

Office of Parks, Recreation and Historic Preservation

Compliance With Executive Order 95 (Open Data)

Report 2019-S-65 | September 2020

OFFICE OF THE NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli, State Comptroller

Division of State Government Accountability



Audit Highlights

Objectives

To determine whether the Office of Parks, Recreation and Historic Preservation (Parks) is complying with Executive Order 95 (EO 95), including providing, in a timely manner, publishable State data to the Office of Information Technology Services (ITS) under EO 95, and whether data posted under EO 95 is reliable and easily usable. The audit covered the period between February 15, 2013 and June 26, 2020.

About the Program

State government entities possess large amounts of valuable information on subjects such as health, business, public safety, parks and recreation, labor, and transportation. 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). Open Data should provide ongoing “single-stop” access to publishable State data and make such data freely available in accessible formats for public use. As of July 2020, there were over 4,700 data items on Open Data.

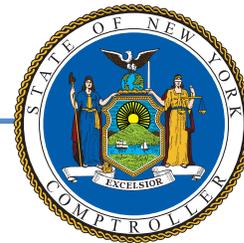
Parks is responsible for the operation and stewardship of the parks and historic sites located throughout the State. As of July 2, 2020, Parks had published 22 data items on Open Data.

Key Findings

Parks has taken steps to meet the requirements of EO 95; however, certain aspects of the order have not been fully addressed. Within the required time frame, Parks appointed a qualified Data Coordinator responsible for EO 95 compliance. However, Parks did not identify the total population of publishable State data that it maintains. Therefore, there is limited assurance that Parks has provided a complete catalogue or established a schedule for making the data public, as required by EO 95. Also, Parks has not incorporated compliance with EO 95 into its core business functions, and there are no processes to identify new publishable data to post on Open Data (most recent data was added in 2015). We found the data Parks has posted to Open Data to be usable and easily accessible with minor formatting issues. Furthermore, we found the data that was posted to be reliable, as it was both complete and accurate.

Key Recommendations

- 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.
- Develop procedures for incorporating Open Data and compliance with EO 95 into Parks’ core business and planning strategies.



**Office of the New York State Comptroller
Division of State Government Accountability**

September 15, 2020

Mr. Erik Kulleseid
Commissioner
Office of Parks, Recreation and Historic Preservation
625 Broadway
Albany, NY 12238

Dear Commissioner Kulleseid:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage their resources efficiently and effectively. By so doing, it provides accountability for the tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Compliance With Executive Order 95 (Open Data)*. This audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

Division of State Government Accountability

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Glossary of Terms

Term	Description	Identifier
DWG	Data Working Group	<i>Key Term</i>
EO 95	Executive Order 95	<i>Key Term</i>
Handbook	Open Data Handbook	<i>Key Term</i>
ITS	Office of Information Technology Services	<i>Agency</i>
Open Data	Open Data Website (data.ny.gov)	<i>Key Term</i>
Parks	Office of Parks, Recreation and Historic Preservation	<i>Auditee</i>

