



Ohio Legislative Service Commission

Tom Wert

Fiscal Note & Local Impact Statement

Bill: [H.B. 321 of the 130th G.A.](#)

Date: January 17, 2014

Status: As Introduced

Sponsor: Reps. Duffey and Hagan

Local Impact Statement Procedure Required: Yes

Contents: Establishes specific formatting standards for public records and data sets posted to the Internet by public offices and creates the DataOhio Board

State Fiscal Highlights

- The bill requires public records and data posted on a public website by a public office to meet certain formatting standards. State agencies, boards, and commissions could incur costs to reformat data if necessary to meet those standards. The costs would depend on the amount of data, and the technological and labor resources needed to reformat data.
- State offices may claim a qualified exemption from the standards for three reasons outlined in the bill, including: (1) lack of financial or other resources to make the changes, (2) insufficient technical ability to carry out the changes, and (3) a determination that complying with the standards is against public policy of the public office.
- The Department of Administrative Services could incur negligible costs to provide meeting space for the DataOhio Board created under the bill.

Local Fiscal Highlights

- Public records and data posted online by local governments would also be required to comply with standards established by the bill. Consequently, local governments could incur costs to reformat data if necessary.
- Qualified exemptions from the formatting standards are also available to local governments under the bill.

Detailed Fiscal Analysis

The bill establishes formatting standards for public records and data sets posted to a public website by a public office. More specifically, the bill requires public records and data sets that are posted on a public website to be in an open format such that it is capable of being searched, viewed, and downloaded by the public and in a format that is machine readable. Additionally, the bill creates the DataOhio Board for the purpose of facilitating the public's ability to easily find, download, and use data held by public offices. Potential fiscal effects are discussed under the headings below.

Formatting standards for public records and data sets

The bill requires public records and data sets that are posted by a public office to a public website to be in a format that is capable of being searched, viewed, and downloaded by the public and to be machine readable. Consequently, public offices that post public records and data sets to public web pages could incur costs to comply with these requirements. These new costs would hinge on the amount of any data that would require reformatting, and any computer hardware, software, or labor that might be needed to accomplish the task. However, public offices could avoid these costs if they claim a qualified exemption. Under the bill, a public office may claim a qualified exemption for a subset or entire category of records if the public office lacks the technical ability or the financial or other resources to post data that meets the standards. A qualified exemption could also apply if posting records in this manner is contrary to the public policy of the public office. Under the bill, qualified exemptions are not subject to challenge. However, an Ohio resident may petition the public office to explain its claim to an exemption.

DataOhio Board

The bill establishes the DataOhio Board for the purpose of recommending the types of public records and data that should be available online and standards for those records and data to ensure they are posted in an open format and comparable across governmental units. The bill requires the Board to produce a report of its recommendations within one year of the bill's effective date, and by March 31st each year thereafter. Membership of the Board is to consist of the Governor and other state elected officials, the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and three members representing local governments. Members of the Board are to serve without compensation. Under the bill, the Department of Administrative Services (DAS) is required to provide meeting space for the Board. Consequently, DAS could incur negligible costs for doing so. Also, while not mentioned in the bill, it is possible that DAS would provide technical and administrative help to the DataOhio Board. If so, the agency might incur some costs for doing so.