

CHAPTER 22

DEPARTMENT OF ELECTRONIC GOVERNMENT

22.01	Definitions.
22.03	Responsibilities of department.
22.05	Powers of the department.
22.07	Duties of the department.
22.09	Powers of the chief information officer.
22.11	Access to information.

22.13	Strategic plans for executive branch agencies.
22.15	Information technology portfolio management.
22.17	Information technology management board.
22.19	Purchases of computers by teachers.
22.41	Telecommunications operations and planning.

22.01 Definitions. In this chapter:

- (1) “Agency” has the meaning given in s. 16.70 (1).
- (2) “Authority” has the meaning given in s. 16.70 (2).
- (2m) “Board” means the information technology management board.
- (3) “Computer services” means any services in which a computer is utilized other than for personal computing purposes.
- (4) “Data processing” means the delivery of information processing services.
- (5) “Department” means the department of electronic government.
- (5m) “Executive branch agency” has the meaning given in s. 16.70 (4).

(5p) “Form” means any written material, by whatever means printed, generated or reproduced, with blank spaces left for the entry of additional information to be used for the purpose of providing information, collecting information or requiring action in any transaction involving this state.

(5s) “Forms management” means the system of providing forms to accomplish necessary operations efficiently and economically, including analysis and design of forms, improvement of methods of procurement, distribution and disposition of forms and improvement of methods to keep to a reasonable level the public’s duty to report. “Forms management” includes the elimination of unnecessary forms and of unnecessary data collection and standardizing, consolidating and simplifying forms and related procedures.

(6) “Information technology” means the electronic processing, storage and transmission of information including data processing and telecommunications.

(6m) “Information technology portfolio” means information technology systems, applications, infrastructure, and information resources and human resources devoted to developing and maintaining information technology systems.

(7) “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

(8) “Personal computing” means utilizing a computer that is located at the same work station where the input or output of data is conducted.

(8m) “Public contact form” means a form generated and used by any agency in transactions between the agency and a member of the public.

(9) “Supercomputer” means a special purpose computer that performs in a scientific environment and that is characterized by a very high processing speed and power.

(10) “Telecommunications” means all services and facilities capable of transmitting, switching, or receiving information in any form by wire, radio, or other electronic means.

History: 2001 a. 16 ss. 346, 347, 1027; stats. 2001 s. 22.01.

22.03 Responsibilities of department. (2) The department shall:

(a) Ensure that an adequate level of information technology services is made available to all agencies by providing systems analysis and application programming services to augment agency resources, as requested. The department shall also ensure that executive branch agencies, other than the board of regents of the University of Wisconsin System, make effective and efficient use of the information technology resources of the state. The department shall, in cooperation with agencies, establish policies, procedures and planning processes, for the administration of information technology services, which executive branch agencies shall follow. The policies, procedures and processes shall address the needs of agencies, other than the board of regents of the University of Wisconsin System, to carry out their functions. The department shall monitor adherence to these policies, procedures and processes.

(ae) Except as provided in sub. (2m), review and approve, modify or reject all forms approved by a records and forms officer for jurisdiction, authority, standardization of design and nonduplication of existing forms. Unless the department rejects for cause or modifies the form within 20 working days after receipt, it is considered approved. The department’s rejection of any form is appealable to the public records board. If the head of an agency certifies to the department that the form is needed on a temporary basis, approval by the department is not required.

(am) Make as cost effective as possible the procurement and use of forms by agencies.

(ap) Prescribe a forms management program for agencies.

(b) Develop and maintain information technology resource planning and budgeting techniques at all levels of state government.

(c) Develop and maintain procedures to ensure information technology resource planning and sharing between executive branch agencies. The procedures shall ensure the interconnection of information technology resources of executive branch agencies, if interconnection is consistent with the strategic plans formulated under pars. (L) and (m).

(d) Develop review and approval procedures which encourage timely and cost-effective hardware, software, and professional services acquisitions, and review and approve the acquisition of such items and services under those procedures.

(e) Collect, analyze and interpret, in cooperation with agencies, that data necessary to assist the information technology resource planning needs of the governor and legislature.

(f) Provide advice and assistance during budget preparation concerning information technology resource plans and capabilities.

(g) Ensure that management reviews of information technology organizations are conducted.

(h) Gather, interpret and disseminate information on new technological developments, management techniques and informa-

tion technology resource capabilities and their possible effect on current and future management plans to all interested parties.

(i) Ensure that a level of information technology services are provided to all agencies that are equitable in regard to resource availability, cost and performance.