Background

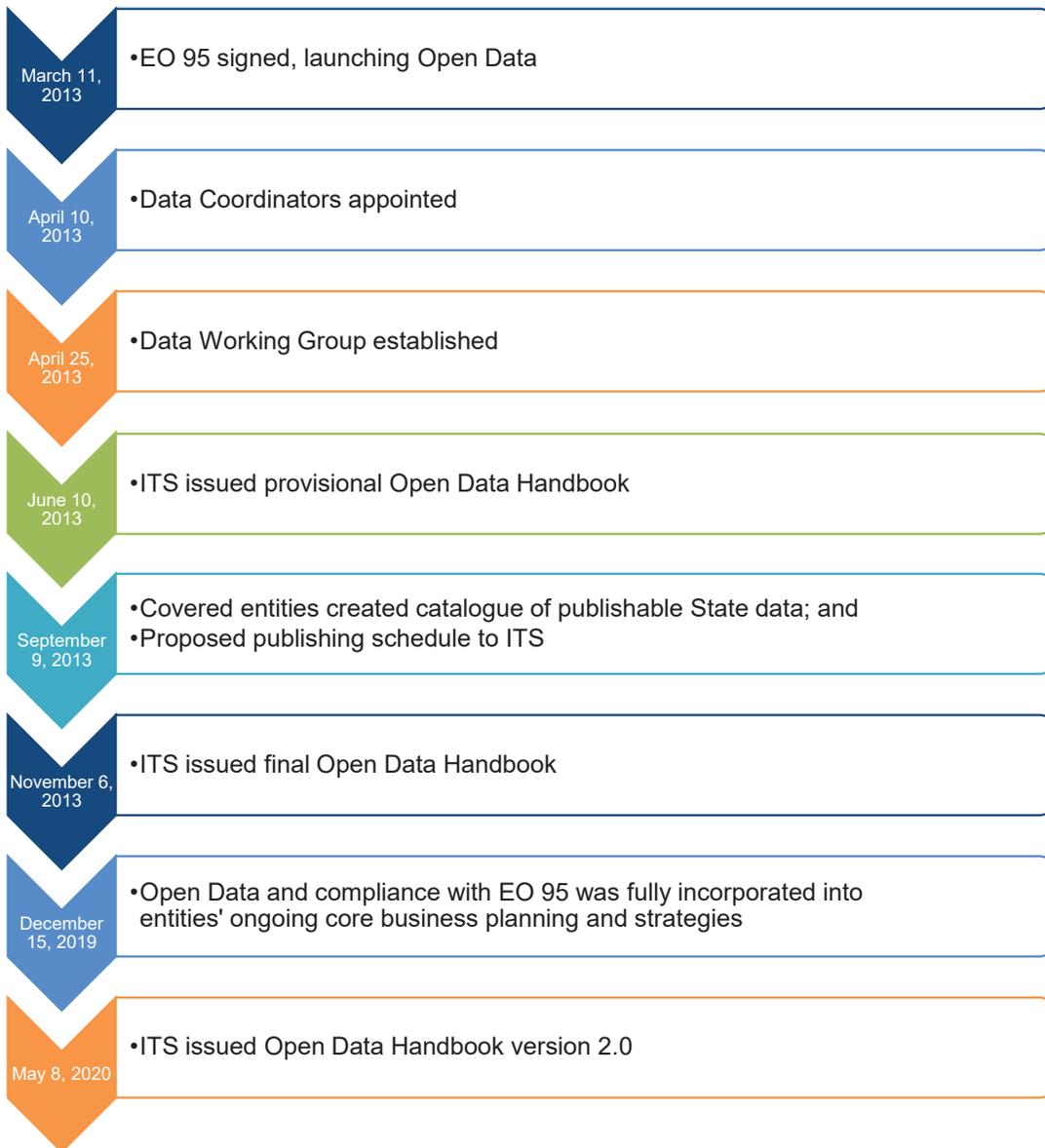
State government entities possess large amounts of valuable information on subjects such as health, business, public safety, parks and recreation, labor, and transportation. Executive Order 95 (EO 95), issued March 11, 2013, established an Open Data Website ([Open Data](#)) for the collection and public dissemination of publishable State data maintained by covered State entities (generally, those headed by individuals appointed by the Executive).

Open Data should provide ongoing “one-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, defining 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. 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, the Department of State, 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.

Within 90 days of the issuance of EO 95, ITS was required to develop a provisional Open Data Handbook (Handbook). The final Handbook, issued on November 6, 2013 and recently updated on May 8, 2020, 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 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. The DWG initially met to provide guidance to agencies on implementation of EO 95 but has not met since August 2015.

EO 95 implementation was phased in beginning in March 2013, with covered entities required to be in full compliance by December 2019. The following is a high-level timeline for EO 95 implementation:



As of July 2020, there were over 4,700 data items on Open Data.

The Office of Parks, Recreation and Historic Preservation (Parks) is responsible for the operation and stewardship of the parks and historic sites located in the State's 11 park regions: Allegany, Central, Finger Lakes, Genesee, Long Island, New York City, Niagara, Palisades, Saratoga/Capital District, Taconic, and Thousand Islands. Parks published its first data item to Open Data on February 15, 2013 and, as of July 2, 2020, had published 22 data items (10 maps, 9 data sets, 2 filtered views, and 1 chart). The last data item was published on Open Data on January 12, 2015. Parks' data is typically updated either annually or as needed, depending on the data.

