

Section 1 Header

2023 SESSION

23-0190.0
06/10

HOUSE BILL *[bill number]*

AN ACT relative to a right to data portability of state agency information.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill directs state agencies and the department of information technology to adopt a policy on the right to data portability when feasible.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~.
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to a right to data portability of state agency information.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Department of Information Technology; Open Standards; Use of Technology Solutions by State
2 Agencies; Free and Open Source Software. Amend RSA 21-R:11, I to read as follows:

3 I. For all technology acquisitions, each state agency, in consultation with the department of
4 information technology, shall:

5 (a) Consider whether technology solutions containing proprietary or open source
6 software offer the most cost effective solution for the agency, based on consideration of all associated
7 acquisition, support, maintenance, and training costs;

8 (b) Except as provided in subparagraphs (d) and (e), acquire technology solutions
9 primarily on a value-for-money basis, based on consideration of the cost factors as described in
10 subparagraph (a);

11 (c) Provide a brief analysis of the purchase decision, including consideration of the cost
12 factors in subparagraph (a), to the chief information officer;

13 (d) Avoid the acquisition of products that do not comply with open standards for
14 interoperability or data storage; ~~and~~

15 (e) Avoid the acquisition of products that are known to make unauthorized transfers of
16 information to, or permit unauthorized control of or modification of a state agency's computer[-];

17 ***(f) Enact, adopt, and implement, when feasible, a policy to ensure the right to***
18 ***data portability.***

19 2 Effective Date. This act shall take effect 60 days after its passage.