

CHAPTER 16E

OFFICE OF TECHNOLOGY

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16E 01 OFFICE OF TECHNOLOGY

Subdivision 1 Purpose The office of technology, referred to in this chapter as the "office," is under the supervision of the commissioner of administration. The office shall provide leadership and direction for information and communications technology policy in Minnesota. The office shall coordinate strategic investments in information and communications technology to encourage the development of a technically literate society and to ensure sufficient access to and efficient delivery of government services.

Subd 2 Discretionary powers The office may

(1) enter into contracts for goods or services with public or private organizations and charge fees for services it provides,

(2) apply for, receive, and expend money from public agencies,

(3) apply for, accept, and disburse grants and other aids from the federal government and other public or private sources,

(4) enter into contracts with agencies of the federal government, local governmental units, the University of Minnesota and other educational institutions, and private persons and other nongovernmental organizations as necessary to perform its statutory duties,

(5) appoint committees and task forces of not more than two years' duration to assist the office in carrying out its duties,

(6) sponsor and conduct conferences and studies, collect and disseminate information, and issue reports relating to information and communications technology issues,

(7) participate in the activities of standards bodies and other appropriate conferences related to information and communications technology issues,

(8) review the technology infrastructure of regions of the state and cooperate with and make recommendations to the governor, legislature, state agencies, local governments, local technology development agencies, the federal government, private businesses, and individuals for the realization of information and communications technology infrastructure development potential,

(9) sponsor, support, and facilitate innovative and collaborative economic and community development and government services projects, including technology initiatives related to culture and the arts, with public and private organizations, and

(10) review and recommend alternative sourcing strategies for state information and communications systems.

Subd 3 Duties The office shall

(1) coordinate the efficient and effective use of available federal, state, local, and private resources to develop statewide information and communications technology and its infrastructure,

(2) review state agency and intergovernmental information and communications systems development efforts involving state or intergovernmental funding, provide information to the legislature regarding projects reviewed, and recommend projects for inclusion in the governor's budget under section 16A 11,

(3) encourage cooperation and collaboration among state and local governments in developing intergovernmental communication and information systems, and define the structure and responsibilities of the information policy council,

(4) cooperate and collaborate with the legislative and judicial branches in the development of information and communications systems in those branches,

(5) continue the development of North Star, the state's official comprehensive online service and information initiative,

(6) promote and collaborate with the state's agencies in the state's transition to an effectively competitive telecommunications market,

(7) collaborate with entities carrying out education and lifelong learning initiatives to assist Minnesotans in developing technical literacy and obtaining access to ongoing learning resources,

(8) promote and coordinate public information access and network initiatives, consistent with chapter 13, to connect Minnesota's citizens and communities to each other, to their governments, and to the world,

(9) promote and coordinate electronic commerce initiatives to ensure that Minnesota businesses and citizens can successfully compete in the global economy,

(10) promote and coordinate the regular and periodic reinvestment in the core information and communications technology infrastructure so that state and local government agencies can effectively and efficiently serve their customers,

(11) facilitate the cooperative development of standards for information systems, electronic data practices and privacy, and electronic commerce among international, national, state, and local public and private organizations, and

(12) work with others to avoid unnecessary duplication of existing services provided by other public and private organizations while building on the existing governmental, educational, business, health care, and economic development infrastructures

History 1997 c 202 art 3 s 7, 1998 c 366 s 41, 1999 c 250 art 1 s 68

16E 02 OFFICE OF TECHNOLOGY STRUCTURE AND PERSONNEL

Subdivision 1 Office management and structure The commissioner of administration is the state's chief information officer and technology advisor to the governor. The staff of the office must include individuals knowledgeable in information and communications technology

Subd 2 Intergovernmental participation The commissioner of administration or the commissioner's designee shall serve as a member of the Minnesota education telecommunications council, the geographic information systems council, the library planning task force or their respective successor organizations, and as a member of Minnesota Technology, Inc and the Minnesota health data institute as a nonvoting member

History 1997 c 202 art 3 s 8, 1999 c 250 art 1 s 69, 2000 c 260 s 8

16E 03 ADMINISTRATION OF STATE INFORMATION AND COMMUNICATIONS SYSTEMS

Subdivision 1 Definitions For the purposes of sections 16E 03 to 16E 05, the following terms have the meanings given them

(a) 'Information and communications technology project' means the development or acquisition of information and communications technology devices and systems, but does not include the state information infrastructure or its contractors

(b) Data processing device or system' means equipment or computer programs, including computer hardware, firmware, software, and communication protocols, used in connection with the processing of information through electronic data processing

means, and includes data communication devices used in connection with computer facilities for the transmission of data

