



November 10, 2020

The Honorable Russell T. Vought
The Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dear Director Vought,

I write on behalf of BSA | The Software Alliance in regards to the Government Accountability Office's (GAO) recent report about the status of agency efforts to implement the Open, Public, Electronic and Necessary (OPEN) Government Data Act of 2018.¹ BSA is the leading advocate for the global software industry.² Our members are global leaders in the development of data-driven products and services that are fueling global economic growth by helping enterprises in every sector of the economy operate more efficiently. Recognizing the transformative potential of data, BSA is a strong supporter of the OPEN Government Data Act.

As you know, the OPEN Government Data Act is intended to improve the government's use of its own data and enhance the public's ability to leverage valuable government data assets. A key feature of the OPEN Government Data Act is its requirement for agencies to develop publicly available "comprehensive data inventories." Congress recognized that this requirement was in many ways the lynchpin of the OPEN Government Data Act because the "evidence building community cannot use data unless there is some way to know that the data exists and where the data is located."³ Given the singular importance of the data inventories to achieving objectives of the OPEN Government Data Act, Congress tasked OMB with providing guidance to the agencies about how to comply with the requirement.

We are therefore concerned by the GAO's report that, nearly two years after the passage of the OPEN Government Data Act, OMB has yet to provide agencies with implementation guidance regarding the comprehensive data inventories. As the GAO notes, the lack of OMB guidance means that "agencies do not have clarity on timeframes for meeting their requirements under

¹ United States General Accountability Office, GAO 21-29, *Open Data: Agencies Need Guidance to Establish Data Inventories; Information on their Progress is Limited* (October 2020), available at <https://www.gao.gov/assets/720/710068.pdf>

² BSA's members include: Adobe, Atlassian, Autodesk, Bentley Systems, Box, Cadence, CNC/Mastercam, DocuSign, IBM, Informatica, Intel, MathWorks, Microsoft, Okta, Oracle, PTC, Salesforce, ServiceNow, Siemens Industry Software Inc., Sitecore, Slack, Splunk, Trend Micro, Trimble Solutions Corporation, Twilio, and Workday.

³ H.R. Rep. 115-411 at 12, *Foundations for Evidence-Based Policymaking Act of 2017*.

the OPEN Government Data Act or guidance to help prioritize data assets for publication in their data inventories.” Moreover, because OMB has yet to evaluate agency compliance with the OPEN Government Data Act, “Congress and the public lack key information about the extent to which agencies are meeting their requirements under the act, including whether agencies have made all required data assets open and available to the public.” Unfortunately, GAO also determined that the General Service Administration’s effort to track the data sets that are currently made available by agencies is itself undermined by data quality challenges, making it impossible to determine “the extent to which agencies regularly update their inventories, include appropriate metadata, or have working links to data inventories.”

The global response to the COVID-19 pandemic has been a stark reminder of the critical role of reliable government data. The OPEN Government Data Act established a solid legal foundation for ensuring that the public has access to trustworthy and dependable data. However, until OMB issues implementation guidance and begins evaluating agency implementation, the full vision of the OPEN Government Data Act will not be realized. Accordingly, and consistent with GAO’s recommendations, we urge you to: (1) promptly finalize the implementation guidance, (2) quickly establish a process for evaluating agency compliance with the OPEN Government Data Act, and (3) commit to working with GSA to create policies for identifying and correcting errors in published data.

BSA appreciates the work OMB has done to enhance open data across the government, and we look forward to seeing the OPEN Government Data Act implemented in full.

Sincerely,



Christian Troncoso
Senior Director, Policy

CC: Michael J. Rigas, Acting Deputy Director for Management
Maria A. Roat, Deputy Chief Information Officer