

THOMAS P. DiNAPOLI
STATE COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

August 27, 2021

RoAnn M. Destito
Commissioner
Office of General Services
Corning Tower, 41st Floor
Albany, NY 12242

Re: Compliance With Executive Order 95
(Open Data)
Report 2021-F-12

Dear Commissioner Destito:

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 Office of General Services to implement the recommendations contained in our audit report *Compliance With Executive Order 95 (Open Data)* ([Report 2019-S-39](#)).

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 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 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 (OGS) 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.

ITS's Open Data 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 1960, OGS provides essential support services to State government operations. Its mission is to manage and lease real property; design and build facilities; contract for goods, services, and technology; and deliver a broad scope of critical services for State agencies. OGS published its first data item to Open Data on June 24, 2014 and has published six data items as of June 9, 2021. OGS' data is typically updated anywhere from quarterly to annually, 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 March 11, 2013 through December 6, 2019, was to determine whether OGS 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 OGS had taken steps to meet the requirements of EO 95; however, certain aspects of the order were not fully addressed. OGS did not identify the total population of publishable State data that it maintains, providing limited assurance that it created a complete catalogue of its publishable State data or accompanying schedules for making that data public, as required by EO 95. Additionally, OGS maintained potentially high-value publishable State data that it did not add to Open Data. Furthermore, OGS did not incorporate compliance with EO 95 into its core business functions: OGS did not have processes in place to identify new high-value data sets to publish on Open Data (the most recent data was added in 2016), and did not consistently update data already posted to Open Data. However, the audit found the data OGS had posted to Open Data to be usable and easily accessible, with no formatting issues.

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

Summary Conclusions and Status of Audit Recommendations

OGS has made limited progress in addressing the problems we identified in the initial audit report. Of the initial report's three audit recommendations, two have been partially 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 – OGS disagreed with this recommendation at the time of the initial audit and continues to express dissent. Our review found OGS has not issued a new catalogue to ITS and has not published new data items to Open Data since our audit. OGS stated that there are two new data sets that are under review, but as of June 2021 they have not been published to Open Data.

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 to Open Data.*

Status – Partially Implemented

Agency Action – OGS has not formally incorporated compliance with EO 95 into its core business practices (e.g., has not added new data items to Open Data or created a process to identify new data items to publish to Open Data), but has taken informal steps to implement this recommendation. Subsequent to our audit, the Data Coordinator began to conduct periodic surveys of OGS business units to identify new data items, but this process is conducted informally through conversations, and officials could not provide any evidence, such as a written procedure, to support that the process exists.

Further, we reviewed OGS' Recycled Commodities data set – one of the sampled data sets from the initial audit where we found minor reliability issues – and determined the data was accurate, complete, and updated timely. Additionally, in October 2020, OGS issued internal guidance and training for data collection and data input to streamline this process.

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.

Status – Partially Implemented

Agency Action – OGS disagreed with this recommendation at the time of the initial audit and continues to express dissent. In its 180-day response to the initial audit, OGS officials stated that the Data Coordinator is expected to coordinate, and not necessarily be the technical expert on all data within an agency. OGS asserted that its delegated Data Coordinator has the requisite level of knowledge and relies on the technical expertise of the various business units within OGS to identify publishable, high-value data sets and to prepare such data sets for publication and updates. Our follow-up found OGS did not make any changes to the Data Coordinator position; however, it assigned an assistant to the Data Coordinator who has additional knowledge about certain agency data and technical expertise.

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 OGS for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Heather Pratt
Audit Manager

cc: Nicole DiPierro, Internal Audit