



**Office of
General Services**

ANDREW M. CUOMO
Governor

ROANN M. DESTITO
Commissioner

September 30, 2020

Honorable Thomas P. DiNapoli
Comptroller
Office of the State Comptroller
110 State Street, 15th Floor
Albany, NY 12236

Re: Audit Report- 2019-S-39, Issued 04/08/2020

Dear Comptroller DiNapoli:

In accordance with Section 170 of the Executive Law, the Office of General Services ("OGS") is providing the attached Corrective Action Plan related to Audit Report 2019-S-39 titled Compliance with Executive Order 95 (Open Data). We appreciate your time and efforts in conducting this audit and are confident that we have addressed the recommendations in order to fulfill the objectives of the Initiative.

If you have additional questions or comments, please contact Theresa Bonneau at Theresa.Bonneau@ogs.ny.gov or (518) 402-5846.

Sincerely,



RoAnn M. Destito

Attachment

cc: Hon. Andrew M. Cuomo
Hon. Andrea Stewart-Cousins
Hon. Robert G. Ort
Hon. Carl E. Heastie
Hon. Crystal Peoples-Stokes
Hon. William A. Barclay
Hon. Liz Krueger
Hon. James Seward
Hon. Helene E. Weinstein
Hon. Edward P. Ra

Corrective Action Plan for Audit 2019-S-39
Compliance with Executive Order 95 (Open Data)

OSC Recommendation 1: *As soon as practicable, submit to ITS and make publicly available a complete catalogue and schedule of publishable State data for addition to Open Data.*

OGS Implementation Plan: OGS disagrees with the premise of this recommendation and asserts that it has fully complied with the requirements of EO 95 to submit publishable, high value datasets to ITS. In accordance with the ITS Open Data Handbook, the business units at OGS were asked to provide publishable, high quality, "high value" datasets. High value data is defined by the ITS Open Data Handbook as data that can be "used to increase the agency's accountability and responsiveness, improve public knowledge of the agency and its operations, further the mission of the agency, create economic opportunity, or respond to a need or demand identified after public consultation." Moreover, EO 95 provides that data is not publishable State data if making it available on Open Data would, among other things, impose an undue financial, operational, or administrative burden on the agency. The 11 proposed datasets were those that OGS determined met the threshold set forth in EO 95 and the Open Data Handbook. As explained in the Audit Report, several were not published on Open Data for technical or confidentiality reasons or were no longer available or considered high value. That said, OGS will continue to work to identify additional datasets that are publishable, high quality, and high value.

At least one potential high value dataset is currently being worked on by OGS real property staff and will be published to Open Data once it is fully operational. This dataset would potentially be of the highest value, which is a searchable dataset of all New York State-owned real property and capital assets.

OGS is examining the 35 potentially publishable datasets maintained by OGS that were identified during the audit with respect to confidentiality, their being high value, and technical aspects of reliability and formatting for publication.

The delegated OGS Data Coordinator will conduct periodic surveys of OGS business units and continue to work with ITS to potentially add new datasets with publication schedule to the OGS Open Data catalogue as OGS programs and systems evolve and are updated and new ones are created.

Implementation Date: Continuously Implemented

Person Responsible for Implementation: OGS Data Coordinator

OSC Recommendation 2: *Develop procedures for:*

- *Incorporating compliance with EO 95 into OGS' core business practices; and*
- *Ensuring accurate, complete, and timely updates to data posted on Open Data.*

OGS Implementation Plan: OGS partially agrees with this recommendation. OGS has worked to identify its publishable and high value datasets.

OGS will canvass its business units through periodic surveys conducted by the delegated Data Coordinator in an effort to identify any additional publishable, complete, high value datasets. The

delegated Data Coordinator will use the latest version of the Open Data Handbook as a guide to evaluating identified datasets based on the standards set forth in Executive Order 95.

OGS has procedures for having timely, accurate, and complete updates. Upon bringing its Recycled Commodities dataset up to date, ITS staff has ensured OGS that all OGS's datasets have been refreshed according to their posting frequencies, and this continues to be the case.

Regarding the collection and processing of data pertaining to the Recycled Commodities dataset for Open Data, the process has been streamlined at the program level in order to prioritize accuracy and timeliness. All facility managers have received directives on how to ensure the accuracy of this data, and all required staff have received the necessary training. The data will now be reviewed monthly as a secondary check of completion and to provide a timely window in which to correct any errors or missing information.

OGS Procurement Services has implemented a manual review of the VAR report prior to publication. This review checks to ensure that all expired contracts are removed from the SFS query prior to download. An additional review is done after the report is compiled, to spot check that vendors and their resellers match. Staff are also adding an Outlook reminder to team calendars to ensure the report is completed timely.

Implementation Date: Already Implemented and Continuously Implemented

Person Responsible for Implementation: Real Property & Facilities Management, Procurement Services, and OGS Data Coordinator

OSC Recommendation 3: *Designate a Data Coordinator or assistant to the Data Coordinator who has the necessary knowledge of the data and resources used by OGS to be actively involved in overseeing and executing requirements of EO 95.*

OGS Implementation Plan: We disagree with the premise of this recommendation. The reason that EO 95 requires the Data Coordinator for each agency to be at the deputy commissioner level or equivalent is so that the Data Coordinator has a broad understanding of the agency's mission and operations and is aware of what data may reside within the agency. As the title implies, the Data Coordinator is expected to coordinate, not necessarily be the technical expert on all data within an agency.

OGS made the decision to appoint its Deputy Commissioner and Counsel as its Data Coordinator, and the Deputy Commissioner and Counsel made the decision to delegate the day-to-day duties for compliance with EO 95 to the Associate Counsel. The delegated OGS Data Coordinator has the requisite level of knowledge about the agency's data and relies on the technical expertise of the various business units within OGS to identify publishable, high value datasets and to prepare such datasets for publication and updates.

The OGS Public Information Manager for Digital Content will assist the delegated Data Coordinator where appropriate or where that person may have additional knowledge about certain agency data or technical expertise that would be helpful to the delegated Data Coordinator.

Implementation Date: Already Implemented

Person Responsible for Implementation: OGS Data Coordinator