(j) Ensure that all executive branch agencies develop and operate with clear guidelines and standards in the areas of information technology systems development and that they employ good management practices and cost–benefit justifications.

(k) Ensure that all state data processing facilities develop proper privacy and security procedures and safeguards.

(L) Require each executive branch agency, other than the board of regents of the University of Wisconsin System, to adopt and submit to the department, in a form specified by the department, no later than March 1 of each year, a strategic plan for the utilization of information technology to carry out the functions of the agency in the succeeding fiscal year for review and approval under s. 22.13.

(Lm) No later than 60 days after enactment of each biennial budget act, require each executive branch agency, other than the board of regents of the University of Wisconsin System, that receives funding under that act for an information technology development project to file with the department an amendment to its strategic plan for the utilization of information technology under par. (L). The amendment shall identify each information technology development project for which funding is provided under that act and shall specify, in a form prescribed by the chief information officer, the benefits that the agency expects to realize from undertaking the project.

(m) Assist in coordination and integration of the plans of executive branch agencies relating to information technology approved under par. (L) and, using these plans and the statewide long–range telecommunications plan under s. 22.41 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the use and application of information technology. The department shall, no later than September 15 of each even–numbered year, submit the statewide strategic plan to the cochairpersons of the joint committee on information policy and technology and the governor.

(n) Maintain an information technology resource center to provide appropriate technical assistance and training to small agencies.

(2m) The following forms are not subject to review or approval by the department:

(a) Forms that must be completed by applicants for admission to an institution of the University of Wisconsin System or by students of such an institution who are applying for financial aid, including loans, or for a special course of study or who are adding or dropping courses, registering or withdrawing, establishing their residence or being identified or classified.

(b) Forms the use of which is required by federal law.

(c) Forms used by teachers to evaluate a student’s academic performance.

(d) Forms used by hospitals and health care providers to bill or collect from patients and 3rd parties.

(e) Forms used by medical personnel in the treatment of patients.

(f) Forms used to collect data from research subjects in the course of research projects administered by the board of regents of the University of Wisconsin System.

(g) Forms used by the department of corrections in the investigation or processing of persons either under the control or custody of the department or under investigation by a court.

(gm) Forms relating to youth corrections used by the department of health and family services in the investigation or processing of persons either under the control or custody of the department or under investigation by a court.

(h) Forms that are not public contact forms.

(3) (a) The chief information officer shall notify the joint committee on finance in writing of the proposed acquisition of any information technology resource that the department considers major or that is likely to result in a substantive change of service, and that was not considered in the regular budgeting process and is to be financed from general purpose revenues or corresponding revenues in a segregated fund. If the cochairpersons of the committee do not notify the chief information officer that the committee has scheduled a meeting for the purpose of reviewing the proposed acquisition within 14 working days after the date of the officer’s notification, the department may approve acquisition of the resource. If, within 14 working days after the date of the officer’s notification, the cochairpersons of the committee notify the officer that the committee has scheduled a meeting for the purpose of reviewing the proposed acquisition, the department shall not approve acquisition of the resource unless the acquisition is approved by the committee.

(b) The chief information officer shall promptly notify the joint committee on finance in writing of the proposed acquisition of any information technology resource that the department considers major or that is likely to result in a substantive change in service, and that was not considered in the regular budgeting process and is to be financed from program revenues or corresponding revenues from program receipts in a segregated fund.

(4) (a) The department may license or authorize executive branch agencies to license computer programs developed by executive branch agencies to the federal government, other states and municipalities. Any agency other than an executive branch agency may license a computer program developed by that agency to the federal government, other states and municipalities.

(b) Annual license fees may be established at not more than 25% of the program development cost and shall be credited to the agency which developed the program.

(c) In this subsection:

1. “Computer programs” are the processes for the treatment and verbalization of data.

2. “Municipality” has the meaning designated in s. 66.0901 (1) (a).

(6) Notwithstanding sub. (2), the revisor of statutes shall approve the specifications for preparation and schedule for delivery of computer databases containing the Wisconsin statutes.

(9) In conjunction with the public defender board, the director of state courts, the departments of corrections and justice and district attorneys, the department of electronic government may maintain, promote and coordinate automated justice information systems that are compatible among counties and the officers and agencies specified in this subsection, using the moneys appropriated under s. 20.530 (1) (ja), (kp) and (kq). The department of electronic government shall annually report to the legislature under s. 13.172 (2) concerning the department’s efforts to improve and increase the efficiency of integration of justice information systems.

