



# Senate

General Assembly

**File No. 629**

January Session, 2023

Substitute Senate Bill No. 1186

*Senate, April 17, 2023*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING DATA GOVERNANCE, REQUESTS FOR PUBLIC RECORDS INVOLVING THE CONNECTICUT PRESCHOOL THROUGH TWENTY AND WORKFORCE INFORMATION NETWORK AND APPROVAL OF A SALE OF PROPERTY BY THE TOWN OF WINDHAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 4-67n of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2023*):

4 (b) The Secretary of the Office of Policy and Management shall  
5 develop a program to access, link, analyze and share data maintained  
6 by executive agencies and to respond to queries from any state agency,  
7 and from any private entity or person that would otherwise require  
8 access to data maintained by two or more executive agencies. The  
9 secretary shall give priority to queries that seek to measure outcomes  
10 for state-funded programs or that may facilitate the development of  
11 policies to promote the effective, efficient and best use of state resources.

12 The secretary may create advisory boards to assist with data governance  
13 activities under this section.

14 Sec. 2. Section 4-67o of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective October 1, 2023*):

16 As used in this section [,] and sections 2-79e<sub>2</sub> [and] 4-67p and 4-67z<sub>2</sub>  
17 as amended by this act:

18 (1) "Data" means the final version of statistical or factual information  
19 that: (A) Is reflected in a list, table, graph, chart or other non-narrative  
20 form that can be digitally or nondigitally transmitted or processed; (B)  
21 is regularly created or maintained by, or on behalf of, an executive  
22 branch agency; and (C) records a measurement, transaction or  
23 determination related to the mission of the agency or is provided to the  
24 agency by third parties pursuant to law.

25 (2) "Executive branch agency" means any agency [listed in section 4-  
26 38c, except the Board of Regents for Higher Education] with a  
27 department head, as defined in section 4-5.

28 (3) "High value data" means any data that the department head  
29 determines (A) is critical to the operation of an executive branch agency;  
30 (B) can increase executive branch agency accountability and  
31 responsiveness; (C) can improve public knowledge of the executive  
32 branch agency and its operations; (D) can further the core mission of the  
33 executive branch agency; (E) can create economic opportunity; (F) is  
34 frequently requested by the public; (G) responds to a need and demand  
35 as identified by the agency through public consultation; or (H) is used  
36 to satisfy any legislative or other reporting requirements.

37 (4) "Open data" means any data that (A) is freely available in  
38 convenient and modifiable format and can be retrieved, downloaded,  
39 indexed and searched; (B) is formatted in a manner that allows for  
40 automated machine processing; (C) does not have restrictions  
41 governing use; (D) is published with the finest possible level of detail  
42 that is practicable and permitted by law; and (E) is described in enough

43 detail so users of the data have sufficient information to understand (i)  
44 the strengths, weaknesses, analytical limitations and security  
45 requirements of the data, and (ii) how to process such data.

46 (5) "Public data" means any data collected by an executive branch  
47 agency that is permitted to be made available to the public, consistent  
48 with any and all applicable laws, rules, regulations, ordinances,  
49 resolutions, policies or other restrictions, requirements or rights  
50 associated with the data, including, but not limited to, contractual or  
51 other legal restrictions, orders or requirements.

52 (6) "Protected data" means any data the public disclosure of which  
53 would (A) violate federal or state laws or regulations; (B) endanger the  
54 public health, safety or welfare; (C) hinder the operation of the federal,  
55 state or municipal government, including criminal and civil  
56 investigations; or (D) impose an undue financial, operational or  
57 administrative burden on the executive branch agency. "Protected data"  
58 includes any records not required to be disclosed pursuant to subsection  
59 (b) of section 1-210.

60 Sec. 3. Section 4-67z of the general statutes is repealed and the  
61 following is substituted in lieu thereof (*Effective October 1, 2023*):

62 [(a)] The Chief Data Officer, in consultation with the Attorney  
63 General and executive branch agency legal counsel, shall review the  
64 legal obstacles to the sharing of high value data of executive branch  
65 agencies, inventoried pursuant to section 4-67p, [among] with executive  
66 branch agencies and [with] the public.

67 [(b)] Not later than January 15, 2020, and annually thereafter, the Chief  
68 Data Officer shall submit a report, developed in consultation with the  
69 Attorney General, agency data officers and executive branch agency  
70 legal counsel, that includes any recommendations on (1) methods to  
71 facilitate the sharing of such high value data to the extent permitted  
72 under state and federal law, including, but not limited to, the  
73 preparation and execution of memoranda of understanding among  
74 executive branch agencies, and (2) any necessary legislation, to the

75 Connecticut Data Analysis Technology Advisory Board and the joint  
76 standing committee of the General Assembly having cognizance of  
77 matters relating to government administration, in accordance with the  
78 provisions of section 11-4a. Concomitantly, the Chief Data Officer shall  
79 post each such report on the Office of Policy and Management's Internet  
80 web site.

81 (c) The report submitted pursuant to subsection (b) of this section  
82 shall be consistent with the state data plan, created under section 4-67p.  
83 The Chief Data Officer shall update such report annually with  
84 additional information concerning the sharing of high value data and  
85 any additional recommendations, including any potential fiscal impact  
86 of any recommendations.]

