The following comments were submitted by the public in conjunction with the National Action Plan consultation.

Feed: OMB Watch Blog
Posted on: Tuesday, August 09, 2011 10:35 AM
Author: Gavin Baker
Subject: Administration Seeks Transparency Ideas

The administration yesterday rolled out the awaited next phase of public consultations for its Open Government Partnership (OGP) action plan. The announcement asked for comments on three specific issues where the administration could make worthwhile gains on transparency.

The United States is scheduled to release its action plan, with concrete commitments to increase transparency, in September. Under OGP, a global initiative launched in July, countries have to solicit public consultation while developing their plans.

To date, the administration has held several invited meetings with open government experts to discuss potential commitments for the U.S. plan. Yesterday's announcement opened the consultation to the broader public. The White House blog post asks for public comment on three topics:

- How can regulations.gov, one of the primary mechanisms for government transparency and public participation, be made more useful to the public rulemaking process?
- OMB is beginning the process of reviewing and potentially updating its Federal Web Policy. What policy updates should be included in this revision to make Federal websites more user-friendly and pertinent to the needs of the public?
- How can we build on the success of Data.Gov and encourage the use of democratized data to build new consumer-oriented products and services?

The post invites the public to email their suggestions to the White House. The post doesn't specify a deadline for comments, but as the U.S. is expected to release its plan in mid-September, sooner will be better for commenting.

The announcement states that the administration will publish additional posts on its OGP plan over the next month, but doesn't detail a schedule or what topics future posts might address. Finally, the post states that the administration will post a summary of the comments it receives.

It's positive that the administration is preparing an OGP action plan and is soliciting feedback on what commitments it should undertake. As we wrote previously, the U.S. action plan "could include innovative and meaningful steps forward," and we're hopeful that it will. The three topics identified so far by the administration are sound places to start and could lead to valuable increases in transparency.

At the same time, it's hard not to feel that the administration is cutting corners on public participation in developing the plan. The OGP roadmap lays out clear standards for public consultation, which the administration still hasn't met. In particular, countries are supposed to detail the consultation's timeline and to publish *all* the comments it receives, not just a summary. The administration should do so, to bolster the consultation process and to set a strong example for the other countries participating in OGP.

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In response to the request for ideas on http://www.whitehouse.gov/blog/2011/08/08/open-government-and-national-plan, I'd like to give input into the first bullet on how can Regulations.gov be made more useful.

The first step would be to see an integration of Regulations.gov with FederalRegister.gov. The fact that these are two separate systems causes confusion and convolutes the rulemaking process. It keeps the rulemaking process farther out of reach of the average citizen. Americans should haven't to go to one site to learn about what the government is announcing and providing notice of and then find that in Regulations.gov. Regulations.gov isn't a great platform, and it would be great if all of the tools -- the attached documents (often you have to write in to get these?! and the ability to comment) were integrated into one, single system. My suggestion would be go move it all to the new, robust, open source FederalRegister.gov.

Also, it doesn't make sense that our entire comment rulemaking entity - Regulations.gov rests with the EPA and not with the Federal Register/GPO.

Thanks,

Meredith Stewart

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Hi Aneesh

I applaud everything you are doing, and like Vivek Wadhwa, I'm a critic **with** ideas, and if you only have 10 minutes, I beg of you—please, please watch this screencast: http://urbanmapping.com/blog/index.php/2011/06/25/government-1-5-aspiration-y-execution-n/

Here's a cheat sheet of my ideas for the administration:

- What data should federal agencies provide under open government directives? The present practice is for each agency to make the determination, but often government fails to see the value in what they have. FOIA requests are a very practical measure of what the public sees as desirable and requests could serve as a measure of what to release. They should be aggregated by domain type and be the basis for what government releases, not what is easiest for an agency to release.
- FOIA.gov is embarrassing – all the information is presented in a way that says "we are sucking less" but this doesn't offer anything prescriptive. Seeing the actual FOIA requests would be a tremendously insightful way of seeing what researchers, historians, conspiracy theorists and others are seeking. Further, creating public archives of already FOIAed documents would cut down on an administrative burden in FOIA compliance–duplicate requests would not need to be filled, and released info would be archived, making it easily accessible to all. An example of the London Underground following this approach of FOIA disclosure logs.
- Modify federal financing formulae to state/municipal projects to benchmark at a level commercial parties would deem satisfactory. For example, require transit agencies to report station-level ridership to the FTA for allocation of federal funds. Require local police departments to report crime to the FBI's UCR program based on de-aggregated data (ie, where the incident takes place, not the city in which it takes place).
- Modernize FOIA to be more in line with the information age. The last substantive change to FOIA that described 'records' was in 1996 and included a provision for electronic records. However, fees are still assessed in an antiquated manner and often translate to a $0.10 per page

