November 9, 2022

Basil Seggos
Commissioner
Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Re: Compliance With Executive Order 95
(Open Data)
Report 2022-F-20

Dear Commissioner Seggos:

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 Environmental Conservation (DEC) to implement the recommendations contained in our audit report, *Compliance With Executive Order 95 (Open Data)* (Report 2020-S-11), issued May 27, 2021.

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 who are 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 November 2022, there were over 5,630 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 data software applications. Further, EO 95 states that ensuring the quality and consistency of data is essential to Open Data's value and utility – quality information is 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 have knowledge of data and resources in use by the entity. The Office of Information Technology Services (ITS) maintains Open Data in consultation with the Executive's Office and a Data Working Group (DWG), which is composed of representatives from ITS, Department of State,

Office of General Services, Division of Budget, 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 publicly available.

ITS' Open Data Handbook (Handbook), version 2.0, issued May 2020, sets a schedule for initial and ongoing publication of data for covered State entities, and includes guidance such as implementing EO 95 requirements, assigning a Data Coordinator and DWG responsibilities, information on topics such as cataloging 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.

As the steward of New York's natural resources and environment, DEC is responsible for managing water, land, and air pollution in order to enhance the health, safety, and welfare of the people of the State and their overall economic and social well-being. DEC published its first data item to Open Data on February 13, 2013 and, as of October 2022, had published 155 data items. DEC's data is typically updated annually, monthly, daily, or as needed, depending on the data.

The objective of our initial report, covering the period February 13, 2013 through October 23, 2020, was to determine whether DEC 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 DEC had taken steps to meet the requirements of EO 95; however, certain aspects of the order had not been fully addressed. DEC did not identify the total population of State data it maintains. Therefore, there was limited assurance that DEC had provided a complete catalogue of publishable State data that it maintains or established a schedule for making the data public, as required by EO 95. Additionally, seven of 15 data sets reviewed had issues related to formatting, completeness, or accuracy.

The objective of our follow-up was to assess the extent of implementation, as of November 2, 2022, of the two recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

DEC has made progress addressing the issues identified during the initial audit. Of the initial report's two recommendations, both have 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 – Implemented

Agency Action – DEC has developed a catalogue of its publishable data and submitted it to ITS for addition to Open Data. DEC's catalogue identifies 155 data items (including 76 data sets, 46 maps, 13 data lenses, 13 filtered views, six external links, and one chart) and specifies the frequency of updates for each data item. DEC has also made its catalogue, which includes links to the data items on Open Data, available on its website.

Recommendation 2

Develop procedures to ensure data is reliable and usable.

Status – Implemented

Agency Action – DEC has developed procedures to help ensure data is reliable and usable. In January 2022, DEC developed its Manual for the Open Data Initiative, which includes a section on procedures designed to address the reliability and usability of data posted to Open Data. The procedures include verifying that data sets have been updated according to the prescribed frequency and comparing data sets published on Open Data to source data to ensure data matches information on the DEC website.

Major contributors to this report were Brian Krawiecki, CIA; Donald Cosgrove; and Haroon Sarwer, CPA.

We thank the management and staff of DEC for the courtesies and cooperation extended to our auditors during this follow-up.

Very truly yours,

Heather Pratt
Audit Manager

cc: Andrew B. Fischler, Office of Internal Audit