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OFFICE OF THE STATE COMPTROLLER

August 18, 2021

Rossana Rosado
Secretary of State
Department of State
99 Washington Avenue, 11th Floor
Albany, NY 12231

Re: Compliance With Executive Order 95
(Open Data)
Report 2021-F-11

Dear Ms. Rosado:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the Department of State to implement the recommendations contained in our audit report *Compliance With Executive Order 95 (Open Data)* (Report [2019-S-16](#)).

Background, Scope, and Objective

State government entities possess large amounts of valuable information on subjects such as health, business, public safety, parks and recreation, labor, and transportation. Executive Order 95 (EO 95), issued March 11, 2013, established an online Open Data Website ([Open Data](#)) for the collection and public dissemination of publishable State data maintained by covered State entities (generally, those headed by individuals appointed by the Executive). EO 95 implementation was phased in beginning in March 2013, with covered entities required to be in full compliance by December 2019. As of June 16, 2021, there were over 5,280 data items on Open Data.

Open Data should provide ongoing "single-stop" access to publishable State data and make such data freely available in accessible formats for public use. Publishable State data should include comprehensive metadata and documentation to help maximize citizens' understanding, and the public should be able to easily access the data using common software applications. Further, EO 95 states that ensuring the quality and consistency of data is essential to Open Data's value and utility. The Open Data Handbook published by the Office of Information Technology Services (ITS) defines quality information as appropriate, current, complete, accurate, accessible, and provided on a timely basis.

EO 95 requires each covered State entity to designate a Data Coordinator responsible for EO 95 compliance. The Data Coordinator must have authority equal to that of a Deputy Commissioner or the head of a division or department within the entity and must also have knowledge of data and resources in use by the entity. ITS maintains Open Data in consultation with the Executive's Office and a Data Working Group (DWG), which is composed of

representatives from ITS, the Department of State, and the Office of General Services and up to 12 Data Coordinators representing a cross-section of covered State entities. Each covered State entity was required, within 180 days of the issuance of EO 95, to provide ITS with a catalogue of its publishable State data, along with a proposed schedule for making the data available on Open Data. The catalogue and schedule were also to be made publicly available.

The final Handbook, issued on November 6, 2013, sets a schedule for initial and ongoing publication of data for covered State entities, and includes guidance such as a timeline for implementing EO 95 requirements, Data Coordinator and DWG responsibilities, information on topics such as cataloguing and prioritizing data, and standardization and update requirements. Each covered State entity is required to create schedules and prioritize data publication in accordance with guidelines set forth in the Handbook, which directs agencies to identify high-value, high-quality, and complete data sets when creating the catalogue. ITS also issued several other guides to provide additional technical guidance related to formatting, data preparation, data refresh, and submission requirements included in the Handbook.

Established in 1778, the Department of State (Department) is the oldest department in State government. The Department serves as the official compiler of State agency rules and regulations as well as the publisher of information on the State Constitution, the Great Seal of New York, and other official State documents. The Department also provides a variety of services related to areas such as licensing, uniform commercial code, consumer protection, and the New York State Athletic Commission. The Department published its first data set to Open Data on February 14, 2013 and had 22 data items on Open Data as of June 16, 2021. The Department's data is typically updated anywhere from daily to quarterly, depending on the type of data.

We issued our initial audit report on April 8, 2020. The objective of our initial report, covering the period February 1, 2013 through October 16, 2019, was to determine whether the Department was complying with EO 95, including providing, in a timely manner, publishable State data to ITS under EO 95, and whether data posted under EO 95 was reliable and easily usable. The audit found that the Department had generally complied with the requirements of EO 95, incorporating compliance with EO 95 into its core business functions. The Department also continued to identify new data sets to add to Open Data. However, the Department did not identify the total population of publishable State data that it maintains. Therefore, there was limited assurance the Department provided a complete catalogue or accompanying schedules for making the data public, as required. Additionally, the audit found some problems with the usability of some of the Department's data sets on Open Data.

The objective of our follow-up was to assess the extent of implementation, as of July 16, 2021, of the two recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

The Department made progress in addressing the problems we identified in the initial audit report. Of the initial report's two audit recommendations, one has been implemented and one has not been implemented.

Follow-Up Observations

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.

Status – Not Implemented

Agency Action – The Department has not submitted an updated catalogue or schedule of publishable State data for addition to Open Data. In both its initial response to the audit and 180-day response, the Department expressed disagreement with this recommendation, stating that it provided an initial schedule and catalogue of publishable data when the order was issued and that its catalogue of currently publishable data is posted on Open Data.

At the time of the initial audit, the Department stated that the initial catalogue and schedule submitted to ITS in 2013 and its currently published data sets on Open Data satisfied EO 95 requirements. While its actions may have met the letter of the law, the intent of EO 95—to enhance access to government data and make government in New York State more transparent—justifies the need for an updated catalogue and schedule of publishable State data for addition to Open Data.

Recommendation 2

Work with ITS to enhance the quality and utility of publishable State data by improving Department data accessibility, as well as consistency, where permitted under applicable law.

Status – Implemented

Agency Action – In coordination with ITS, the Department has worked to implement a new system for its Active Corporations data set, which, at the time of our initial audit, was found to be difficult to open due its large size and, to read the complete file, required advanced analytical software. The Department has incorporated Open Data needs into the system and has made the data more accessible.

Major contributors to this report were Marisa Sutliff, Amanda Dare, Jenna Agars, and Emily Vandenburg.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We thank the management and staff of the Department for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Heather Pratt
Audit Manager

cc: Shelly Taleporos, Director of Internal Audit