(11) The department may charge executive branch agencies for information technology development and management services provided to them by the department under this section.

History: 1971 c. 261; Stats. 1971 s. 16.96; s. 13.93 (1) (b); Stats. 1971 s. 16.97; 1975 c. 39; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20; 1987 a. 142; 1989 a. 31; 1991 a. 39 ss. 180b, 192b; Stats. 1991 s. 16.971; 1993 a. 16; 1995 a. 27 ss. 324, 331, 408 to 423m, 9126 (19); 1995 a. 417; 1997 a. 27, 36; 1999 a. 9, 29, 32; 1999 a. 150 s. 672; 1999 a. 185, 186; 2001 a. 16 ss. 349 to 360; stats. 2001 s. 22.03; 2001 a. 104.

22.05 Powers of the department. (1) In this section:

(ag) “Qualified museum” means a nonprofit or publicly owned museum that has an educational mission.

(b) “Qualified postsecondary institution” means a regionally accredited 4–year nonprofit college or university having its regional headquarters and principal place of business in this state or a tribally controlled college located in this state.

(c) “Qualified private school” means a private school, as defined in s. 115.001 (3r), operating elementary or high school grades.

(d) “Qualified zoo” means a bona fide publicly owned zoo that has an educational mission.

(2) The department may:

(a) Provide such telecommunications services to agencies as the department considers to be appropriate.

(b) Provide such computer services and telecommunications services to local governmental units and the broadcasting corporation and provide such telecommunications services to qualified private schools, postsecondary institutions, museums and zoos, as the department considers to be appropriate and as the department can efficiently and economically provide. The department may exercise this power only if in doing so it maintains the services it provides at least at the same levels that it provides prior to exercising this power and it does not increase the rates chargeable to users served prior to exercise of this power as a result of exercising this power. The department may charge local governmental units, the broadcasting corporation, and qualified private schools, postsecondary institutions, museums and zoos, for services provided to them under this paragraph in accordance with a methodology determined by the chief information officer. Use of telecommunications services by a qualified private school or postsecondary institution shall be subject to the same terms and conditions that apply to a municipality using the same services. The department shall prescribe eligibility requirements for qualified museums and zoos to receive telecommunications services under this paragraph.

(c) Provide such supercomputer services to agencies, local governmental units and entities in the private sector as the department considers to be appropriate and as the department can efficiently and economically provide. The department may exercise this power only if in doing so it maintains the services it provides at least at the same levels that it provides prior to exercising this power and it does not increase the rates chargeable to users served prior to exercise of this power as a result of exercising this power. The department may charge agencies, local governmental units and entities in the private sector for services provided to them under this paragraph in accordance with a methodology determined by the chief information officer.

(d) Undertake such studies, contract for the performance of such studies, and appoint such councils and committees for advisory purposes as the department considers appropriate to ensure that the department’s plans, capital investments and operating priorities meet the needs of agencies local governmental units and entities in the private sector served by the department. The department may compensate members of any council or committee for their services and may reimburse such members for their actual and necessary expenses incurred in the discharge of their duties.

(e) Provide technical services to agencies in making hardware acquisitions to be used for computer services.

(f) Acquire, operate, and maintain any information technology equipment or systems required by the department to carry out its functions, and provide information technology development and management services related to those information technology systems. The department may assess executive branch agencies, other than the board of regents of the University of Wisconsin System, for the costs of equipment or systems acquired, operated, maintained, or provided or services provided under this paragraph in accordance with a methodology determined by the chief information officer. The department may also charge any agency for such costs as a component of any services provided by the department to the agency.

(g) Assume direct responsibility for the planning and development of any information technology system in the executive branch of state government outside of the University of Wisconsin System that the chief information officer determines to be necessary to effectively develop or manage the system, with or without

the consent of any affected executive branch agency. The department may charge any executive branch agency for the department’s reasonable costs incurred in carrying out its functions under this paragraph on behalf of that agency.

(h) Establish master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications for use by agencies, authorities, local governmental units, or entities in the private sector and require any executive branch agency, other than the board of regents of the University of Wisconsin System, to make any purchases of materials, supplies, equipment, or contractual services included under the contract pursuant to the terms of the contract.

(i) Accept gifts, grants, and bequests, to be used for the purposes for which made, consistently with applicable laws.

History: 2001 a. 16 ss. 361 to 365, 1029; stats. 2001 s. 22.05.

22.07 Duties of the department. The department shall:

(1) Provide or contract with a public or private entity to provide computer services to agencies. The department may charge agencies for services provided to them under this subsection in accordance with a methodology determined by the chief information officer.

