards body that is available to the public without royalty or fee. The term indicates a technical and managerial philosophy for public administration that prioritizes openness, transparency and multilateral collaboration in the collection, assessment, reporting and dissemination of all information that is coupled with flexible, evolving but effective policies, procedures, and practices that promote adherence to an enterprise-wide ethos of openness in data collection and reporting while also effectively disincentivizing non-adherence. In addition, “Open operating standard” also involves the conscious effort of the State government to lead a statewide commitment by governments at all levels to adopt a philosophy of openness and transparency in the collection and reporting of information by providing a common statewide portal for open data, establishing guidelines and policies for promoting open data, and promoting the participation of local governments in the Statewide open data effort.

“Public Data” means all data that is collected by any unit of State or local government in pursuance of that entity’s official responsibilities which is otherwise subject to disclosure pursuant to the State’s Freedom of Information Act (FOIA), 5 ILCS 140/ *et. seq.*, and is not prohibited from disclosure pursuant to any other contravening legal instrument, including but not limited to, a superseding provision of Federal or state law or an injunction from a court of competent jurisdiction.

“Strategic Plan” means an organization’s evaluation, over an up-to-5-year window, of its strategy and direction, including a framework for decision-making with respect to resource allocation to achieve defined goals. Development of a Strategic Plan requires an organization to understand both its internal state and the possible avenues by which it might achieve its goals.

“Voluntary consensus standards body” means an organization that plans, develops, establishes or coordinates voluntary consensus standards using agreed-upon procedures. A voluntary consensus standards body is defined by the following attributes: openness; balance of interest; due process; an appeals process; and consensus.

VII. SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any State or federal law, or any collective bargaining agreement.

VIII. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

IX. EFFECTIVE DATE

This Executive Order shall take effect immediately upon its filing with the Secretary of State.


Pat Quinn, Governor

Signed by the Governor: September 18, 2012
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