Audit Findings and Recommendations

Open Data creates transparency across all levels of government and gives the public user-friendly access to vast quantities of State information. Making data publicly available can reduce costs, improve government efficiency, and inspire collaboration with the private sector. Furthermore, Open Data promotes the development of useful “apps” and encourages researchers and watchdog groups to make suggestions for improving government and life in New York. These goals are most easily achieved when covered State entities make as much high-value publishable State data as practicable available in a timely manner.

Parks has taken steps to meet the requirements of EO 95; however, certain aspects of the order have not been fully addressed.

Compliance With EO 95

Parks has generally complied with EO 95 requirements. Within the required time frame, Parks appointed a qualified Data Coordinator who is still in the position. However, Parks did not identify the total population of publishable State data that it maintains. Therefore, there is limited assurance Parks provided a complete catalogue or accompanying schedules for making the data public, as required. Parks officials stated that, as each individual data set was made available, Parks would provide an updated schedule to ITS as needed. As of July 2, 2020, Parks had published 22 data items (10 maps, 9 data sets, 2 filtered views, and 1 chart) to Open Data.

During our audit, Parks officials created a list of potentially publishable State data, totaling 69 data items. While not all these data sets may be publishable under EO 95, our review of the list found additional potentially publishable data sets that were not previously identified, evaluated by Parks for value, or added to Open Data, and, therefore, not easily accessible by the public. For example, Parks maintains data on water-related injuries/incidents and beach closures, yet it is not available on Open Data.

Parks officials stated that, as they identify new publishable data sets, they will update their master schedule, taking into consideration the value of the data to the public and the effort required to collect and maintain data sets. Additionally, Parks officials stated that ITS has not requested any new data sets. While EO 95 does not explicitly require covered entities, such as Parks, to add all publishable State data, based on the intent of EO 95 – to “enhance access to government data and make government in New York State more transparent” – they should make every effort to make as much high-value publishable State data as practicable publicly available.

Parks has also not fully incorporated EO 95 compliance into its core business functions. While Parks does have procedures in place for updating its data sets, it has not established processes to ensure it is continuously identifying new publishable data sets to add to Open Data, and has not added additional data sets since January 2015. Regularly identifying potentially publishable data sets could increase the transparency and usefulness of Open Data and improve the State’s commitment to ongoing and continuous publication of publishable State data. Parks

officials stated they are developing procedures to conduct a biennial data survey and evaluation process to identify data sets that can be added to Open Data.

Data Reliability and Usability

We selected 5 of the 22 Parks data items available as of January 2020 on Open Data to test for reliability and usability. The data items included four data sets (State Park Annual Attendance Figures by Facility, Beginning 2003; New York State Park Concession Contracts; National Register of Historic Places; and State Park Facility Points) and one map (State Park Trails). We found the data to be reliable, as it was complete and accurate. Furthermore, we found the data to be usable and easily accessible, with only minor formatting issues.

Recommendations

- 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.
- 2.** Develop policies and procedures for incorporating Open Data and compliance with EO 95 into Parks' core business and planning strategies.

Audit Scope, Objectives, and Methodology

The objectives of our audit were to determine whether Parks is 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 is reliable and easily usable. The audit covered the period between February 15, 2013 and June 26, 2020.

We became familiar with, and assessed the adequacy of, internal controls related to our audit objectives. We reviewed EO 95 and all relevant handbooks and guides related to enforcing EO 95's scheduled provisions for publishable State data. We met with Parks officials to gain an understanding of their role in publishing data sets.

To assess the data reliability, we completed various tests for a judgmental sample of 5 of 22 data items (4 data sets and 1 map) published on Open Data as of January 2020 and reviewed the general system controls for the 4 data sets. We selected our sample of 4 data sets based on most views, oldest, newest, and the only data set without a corresponding map or filter set. We judgmentally selected the map because it was the only map without a corresponding filtered view or data set. The results of our sample were not intended to and cannot be projected across the population as a whole.

