



SPRINGFIELD, ILLINOIS

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EXECUTIVE ORDER

JAN 12 2015

ILLINOIS OPEN DATA

IN THE OFFICE OF
SECRETARY OF STATE

WHEREAS, the Open Operating Standards Act, 20 ILCS 45/1 et seq., created the Illinois Open Data open operating standard to ensure maximum flexibility, transparency, innovation, and cost savings in the management of the State's information technology resources;

WHEREAS, Illinois Open Data requires each State agency under the jurisdiction of the Governor to make available to the public data sets of public information in accordance with the Open Operating Standards Act;

WHEREAS, the Open Operating Standards Act provides that the Office of the Governor is authorized to "establish appropriate policies, procedures, and protocols for the coordinated management of the State's information technology resources." 20 ILCS 45/15(b)(1); see also 20 ILCS 45/10(b) ("To implement this Act, the Office of the Governor may, by rule, establish policies, standards, and guidance as required herein."); 20 ILCS 45/15(b) ("Public data sets shall be made available in accordance with technical standards published by the Office of the Governor. The technical standards shall be determined by the Office of the Governor ...")

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the executive authority vested in me by Article V of the Constitution of the State of Illinois, and pursuant to the terms of the Open Operating Standards Act, 20 ILCS 45/1 et seq., do hereby direct as follows:

I. DEFINITIONS

For the purposes of this Executive Order, and unless the context expressly indicates otherwise, the following definitions apply to this Executive Order:

"Agency Chief Information Officer" or "Agency CIO" means the individual at a State agency who is responsible for the management, operation, governance, policy, and procurement of IT at a State agency.

"Compliance plan" means that plan for making public data sets available online, as described in Section 15(e) of the Open Operating Standards Act, 20 ILCS 45/15(e).

"Cloud computing" has the meaning provided by Special Publication 800-145 issued by the National Institute of Standards and Technology of the United States Department of Commerce.

"CMS" means the Department of Central Management Services.

"Data" means final versions of statistical or factual information: (a) in alphanumeric form reflected in a list, table, graph, chart, or other non-narrative form that can be digitally transmitted or processed; and (b) 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" does not include:

- (1) data to which an agency may deny access pursuant to any provision of a federal, State, or local law, rule, or regulation, including, but not limited to, the Freedom of Information Act, 5 ILCS 140/1 et seq.;
- (2) data that contains a significant amount of information to which an agency may deny access pursuant to any provision of a federal, State, or local law, rule, or regulation;
- (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, IT, internal service-desk and other data related to internal agency administration; and
- (8) any other data the publication of which is prohibited by law.

"Grant funds" means any public funds dispensed by a grantor agency to any person or entity for obligation, expenditure, or use by that person or entity for a specific purpose or purposes and any funds disbursed by the State Comptroller pursuant to an appropriation made by the General Assembly to a named entity or person. Funds disbursed in accordance with a fee-for-service purchase of care contract are not grant funds for purposes of the Open Operating Standards Act. Neither the method by which funds are dispensed, whether by contract, agreement, grant subsidy, letter of credit, or any other method, nor the purpose for which the funds are used can change the character of funds which otherwise would be considered grant funds as defined in this Executive Order.

"Grantee" means the person or entity which may use grant funds.

"Grantor agency" means a State agency that dispenses grant funds.

"Illinois Open Data" means an open operating standard for the State of Illinois under which each agency of State government under the jurisdiction of the Governor shall make available public data sets of public information.

"IT" means information technology.

"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.

"Public data" means all data that is collected by any unit of State or local government in pursuance of that entity's official responsibilities that is otherwise subject to disclosure pursuant to the Freedom of Information Act, 5 ILCS 140/1 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.

"State agency" or "agency" has the meaning ascribed to the term "agency" in Section 3.1 of the Executive Reorganization Implementation Act, 15 ILCS 15/1 et seq.