(2) Promulgate methodologies for establishing all fees and charges established or assessed by the department or the chief information officer under this chapter.

(3) Facilitate the implementation of statewide initiatives, including development and maintenance of policies and programs to protect the privacy of individuals who are the subjects of information contained in the databases of agencies, and of technical standards and sharing of applications among agencies and any participating local governmental units or entities in the private sector.

(4) Ensure responsiveness to the needs of agencies for delivery of high-quality information technology processing services on an efficient and economical basis, while not unduly affecting the privacy of individuals who are the subjects of the information being processed by the department.

(5) Utilize all feasible technical means to ensure the security of all information submitted to the department for processing by agencies, local governmental units and entities in the private sector.

(6) With the advice of the ethics board, adopt and enforce standards of ethical conduct applicable to its paid consultants which are similar to the standards prescribed in subch. III of ch. 19, except that the department shall not require its paid consultants to file statements of economic interests.

(7) Prescribe and revise as necessary performance measures to ensure financial controls and accountability, optimal personnel utilization, and customer satisfaction for all information technology functions in the executive branch outside of the University of Wisconsin System and annually, no later than March 31, report to the joint committee on information policy and technology and the board concerning the performance measures utilized by the department and the actual performance of the department and the executive branch agencies measured against the performance measures then in effect.

(8) Offer the opportunity to local governmental units to voluntarily obtain computer or supercomputer services from the department when those services are provided under s. 22.05 (2) (b) or (c), and to voluntarily participate in any master contract established by the department under s. 22.05 (2) (h) or in the use of any informational system or device provided by the department under 22.09 (3).

(9) In consultation with the department of veterans affairs, administer a program to increase outreach to veterans regarding veterans services and benefits, and to provide training to employees

of the department of veterans affairs and county veterans service officers.

History: 2001 a. 16 ss. 367 to 369, 1030 to 1030m.

22.09 Powers of the chief information officer. The chief information officer may:

(1) Establish and collect assessments and charges for all authorized services provided by the department, subject to applicable agreements under sub. (2).

(2) Subject to s. 22.05 (2) (b), enter into and enforce an agreement with any agency, any authority, any unit of the federal government, any local governmental unit, or any entity in the private sector to provide services authorized to be provided by the department to that agency, authority, unit, or entity at a cost specified in the agreement.

(3) Develop or operate and maintain any system or device facilitating Internet or telephone access to information about programs of agencies, authorities, local governmental units, or entities in the private sector, or otherwise permitting the transaction of business by agencies, authorities, local governmental units, or entities in the private sector by means of electronic communication. The chief information officer may assess executive branch agencies, other than the board of regents of the University of Wisconsin System, for the costs of systems or devices that are developed, operated, or maintained under this subsection in accordance with a methodology determined by the officer. The chief information officer may also charge any agency, authority, local governmental unit, or entity in the private sector for such costs as a component of any services provided by the department to that agency, authority, local governmental unit, or entity.

(5) Review and approve, approve with modifications, or disapprove any proposed contract for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications by an executive branch agency, other than the board of regents of the University of Wisconsin System.

History: 2001 a. 16.

22.11 Access to information. The department shall withhold from access under s. 19.35 (1) all information submitted to the department by agencies, authorities, units of the federal government, local governmental units or entities in the private sector for the purpose of processing. The department may not process such information without the consent of the agency, authority, unit or other entity which submitted the information and may not withhold such information from the agency, authority, unit or other entity or from any other person authorized by the agency, authority, unit or entity to have access to the information. The agency, authority, unit or other entity submitting the information remains the custodian of the information while it is in the custody of the department and access to such information by that agency, authority, unit or entity or any other person shall be determined by that agency, authority, unit or other entity and in accordance with law.

History: 1991 a. 39; 1995 a. 27; 2001 a. 16 s. 372; Stats. 2001 s. 22.11.

22.13 Strategic plans for executive branch agencies.

(1) As a part of each proposed strategic plan submitted under s. 22.03 (2) (L), the department shall require each executive branch agency to address the business needs of the agency and to identify all proposed information technology development projects that serve those business needs, the priority for undertaking such projects, and the justification for each project, including the anticipated benefits of the project. Each proposed plan shall identify any changes in the functioning of the agency under the plan. In each even-numbered year, the plan shall include identification of any information technology development project that the agency plans to include in its biennial budget request under s. 16.42 (1).

(2) Each proposed strategic plan shall separately identify the initiatives that the executive branch agency plans to undertake from resources available to the agency at the time that the plan is

submitted and initiatives that the agency proposes to undertake that would require additional resources.