87 Sec. 4. Section 10a-57g of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective October 1, 2023*):

89 (a) As used in this section:

90 (1) "Connecticut Preschool through Twenty and Workforce  
91 Information Network" or "CP20 WIN" means the Preschool through  
92 Twenty and Workforce Information Network maintained in the state.

93 (2) "Data definitions" means the plain language descriptions of data  
94 elements.

95 (3) "Data dictionary" means a listing of the names of a set of data  
96 elements, their definitions and additional meta-data that does not  
97 contain any actual data, but provides information about the data in a  
98 data set.

99 (4) "Data elements" mean units of information that are stored or  
100 accessed in any data system, such as a student identification number,  
101 course code or cumulative grade point average.

102 (5) "Meta-data" means the information about a data element that  
103 provides context for that data element, such as its definition, storage  
104 location, format and size.

105 (6) "Participating agency" means the Connecticut State Colleges and  
106 Universities, Department of Education, Labor Department, the Office of  
107 Early Childhood, The University of Connecticut, the Connecticut  
108 Conference of Independent Colleges or any entity that has executed an  
109 enterprise memorandum of understanding for participation in the CP20  
110 WIN and has been approved for participation pursuant to the terms of  
111 the enterprise memorandum of understanding.

112 (7) "Preschool through Twenty and Workforce Information Network"  
113 or "P20 WIN" means a state data system for the purpose of matching  
114 and linking longitudinally data of state agencies and other  
115 organizations to inform policy and practice for education, workforce  
116 and supportive service efforts, including, but not limited to, the purpose  
117 of conducting audits and evaluations of federal and state education  
118 programs.

119 (8) "Enterprise memorandum of understanding" means a  
120 foundational multiparty agreement that sets forth the details of how  
121 data is shared and the respective legal rights and responsibilities of each  
122 party within the data sharing process, by which the same foundational  
123 agreement may be used for new agencies to sign on to the data sharing  
124 process and without having to re-sign as agencies sign on or off of such  
125 agreement.

126 (b) There is established a Connecticut Preschool through Twenty and  
127 Workforce Information Network. The purpose of the CP20 WIN is to  
128 establish processes and structures governing the secure sharing of  
129 critical longitudinal data across participating agencies through  
130 implementation of the standards and policies of the Preschool through  
131 Twenty and Workforce Information Network.

132 (c) The CP20 WIN shall be governed by an executive board that shall  
133 provide oversight of such network. Said executive board shall include,  
134 but need not be limited to, the chief executive officer of each  
135 participating agency, or their respective designees, the Chief Workforce  
136 Officer, or the officer's designee, and the Secretary of the Office of Policy  
137 and Management, or the secretary's designee. The duties of the

138 executive board shall be to:

139 (1) Advance a vision for the CP20 WIN including a prioritized  
140 research agenda with support from the Office of Policy and  
141 Management.

142 (2) Convene as needed to respond to issues from the data governing  
143 board.

144 (3) Identify and work to secure resources necessary to sustain CP20  
145 WIN funding.

146 (4) Support system implementation, maintenance and improvement  
147 by advocating for the CP20 WIN in regard to policy, legislation and  
148 resources.

149 (5) Advocate and support the state's vision for the CP20 WIN.

150 (6) Have overall fiscal and policy responsibility for the CP20 WIN.

151 (7) Ensure that, in any circumstances in which public funds or  
152 resources are to be jointly utilized with those from private entities, such  
153 arrangements are governed by appropriate agreements approved by the  
154 Attorney General.

155 (8) Establish a data governing board to establish and implement  
156 policies related to cross-agency data management, including, but not  
157 limited to, data confidentiality and security in alignment with the vision  
158 for CP20 WIN and any applicable law. In establishing such policies, the  
159 data governing board shall consult with the Office of Policy and  
160 Management, in accordance with the provisions of section 4-67n, as  
161 amended by this act, and other applicable statutes and policies.

162 (d) The executive board established pursuant to this section may  
163 appoint advisory committees to make recommendations on data  
164 stewardship, data system expansion and processes, and such other areas  
165 that will advance the work of CP20 WIN.

166 (e) Any public records or files, as defined in section 1-200, including,

167 but not limited to, data elements of a participating agency shared with  
 168 another agency pursuant to a CP20 WIN sharing agreement, may only  
 169 be requested pursuant to the Freedom of Information Act, as defined in  
 170 section 1-200, from the agency which originated such records or files. If  
 171 a participating agency that is not the originating agency receives a  
 172 request pursuant to said act for such records or files, such participating  
 173 agency shall (1) promptly refer such request to the originating agency to  
 174 respond directly to such request, and (2) notify, in writing, the person  
 175 who submitted the request for such records or files that such request has  
 176 been referred to the originating agency. Such written notification shall  
 177 include the name, address and telephone number of the originating  
 178 agency and the date on which the referral was made to the originating  
 179 agency.