"Strategic enterprise application plan" means a comprehensive program developed by a State agency that articulates both principles and goals related to the application of its services and programs to the current and future needs of enterprise in Illinois.

"Strategic plan" means an organization's evaluation, over a period of up to 5 years, of its strategy and direction, including a framework for decision-making with respect to resource allocation to achieve defined goals.

"Voluntary consensus standards body" means an organization that plans, develops, establishes, or coordinates voluntary consensus standards using agreed upon procedures. A

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voluntary consensus standards body has the following attributes: openness; balance of interest; due process; an appeals process; and consensus.

“Web portal” means www.data.illinois.gov or any successor web portal maintained by, or on behalf of, the Governor’s Office on which public data sets shall be published.

II. ILLINOIS OPEN DATA

- A. The open operating standard of the State is Illinois Open Data. Under Illinois Open Data, each agency, or arm, of State government under the jurisdiction of the Governor will undertake best efforts to make available public data sets of public information. Those agencies and arms of the State government include any office, administration, department, division, bureau, board, commission, advisory committee, or other government entity performing a governmental function of the State of Illinois.
- B. To the extent that a State agency regularly maintains or updates its public data sets, such public data sets shall be updated on www.data.illinois.gov, or any other publicly accessible website designated by the State, in order to maintain their usefulness and integrity.
- C. For purposes of prioritizing data sets, State agencies must consider whether the information contained therein:
 - (1) can be used to increase State agency accountability and responsiveness;
 - (2) improves public knowledge of the State agency and its operations;
 - (3) furthers the mission of the State agency;
 - (4) creates economic opportunity;
 - (5) is received via the online forum for inclusion of particular public data sets; or
 - (6) responds to a need or demand identified by public consultation.
- D. Except as otherwise provided in the Open Operating Standards Act, the State shall make the public data sets available without any registration requirement, license requirement, or restriction on their use.
- E. The Governor’s Office shall publish on the web portal the following open data legal policies set forth in the Section 25(c) of the Open Operating Standards Act, 20 ILCS 45/25(c):
 - (1) Public data sets made available on the web portal are provided for informational purposes only. The State does not warrant 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 under the Open Operating Standards Act.
 - (2) 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 any third party application utilizing such data set.
 - (3) Nothing in the Open Operating Standards Act shall be construed to create a private right of action to enforce its provisions.
 - (4) All public data sets shall be entirely in the public domain for purposes of federal copyright law.

III. OPEN DATA STANDARDS AND GUIDELINES

- A. The Office of the Governor shall make all public data sets accessible to State agencies through a single web portal that is linked to www.data.illinois.gov.
- B. The Office of the Governor shall publish a technical standards manual pursuant to which it will make available public data sets. These technical standards shall be developed by the Governor’s Office in consultation with:
 - (1) subject matter experts from all State agencies;
 - (2) subject matter experts from units of local government;

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- (3) non-profit organizations that specialize in technology and innovation;
 - (4) the academic community; and
 - (5) other interested groups as designated by the Office of the Governor.
- C. Whenever practicable, the technical standards manual shall use open standards for web publishing and e-government and shall:
- (1) identify the reason why each technical standard was selected and for which types of data it is applicable;
 - (2) recommend or require that data be published in more than one technical standard;
 - (3) 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; and
 - (4) be updated as necessary.
- D. The Office of the Governor, in consultation with subject matter experts from State agencies, shall establish appropriate policies, procedures, and protocols for the coordinated management of the State's IT resources. Such policies, procedures, and protocols shall be developed in accordance with the following goals:
- (1) increasing government accountability and transparency;
 - (2) creating economic opportunity;
 - (3) maximizing resources; and
 - (4) promoting efficiency and cost-savings, including through a preference for cloud computing solutions for internet technology initiatives or upgrades whenever possible and feasible.