(c) "State agency" means an agency in the executive branch of state government and includes the Minnesota higher education services office

Subd 2 Commissioner's responsibility The commissioner shall coordinate the state's information and communications technology systems to serve the needs of the state government. The commissioner shall

(1) coordinate the design of a master plan for information and communications technology systems in the state and its political subdivisions and shall report on the plan to the governor and legislature at the beginning of each regular session,

(2) coordinate all information and communications technology plans and contracts and oversee the state's information and communications systems,

(3) establish standards for information and communications systems that encourage competition and support open systems environments and that are compatible with national and international standards, and

(4) maintain a library of systems and programs developed by the state and its political subdivisions for use by agencies of government

Subd 3 Evaluation and approval A state agency may not undertake an information and communications technology project until it has been evaluated according to the procedures developed under subdivision 4. The governor or governor's designee shall give written approval of the proposed project. If the proposed project is not approved, the commissioner of finance shall cancel the unencumbered balance of any appropriation allotted for the project. This subdivision does not apply to acquisitions or development of information and communications systems that have anticipated total cost of less than \$100,000. The Minnesota state colleges and universities shall submit for approval any project related to acquisitions or development of information and communications systems that has a total anticipated cost of more than \$250,000.

Subd 4 Evaluation procedure The commissioner shall establish and, as necessary, update and modify procedures to evaluate information and communications projects proposed by state agencies. The evaluation procedure must assess the necessity, design and plan for development, ability to meet user requirements, feasibility, and flexibility of the proposed data processing device or system, its relationship to other state data processing devices or systems, and its costs and benefits when considered by itself and when compared with other options.

Subd 5 Report to legislature The commissioner shall submit to the legislature at the same time as the governor's budget required by section 16A 11, a concise narrative explanation of any information and communication technology project that involves collaboration between state agencies and an explanation of how the budget requests of the several agencies collaborating on the project relate to each other.

Subd 6 System development methods The commissioner shall establish and, as necessary, update and modify methods for developing information and communications systems appropriate to the specific needs of individual state agencies. The development methods shall be used to define the design, programming, and implementation of systems. The development methods must also enable and require a data processing system to be defined in terms of its computer programs, input requirements, output formats, administrative procedures, and processing frequencies.

Subd 7 Data security systems In consultation with the attorney general and appropriate agency heads, the commissioner shall develop data security policies, guidelines, and standards, and the commissioner of administration shall install and administer state data security systems on the state's centralized computer facility consistent with these policies, guidelines, standards, and state law to ensure the integrity of computer based and other data and to ensure applicable limitations on access to data, consistent with the public's right to know as defined in chapter 13. Each

department or agency head is responsible for the security of the department's or agency's data

Subd 8 Joint actions The commissioner may join with the federal government, other states, local governments, and organizations representing those groups either jointly or severally in the development and implementation of systems analysis, information services, and computerization projects

History 1997 c 202 art 3 s 9, 1997 c 212 s 3,4, 1998 c 359 s 15, 1998 c 366 s 42 45, 1999 c 250 art 1 s 114

16E 04 INFORMATION AND COMMUNICATIONS TECHNOLOGY POLICY

Subdivision 1 Development The office shall coordinate with state agencies in developing and establishing policies and standards for state agencies to follow in developing and purchasing information and communications systems and training appropriate persons in their use. The office shall develop, promote, and coordinate state technology, architecture, standards and guidelines, information needs analysis techniques, contracts for the purchase of equipment and services, and training of state agency personnel on these issues

Subd 2 Responsibilities (a) In addition to other activities prescribed by law, the office shall carry out the duties set out in this subdivision

(b) The office shall develop and establish a state information architecture to ensure that further state agency development and purchase of information and communications systems, equipment, and services is designed to ensure that individual agency information systems complement and do not needlessly duplicate or conflict with the systems of other agencies. When state agencies have need for the same or similar public data, the commissioner, in coordination with the affected agencies, shall promote the most efficient and cost effective method of producing and storing data for or sharing data between those agencies. The development of this information architecture must include the establishment of standards and guidelines to be followed by state agencies

(c) The office shall assist state agencies in the planning and management of information systems so that an individual information system reflects and supports the state agency's mission and the state's requirements and functions

(d) The office shall review agency requests for legislative appropriations for the development or purchase of information systems equipment or software

(e) The office shall review major purchases of information systems equipment to

(1) ensure that the equipment follows the standards and guidelines of the state information architecture,