180 [(e)] (f) On or before January 1, 2022, and annually thereafter, the  
 181 Chief Workforce Officer may, in consultation with the Chief Data  
 182 Officer and the Labor Commissioner, submit to the administrator of  
 183 CP20 WIN a request for data and analysis of such data for the purposes  
 184 of assessing performance and outcomes of the state's workforce system.  
 185 Such data and analysis request shall be completed by the administrator  
 186 of CP20 WIN not later than August 15, 2022, and annually thereafter.

187 Sec. 5. (Effective from passage) Notwithstanding any provision of the  
 188 general statutes, not later than July 1, 2023, the Secretary of the Office of  
 189 Policy and Management shall approve any proposed purchase and sales  
 190 agreement between the town of Windham and Eastern Connecticut  
 191 State University for the sale by the town of Windham of the building  
 192 that housed the former Kramer Middle School, located at 322 Prospect  
 193 Street in the town of Windham, to Eastern Connecticut State University,  
 194 as part of the university's capital plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	4-67n(b)
Sec. 2	October 1, 2023	4-67o
Sec. 3	October 1, 2023	4-67z

Sec. 4	<i>October 1, 2023</i>	10a-57g
Sec. 5	<i>from passage</i>	New section

**GAE**      *Joint Favorable Subst.*



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$	FY 26 \$
Board of Regents for Higher Education	GF - Cost	Significant	Significant	Significant
Policy & Mgmt., Off.	GF - Cost	None	None	Potential

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 24 \$	FY 25 \$	FY 26 \$
Windham	Revenue Gain	See Below	None	Potential

**Explanation**

The bill (1) makes changes to executive branch data sharing and management, (2) makes changes to public record requests under the Freedom of Information Act, and (3) requires the Office of Policy and Management (OPM) to approve a proposed purchase between the town of Windham and Eastern Connecticut State University (ECSU). This results in a revenue gain to Windham, a cost to ECSU beginning in FY 24, and a potential cost to OPM beginning in FY 26.

The bill requires OPM to approve the sale of property by the town of Windham to ECSU by July 1, 2023. This results in a cost to ECSU to purchase and maintain the property beginning in FY 24 and a corresponding revenue gain to the town of Windham for the sale of the property. There is also a potential cost to OPM and corresponding potential revenue gain to the town of Windham beginning in FY 26 to

the extent this increases Windham's PILOT grant payment.

There is no anticipated fiscal impact associated with the changes to executive branch data sharing and management and the changes to public record requests under the Freedom of Information Act as agencies have the resources available to carry out these changes.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sSB 1186*****AN ACT CONCERNING DATA GOVERNANCE, REQUESTS FOR PUBLIC RECORDS INVOLVING THE CONNECTICUT PRESCHOOL THROUGH TWENTY AND WORKFORCE INFORMATION NETWORK AND APPROVAL OF A SALE OF PROPERTY BY THE TOWN OF WINDHAM.*****SUMMARY**

This bill makes various changes in the laws governing executive branch data sharing and management. It allows the Office of Policy and Management (OPM) secretary to create advisory boards to assist with required data governance activities (i.e., developing a program to access, link, analyze, and share data maintained by executive agencies and to respond to data queries).

Current law authorizes the state's chief data officer (CDO) to direct executive branch agencies (excluding the Board of Regents for Higher Education) on data use, management, sharing, coordination, and formulation of the state data plan and transparency plans. The bill expands the definition of "executive branch agency" to those agencies with a department head. So, the state data plan and agency data officer requirements (see BACKGROUND) would also apply to the offices of Early Childhood, Military Affairs, Health Strategy, and Workforce Strategy and the housing department.

Under existing law, CP20 WIN (Connecticut Preschool through Twenty and Workforce Information Network) longitudinally matches and links the data of participating state agencies and other organizations to evaluate and inform policy and practice for education, workforce, and supportive service efforts. Longitudinal means data tracking students through time.

The bill limits requests for any public records or files under the state's Freedom of Information Act (FOIA) to the agency that originated the

records or files, including data elements shared between participating agencies under a CP20 WIN sharing agreement. It requires a participating agency receiving a FOIA request for records or files that did not originate from the agency to:

1. promptly refer the request to the originating agency to respond to it directly; and
2. notify, in writing, the requestor about the referral, including the originating agency's name, address, and telephone number and the referral date (§ 4).

By July 1, 2023, and notwithstanding any provision of the general statutes, the bill also requires the OPM secretary to approve a proposed purchase and sales agreement between the town of Windham and Eastern Connecticut State University for the former Kramer Middle School building, located at 322 Prospect Street, to the university as part of its capital plan (§ 5).

Lastly, the bill eliminates a CDO annual reporting requirement on executive branch high value data sharing methods (§ 3). It also makes technical changes.

EFFECTIVE DATE: October 1, 2023, except the provision about the Windham property sale is effective upon passage.

## **BACKGROUND**

### ***Executive Branch Agency Data***

By law, executive branch agencies must designate one employee as the agency data officer. The data officers serve as the agency point of contact for inquiries, requests, or concerns regarding data access. Every two years, the CDO, in consultation with the data officers and executive branch agency heads, must update the state data plan that governs the agencies' information technology-related actions and initiatives.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13    Nay 6    (03/27/2023)