IV. STATE AGENCY COMPLIANCE PLANS

- A. Each State agency shall develop, in collaboration with the Governor's Office, a compliance plan for making public data sets available online. The compliance plan shall include:
- (1) a summary description of public data sets under the control of the State agency on or after the effective date of the Open Operating Standards Act;
 - (2) a prioritization of public data sets for inclusion on the single web portal; and
 - (3) a draft long-term strategic enterprise application plan, containing a summary explanation of how the State agency's 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.
 - (a) As part of its long-term strategic enterprise application plan, each State agency must evaluate safe, secure cloud computing options before making any new IT or telecommunications investments and, if feasible, must adopt appropriate cloud computing solutions.
 - (b) Each State agency must re-evaluate its technology sourcing strategy to include consideration and use of cloud computing solutions as part of the budget process.
- B. The Office of the Governor shall review each compliance plan submitted by the respective State agencies and shall publish a single Statewide protocol based on those plans. The Statewide protocol shall be published and available at www.data.illinois.gov.
- C. Each State agency shall update its public data sets, or publish new public data sets, as provided in the Statewide protocol.
- D. Except as otherwise provided in the Open Operating Standards Act, the State shall make the public data sets available without any registration requirement, license requirement, or restriction on their use.

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V. INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS PROJECTS

- A. All IT and telecommunications projects initiated by any State agency must be reviewed and approved by the Governor's Office. Before initiating any new IT or telecommunications project, the State agency must provide to the Office of the Governor:
- (1) a description of the proposed project;
 - (2) the estimated cost of the proposed project;
 - (3) a timeline for the completion of the proposed project;
 - (4) whether the proposed project would be subject to competitive bid;
 - (5) whether the proposed project would include a cloud computing solution;
 - (6) if the proposed project would not include cloud computing solution, the reason therefor; and
 - (7) whether the proposed project would involve any other State agencies.
- B. Effective January 1, 2015, CMS shall not approve or disapprove any IT or telecommunications initiative or procurement of a State agency without the express written approval of the Office of the Governor
- C. CMS' role in connection with IT and telecommunications initiatives and procurement is strictly advisory and non-binding; effective January 1, 2015, any CMS governance or procurement business case process is suspended and of no further force or effect.
- D. The Office of the Governor shall work with the State's Chief Procurement Officer for General Services, as appropriate, to procure IT or telecommunications on behalf of the Governor's Office and State agencies.
- E. The Office of the Governor and all Agency CIOs shall employ and promote a "Cloud First" policy in connection with all IT procurements, and shall evaluate safe, secure cloud computing options before making any new IT or telecommunications investment or upgrading any system currently in use and, if feasible, shall adopt an appropriate cloud computing option.
- F. Whenever possible and appropriate, prior to seeking approval for an IT or telecommunications procurement, an Agency CIO must explore the possibility for cross-agency collaboration in order to achieve cost-savings and streamline processes.
- G. CMS must provide to the Governor's Office a list of all IT and telecommunications projects it has undertaken, or has approved a State agency to undertake, since July 1, 2009. The list must include, but is not limited to, the following information:
- (1) the name of the State agency;
 - (2) the nature of the project;
 - (3) the date of approval;
 - (4) the justification for approval;
 - (5) the cost or estimated cost of the project; and
 - (6) the completion date or estimated completion date of the project.
- H. CMS must provide to the Governor's Office a list of all IT and telecommunications projects it has declined to approve, whether the project would have been undertaken by CMS or by a State agency, since July 1, 2009. The list must include, but is not limited to, the following information:
- (1) the name of the State agency;
 - (2) the nature of the project;
 - (3) the date of disapproval;
 - (4) the justification for disapproval; and
 - (5) the estimated cost of the project.

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- I. The information described in paragraphs G and H of this Section must be provided to the Governor's Office no later than 30 days after the effective date of this Executive Order.

VI. SUPERSEDING CONFLICTING, PRECEDING ORDERS AND AGREEMENTS

To the extent that any other 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.

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 and shall remain in effect until terminated or modified.



Pat Quinn, Governor

Issued by Governor: January 12, 2015
Filed with Secretary of State: January 12, 2015

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