(2) ensure that the equipment is consistent with the information management principles adopted by the information policy council,

(3) evaluate whether the agency's proposed purchase reflects a cost effective policy regarding volume purchasing, and

(4) ensure that the equipment is consistent with other systems in other state agencies so that data can be shared among agencies, unless the office determines that the agency purchasing the equipment has special needs justifying the inconsistency

(f) The office shall review the operation of information systems by state agencies and provide advice and assistance to ensure that these systems are operated efficiently and continually meet the standards and guidelines established by the office. The standards and guidelines must emphasize uniformity that encourages information interchange, open systems environments, and portability of information whenever practicable and consistent with an agency's authority and chapter 13. The office, in consultation with the intergovernmental information systems advisory council and the legislative reference library, shall recommend specific standards and guidelines for each state agency within a time period fixed by the office in regard to the following

(1) establishing methods and systems directed at reducing and ultimately eliminating redundant storage of data, and

(2) establishing information sales systems that utilize licensing and royalty agreements to the greatest extent possible, together with procedures for agency denial of requests for licenses or royalty agreements by commercial users or resellers of the information Section 3 751 does not apply to those licensing and royalty agreements, and the agreements must include provisions that section 3 751 does not apply and that the state is immune from liability under the agreement

(g) The office shall conduct a comprehensive review at least every three years of the information systems investments that have been made by state agencies and higher education institutions The review must include recommendations on any information systems applications that could be provided in a more cost beneficial manner by an outside source The office must report the results of its review to the legislature and the governor

(h) The office shall report to the legislature by January 15 of each year on progress in implementing paragraph (f), clauses (1) and (2)

Subd 3 Risk assessment and mitigation (a) A risk assessment and risk mitigation plan are required for an information systems development project estimated to cost more than \$1,000,000 that is undertaken by a state agency in the executive or judicial branch or by a constitutional officer The commissioner of administration must contract with an entity outside of state government to conduct the assessment and prepare the mitigation plan for a project estimated to cost more than \$5,000,000 The outside entity conducting the risk assessment and preparing the mitigation plan must not have any other direct or indirect financial interest in the project The risk assessment and risk mitigation plan must provide for periodic monitoring by the commissioner until the project is completed

(b) The risk assessment and risk mitigation plan must be paid for with money appropriated for the information systems development project No more than ten percent of the amount anticipated to be spent on the project, other than the money spent on the risk assessment and risk mitigation plan, may be spent until the risk assessment and mitigation plan are reported to the commissioner of administration and the commissioner has approved the risk mitigation plan

History 1997 c 202 art 3 s 10, 1999 c 250 art 1 s 114, 2000 c 488 art 12 s 17

16E 05 GOVERNMENT INFORMATION ACCESS

Subdivision 1 **Duties** The office, in consultation with interested persons, shall

(1) coordinate statewide efforts by units of state and local government to plan for and develop a system for providing access to government services,

(2) make recommendations to facilitate coordination and assistance of demonstration projects, and

(3) explore ways and means to improve citizen and business access to public services, including implementation of technological improvements

Subd 2 Approval of state agency initiatives A state agency shall coordinate with the office when implementing a new initiative for providing electronic access to state government information

Subd 3 Capital investment No state agency may propose or implement a capital investment plan for a state office building unless

(1) the agency has developed a plan for increasing telecommuting by employees who would normally work in the building, or the agency has prepared a statement describing why such a plan is not practicable and

(2) the plan or statement has been reviewed by the office

History 1997 c 202 art 3 s 11

16E 06 DATA PRIVACY

The following data submitted to the office by businesses are private data on individuals or nonpublic data financial statements, business plans, income and expense projections, customer lists, and market and feasibility studies not paid for with public funds

History 1997 c 202 art 3 s 12

16E 07 NORTH STAR

Subdivision 1 **Definitions** (a) The definitions in this subdivision apply to this section

(b) **Core services** "Core services" means information system applications required to provide secure information services and online applications and content to the public from government units Online applications may include, but are not limited to

- (1) standardized public directory services and standardized content services,
- (2) online search systems,
- (3) general technical services to support government unit online services,
- (4) electronic conferencing and communication services,
- (5) secure electronic transaction services,
- (6) digital audio, video, and multimedia services, and
- (7) government intranet content and service development

(c) **Government unit** "Government unit" means a state department, agency, commission, council, board, task force, or committee, a constitutional office, a court entity, the Minnesota state colleges and universities, a county, statutory or home rule charter city, or town, a school district, a special district, or any other board, commission, district, or authority created under law, local ordinance, or charter provision