Statutory Requirements

Authority

The audit was performed 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 conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. These duties may be considered management functions for purposes of evaluating threats to organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

Reporting Requirements

We provided a draft copy of this report to Parks officials for their review and written comment. Their comments were considered in preparing this final report and are attached in their entirety at the end of it. Parks officials agreed with the report's recommendations and indicated actions they will take to implement them.

Within 180 days after final release of this report, as required by Section 170 of the Executive Law, the Commissioner of Parks shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons why.

Agency Comments



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

August 28, 2020

Mr. Brian Reilly
Audit Director
Office of the State Comptroller
110 State Street
Albany, NY 12236-0001

Re: Audit Draft Report 2019-S-65

Dear Mr. Reilly,

The Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed the Office of the State Comptroller's (OSC) draft report 2019-S-65, titled "Compliance Executive Order 95 (Open Data)," which was conducted to determine whether the OPRHP is complying with Executive Order 95 (EO 95), including providing, in a timely manner, publishable State data to the Office of Information Technology Services (ITS) under EO 95, and whether data posted under EO 95 is reliable and easily usable. OPRHP agrees with OSC's recommendations below and has formulated a plan to address each recommendation.

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.

Response: We agree with this recommendation. The Open Data Handbook provided by ITS notes that, "agencies should identify those datasets that are high value, high quality and complete." OPRHP has not identified all publishable datasets and, therefore, does not have a complete catalogue published. OPRHP currently has 22 data sets posted on the Open Data Website. OPRHP will implement the procedures outlined below in response to OSC's second recommendation. The datasets identified by those procedures will then be evaluated using the guidelines in the Open Data Handbook. Datasets deemed to meet the criterion identified in EO 95 and the Open Data Handbook will be communicated to ITS and published to the Open Data Website.

In addition, while OPRHP has updated its datasets, some of the datasets were updated on an as-needed basis, depending on the nature of the dataset (e.g., snowmobile trails which are relatively static). Additionally, the nature of other datasets does not lend them to frequent updates and they were, therefore, updated on an annual basis (e.g., concessions contracts). OPRHP will create a master schedule for updating datasets, that will clarify those datasets that will be updated as they change. As OPRHP identifies new publishable datasets we will update the master schedule, taking into consideration the value of the data to the public and the effort to collect and maintain the datasets.

OSC Recommendation 2: Develop procedures for incorporating Open Data and compliance with EO 95 into Parks' core business and planning strategies.

Response: OPRHP agrees with this recommendation. OPRHP was not a data driven Agency when Executive Order 95 was issued in 2013 and OPRHP perceived it had little data that was considered "high value," as defined by ITS. ITS notes in its Open Data Handbook that high value data is data that can be, "used to increase the

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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 after public consultation." Since 2013, however, OPRHP has invested in and deployed various technologies and programs that have increased data available to the Agency. OPRHP has not taken steps to inventory or assess the value, quality or completeness of this data to determine suitability for publishing to the Open Data Website

OPRHP will implement two methods to identify and evaluate additional datasets. Additionally, OPRHP has drafted a program guidance document to memorialize the processes for identifying and evaluating data for EO 95 compliance. The program guidance document, once officially circulated for review and approval, will be posted to OPRHP's intranet. The two methods identified to determine datasets include:

- A biennial survey of OPRHP Bureau Directors; and
- Development through OPRHP's Lean program.

OPRHP has drafted a survey, using guidelines outlined for dataset identification in the Open Data Handbook. The survey questions and timelines for survey completion are outlined in the draft program guidance document. Additionally, OPRHP's Internal Control Officer, who is charged with implementing the agency's Lean program, agreed to include identification of potential publishable datasets as a program objective.

Once data has been identified by either of the noted methods the Data Coordinator will assess and prioritize the data with the help of the Bureau Director and/or Lean team to determine if the data set identified is publishable State data. The Data Coordinator will use the Open Data Handbook as a guide to evaluating data based on the standards set forth in Executive Order 95.

If you have any questions regarding our response, please contact Laura Mason, Acting Internal Audit Director and liaison to external audit agencies. Mrs. Mason can be reached at (518) 474-0449 or via email at Laura.Mason@parks.ny.gov.

Sincerely,



Erik Kulleseid
Commissioner
Office of Parks, Recreation and Historic Preservation

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