(3) Following receipt of a proposed strategic plan from an executive branch agency, the chief information officer shall, before June 1, notify the agency of any concerns that the officer may have regarding the plan and provide the agency with his or her recommendations regarding the proposed plan. The chief information officer may also submit any concerns or recommendations regarding any proposed plan to the board for its consideration. The board shall then consider the proposed plan and provide the chief information officer with its recommendations regarding the plan. The executive branch agency may submit modifications to its proposed plan in response to any recommendations.

(4) Before June 15, the chief information officer shall consider any recommendations provided by the board under sub. (3) and shall then approve or disapprove the proposed plan in whole or in part.

(5) No executive branch agency, other than the board of regents of the University of Wisconsin System, may implement a new or revised information technology development project authorized under a strategic plan until the implementation is approved by the chief information officer in accordance with procedures prescribed by the officer.

(6) The department shall consult with the joint committee on information policy and technology in providing guidance for planning by executive branch agencies.

History: 2001 a. 16.

22.15 Information technology portfolio management.

With the assistance of executive branch agencies and the advice of the board, the department shall manage the information technology portfolio of state government in accordance with a management structure that includes all of the following:

(1) Criteria for selection of information technology assets to be managed.

(2) Methods for monitoring and controlling information technology development projects and assets.

(3) Methods to evaluate the progress of information technology development projects and the effectiveness of information technology systems, including performance measurements for the information technology portfolio.

History: 2001 a. 16.

22.17 Information technology management board.

(1) The board shall provide the chief information officer with its recommendations concerning any elements of the strategic plan of an executive branch agency that are referred to the board under s. 22.13 (3).

(2) The board may advise the chief information officer with respect to management of the information technology portfolio of state government under s. 22.15.

(3) The board may, upon petition of an executive branch agency, review any decision of the chief information officer under this chapter affecting that agency. Upon review, the board may affirm, modify, or set aside the decision. If the board modifies or sets aside the decision of the chief information officer, the decision of the board stands as the decision of the chief information officer and the decision is not subject to further review or appeal.

(4) The board may monitor progress in attaining goals for information technology and telecommunications development set by the chief information officer or executive branch agencies, other than the board of regents of the University of Wisconsin System, and may make recommendations to the officer or agencies concerning appropriate means of attaining those goals.

History: 2001 a. 16.

22.19 Purchases of computers by teachers. The department shall negotiate with private vendors to facilitate the purchase of computers and other educational technology, as defined in s. 24.60 (1r), by public and private elementary and secondary school

teachers for their private use. The department shall attempt to make available types of computers and other educational technology under this section that will encourage and assist teachers in becoming knowledgeable about the technology and its uses and potential uses in education.

History: 1995 a. 27, 225; 1997 a. 27; 2001 a. 16, s. 308; Stats. 2001 s. 22.19.

22.41 Telecommunications operations and planning.

(2) POWERS AND DUTIES. The department shall ensure maximum utility, cost–benefit and operational efficiency of all telecommunications systems and activities of this state, and those which interface with cities, counties, villages, towns, other states and the federal government. The department, with the assistance and cooperation of all other agencies, shall:

(a) Develop and maintain a statewide long–range telecommunications plan, which will serve as a major element for budget preparation, as guidance for technical implementation and as a means of ensuring the maximum use of shared systems by agencies when this would result in operational or economic improvements or both.

(b) Develop policy, standards and technical and procedural guidelines to ensure a coordinated and cost–effective approach to

telecommunications system acquisition and utilization.

(c) Maintain a comprehensive inventory of all state–owned or leased telecommunications equipment and services.

(d) Monitor overall state expenditures for telecommunications systems and prepare an annual financial report on such expenditures.

(e) Review the operation of all telecommunications systems of this state to ensure technical sufficiency, adequacy and consistency with goals and objectives.

(f) Perform the functions of agency telecommunications officer for those agencies with no designated focal point for telecommunications planning, coordination, technical review and procurement.

(3) PRIVATE COLLEGE AND UNIVERSITY PARTICIPATION IN STATE TELECOMMUNICATIONS NETWORK. The department may allow regionally accredited 4–year nonprofit colleges and universities that are incorporated in this state or that have their regional headquarters and principal place of business in this state to participate in any telecommunications network administered by the department.

History: 1977 c. 418; 1993 a. 246; 1997 a. 150; 2001 a. 16 ss. 375 to 380; Stats. 2001 s. 22.41.