Subd 2 **Established** The office shall establish "North Star" as the state's comprehensive government online information service North Star is the state's governmental framework for coordinating and collaborating in providing online government information and services Government agencies that provide electronic access to government information are requested to make available to North Star their most frequently requested public data

Subd 3 **Access to data** The legislature determines that the greatest possible access to certain government information and data is essential to allow citizens to participate fully in a democratic system of government Certain information and data, including, but not limited to the following must be provided free of charge or for a nominal cost associated with reproducing the information or data

(1) directories of government services and institutions, including an electronic version of the guidebook to state agency services published by the commissioner of administration,

(2) legislative and rulemaking information, including an electronic version of the State Register, public information newsletters, bill text and summaries, bill status information, rule status information, meeting schedules, and the text of statutes and rules,

- (3) supreme court and court of appeals opinions and general judicial information,
- (4) opinions of the attorney general,
- (5) campaign finance and public disclosure board and election information,
- (6) public budget information,

(7) local government documents, such as codes, ordinances, minutes, meeting schedules, and other notices in the public interest,

(8) official documents, releases, speeches, and other public information issued by government agencies, and

(9) the text of other government documents and publications that government agencies determine are important to public understanding of government activities

Subd 4 Staff The commissioner shall appoint the manager of the North Star online information service and hire staff to carry out the responsibilities of the service

Subd 5 Participation, consultation, guidelines The North Star staff shall consult with governmental and nongovernmental organizations to establish rules for participation in the North Star service Government units planning, developing, or providing publicly accessible online services shall provide access through and collaborate with North Star and formally register with the office The University of Minnesota is requested to establish online connections and collaborate with North Star Units of the legislature shall make their services available through North Star Government units may be required to submit standardized directory and general content for core services but are not required to purchase core services from North Star North Star shall promote broad public access to the sources of online information or services through multiple technologies

Subd 6 Fees The office shall establish fees for technical and transaction services for government units through North Star Fees must be credited to the North Star account The office may not charge a fee for viewing or inspecting data made available through North Star or linked facilities, unless specifically authorized by law

Subd 7 North Star account The North Star account is created in the special revenue fund The account consists of

- (1) grants received from nonstate entities,
- (2) fees and charges collected by the office,
- (3) gifts, donations, and bequests made to the office, and
- (4) other money credited to the account by law

Money in the account is appropriated to the office to be used to continue the development of the North Star project

Subd 8 Secure transaction system The office shall plan and develop a secure transaction system to support delivery of government services electronically

Subd 9 Aggregation of service demand The office shall identify opportunities to aggregate demand for technical services required by government units for online activities and may contract with governmental or nongovernmental entities to provide services These contracts are not subject to the requirements of chapters 16B and 16C, except sections 16C 04 16C 07 16C 08, and 16C 09

Subd 10 Outreach The office may promote the availability of government online information and services through public outreach and education Public network expansion in communities through libraries, schools, colleges, local government, and other community access points must include access to North Star North Star may make materials available to those public sites to promote awareness of the service

Subd 11 Advanced development collaboration The office shall identify information technology services with broad public impact and advanced development requirements Those services shall assist in the development of and utilization of core services to the greatest extent possible where appropriate, cost effective, and technically feasible This includes, but is not limited to, higher education, statewide online library, economic and community development, and K 12 educational technology services North Star shall participate in electronic commerce research and development initiatives with the University of Minnesota and other partners The statewide online library service shall consult, collaborate, and work with North Star to ensure development of proposals for advanced government information locator and electronic depository and archive systems

History 1997 c 202 art 2 s 63, art 3 s 13, 1998 c 366 s 46 1998 c 386 art 2 s 15, 1999 c 250 art 1 s 114

16E 08 BUSINESS LICENSE INFORMATION

The office shall coordinate the design, establishment, implementation, and maintenance of an electronic system to allow the public to retrieve by computer information prepared by the department of trade and economic development bureau of business licenses on licenses and their requirements. The office shall establish the format and standards for retrieval consistent with state information and data interchange policies. The system must also be designed to allow the public to apply for and obtain business licenses and permits on line. The office shall integrate the system with the North Star online information system. The office shall work in collaboration with the department of trade and economic development bureau of business licenses. The bureau is responsible for creating and operating the system.

History 1997 c 202 art 3 s 14, 1999 c 250 art 1 s 70

16E 11 [Repealed, 1999 c 250 art 1 s 115]

16E 12 [Repealed, 1999 c 250 art 1 s 115]

16E 13 [Repealed, 1999 c 250 art 1 s 115]