_____ BILL NO. _____

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: “AN ACT ESTABLISHING THE STATE DATA OFFICE IN THE DEPARTMENT OF ADMINISTRATION; PROVIDING THE DEPARTMENT OF ADMINISTRATION'S AND CHIEF DATA OFFICER'S RESPONSIBILITIES FOR STATE AGENCY DATA; PROVIDING EXEMPTIONS FOR CERTAIN STATE AGENCIES; DEFINING "CHIEF DATA OFFICER"; AMENDING SECTION 2-17-506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. State data office -- chief data officer -- duties -- exemptions.** (1) There is a state data office in the department. The head of the office is the chief data officer. The chief data officer is hired by the director of the department.

(2) The duties of the chief data officer include but are not limited to:

(a) managing the state data office;

(b) carrying out all powers and duties of the department as provided in this section and as assigned by the director of the department; and

(c) serving as the chief policy advisor to the director of the department and state agencies on data use, management, and sharing.

(3) The duties of the chief data officer do not include any duties of the chief information officer. However, the chief data officer may advise the director of the department and the chief information officer on department responsibilities provided in 2-17-533 subject to the direction of the director of the department.

(4) The department shall:

(a) establish policies to promote and ensure the quality of data maintained by state agencies and maintain compliance with state and federal laws protecting the privacy of personal information;

(b) provide enterprise data governance and related services to state agencies;

(c) manage data-sharing agreements involving state agencies; and

(d) coordinate with agency heads to reduce or eliminate operational redundancies, resolve data fragmentation, identify and achieve efficiencies, and enhance public service.

(5) The department of justice, the national guard, the office of the state auditor, the office of public instruction, the secretary of state, and the university system are exempt from this section.

Section 2. Section 2-17-506, MCA, is amended to read:

"**2-17-506. Definitions.** In this part, unless the context requires otherwise, the following definitions apply:

(1) "Board" means the information technology board established in 2-15-1021.

(2) "Chief data officer" means a person hired by the director of the department to carry out the duties and responsibilities of the department relating to state agency data as provided in [section 1].

~~(2)~~ (3) "Chief data privacy officer" means a person appointed by the department to serve as chief data policy advisor to the director of the department on privacy protection issues, including the implementation of data privacy protections, compliance with federal laws, regulations, and policies relating to data privacy, management of data privacy risks at the department, and development and evaluation of legislative, regulatory, and other policy proposals.

~~(3)~~ (4) "Chief information officer" means a person appointed by the director of the department to carry out the duties and responsibilities of the department relating to information technology.

~~(4)~~ (5) "Commercial off-the-shelf information technology resources" means commercially available information technology resources that are ready-made, are primarily configurable, and can be adapted after purchase to meet the needs of the state.

~~(5)~~ (6) "Data" means any information stored on information technology resources.

~~(6)~~ (7) "Department" means the department of administration established in 2-15-1001.

~~(7)~~ (8) "Digital" means electronic data and the information technology resources used to store, retrieve, and send data.

~~(8)~~ (9) "Digital access system" means a system capable of making data accessible by means of an information technology resource.

~~(9)~~ (10) "Information technology resource" means any hardware, software, and associated services, including state and third-party platforms, networks, systems, or facilities, used to store or transmit information in any form.

~~(10)~~ (11) "Long-range information technology capital project" means a discrete long-range information technology system or application, including the replacement or upgrade to existing systems.

~~(11)~~ (12) "State agency" means any entity of the executive branch, including the university system.

~~(12)~~ (13) "State telecommunications network" means information technology resources administered by the department for the transmission of voice, video, or electronic data from one device to another."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 2, chapter 17, part 5, and the provisions of Title 2, chapter 17, part 5, apply to [section 1].

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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