**Data Sharing Legislative Concept**

Definitions

A. "Geospatial data" means digital data comprising geographic or projected map coordinate values, identification codes and associated descriptive data to locate and describe boundaries or features on, above or below the surface of the earth, or characteristics of the earth's inhabitants, or its natural or human-constructed features. “Geospatial data” and “geographic information” are synonymous for the purposes of this statute.

B. “Geospatial Framework data” means a subset of all geospatial data that has been identified by the Governor’s Oregon Geographic Information Council, is needed to support the business processes of multiple government organizations, and comprises the base or reference data to which other geospatial data is tied.

C. "Public body" means every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state, as defined in ORS 192.410(3).

Geospatial data sharing

A. Public bodies in Oregon are hereby directed, when at no additional cost, using existing data and existing resources, to share geospatial Framework data, for which they are the custodian as per ORS 192.410(1), with other public bodies, subject to the exemptions and provisions established in ORS 192.410 to 192.505 and other laws. The specific geospatial data sets shall be identified in Oregon Administrative Rule prior to this statute taking effect.

B. The Department of Administrative Services (Department) shall serve as the central repository for the shared geospatial information and shall be responsible for making the data accessible to the identified user community. The Department shall provide electronic means whereby public bodies can easily share geospatial data with other public bodies in a secure manner. For geospatial data for which data standards have been adopted for state agencies by the Department as set out in ORS 291.038, the data shall be shared by state agencies with the Department in a format consistent with those standards. For geospatial data for which data standards have not yet been adopted for state agencies by the Department, and for all other geospatial data covered by this statute, the data shall be shared with the Department in the format in which the data is kept by the data custodian. The frequency of data sharing under this statute will be determined by the Department based on the needs of the identified user community, but shall not be less than annually.

C. A public body that shares geospatial data with another public body for the purposes of this statute may:

1. Share geospatial data without entering into a written agreement with the other public body, subject to the exemptions and provisions in ORS 192.410 to 192.505 and other laws.

2. Share geospatial data of which it is the custodian, as defined in ORS 192.410(1).

3. Retain custodial ownership of any geospatial data provided to other public bodies, as per ORS 192.410.

4. Prohibit shared data from being redistributed by recipient public bodies if notification of the prohibition is given, as per ORS 192.501 and 192.502.

D. The geospatial data shall be shared with and by the Department using appropriate information security protocols so that the data will only be accessible by public bodies authorized in this statute and in the accompanying administrative rules to have access to the data.

E. Geospatial Framework data shared between public bodies is not subject to the provisions in ORS 190.050 related to fees for geographic data.

F. Geospatial data shared between public bodies is not subject to the provisions in ORS 192.440(4) related to fees for providing copies of public records. The intent of this legislation is to eliminate transfer of funds between public bodies for the purpose of sharing geospatial data.

G. A public body that shares with another public body geospatial data of which it is the custodian is not liable for errors, inaccuracies or omissions in the data and shall be held harmless from and against all damage, loss or liability arising from any use of geospatial data that is shared with other public bodies.

H. Notwithstanding the other provisions of this statute, a public body that shares geospatial data or receives shared geospatial data may withhold the shared data from public disclosure if the data consist of critical infrastructure information.

I. In this statute, unless the context otherwise requires:

1. "Critical infrastructure" means systems and assets, whether physical or virtual, which are so vital to this state and the United States that the incapacity or destruction of those systems and assets would have a debilitating impact on security, economic security, public health or safety.

2. "Critical infrastructure information" means information that is not customarily in the public domain, including infrastructure information specifically defined in ORS 192.502(33), and that is related to the security of critical infrastructure or protected systems and that is related to any of the following:

(a) An attack, either physical or computer based.

(b) The ability of critical infrastructure to resist such an attack including planned or past assessments of vulnerability and risk management planning.

(c) Planned or past operational problems regarding critical infrastructure.

3. "Critical infrastructure information system" means a program that uses computer technologies to provide personnel who are involved in security planning and operations with real time information regarding critical infrastructure within this state and critical infrastructure located outside of this state that may affect the safety and well-being of citizens of this state.