fee and on mainframe compute time. Often government systems aren't as current as those in the private sector, which has the impact of imposing sometimes onerous fees based on technology limitations.

- Related to modernizing FOIA, lean on industry to help with the backlog. Establish a group of trusted parties who can act as stewards of sensitive data, allowing these parties to follow policy guidelines and more quickly and efficiently release data to the public. Since so much of government systems are managed by private parties anyway, this is a natural means of being more responsive.

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Aneesh and everyone subscribed to the opengov@ostp.gov address.

I wanted to point out our comments from Expert Labs on your inquiry "Open Government and the National Plan"

Your questions spurred some thoughts of ours, and we're happy to share them publicly. In our response, we conducted usertesting around the comment process at the FCC, mocked what things could look like in the future, and make recommendations on movements forward.

I hope you find the time to read these and find these comments useful:

http://expertlabs.org/2011/08/expert-labs-recommendations-for-open-gov.html

Thanks,

Clay (and Anil and Andy and Gina and the ExpertLabs team)

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Hello,

I recently saw your blog post soliciting ideas for improving public services and increasing public integrity. It's great that you're offering the opportunity for federal employees and citizens alike to provide input into your decision making process.

However, I would suggest a few upgrades to the way you are approaching this challenge. First, you should collect these ideas in a more public way than by email. If you were to solicit the ideas on a public website, as has been done throughout the Open Government initiative, it would not only demonstrate your commitment to transparency, it would also allow participants to debate and build on one another's ideas in open discussion, yielding better results for you.

Second, the three questions you are asking—regarding regulations.gov, federal web policy, and data.gov—are very general and could benefit from some refinement. These are very "inside baseball" questions, which is fine, but one should not expect the general public to be able to discuss issues they are not privy to. The good news is that you already have a constituency that can talk about these issues— federal employees. Further, these people have already been engaged before with the SAVE Award process, which would make a fine platform for discussion on these questions.

On a broader note, some additional communication about the goals and intended outcomes of the Open Government Partnership would be useful. It is not currently clear on the website who "owns" this partnership. In addition, I would suggest explaining the connection between the partnership and our

country's open government efforts more clearly: in essence, how does this build on what we've done so far, and what outcomes does it help us achieve that we couldn't have achieved otherwise?

Again, I applaud your move for transparency and greater engagement. With some tweaks to your approach, I believe you could build a process that would ensure productive conversation and feedback from the public. I would be happy to discuss these ideas in more detail as well, so please feel free to reach out to me.

Best,

Daniel Honker

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Thanks for the opportunity to provide feedback on this matter.

Data.gov is a wonderful concept and a great first step in creating government transparency. Probably the most interesting aspect of the site is the opportunity to rate the usefulness of the data provided. Though it is nice to be able to provide this feedback, it is not clear how this feedback can be used to do anything beyond improving what data is to be made available.

I may be broadening the question beyond the intent, but the concept of soliciting similar feedback to evaluate and improve government services would be a game-changing idea in Washington. Currently, services are provided because there is a mandate and funding. There is no effective feedback loop to evaluate these services or how they fit into the government's service portfolio. If quantitative service information could be coupled with qualitative user feedback, then agencies, OMB, and even Congress would be in much better position to evaluate the merits of the existing service portfolio and then add, drop, or modify services to better respond to American needs.

The challenge is how. I recommend a site that reports on the entire federal service portfolio, reports on performance, and solicits feedback in general or by service. In my experience, individual assessments all tie back to value. Americans want services that are worth the tax dollars spent. In order to organize information intuitively, performance information in terms of benefits created would be listed in one area while appropriations and expenditure information would be listed in another. For each service, users would be able to indicate whether they are service users, whether they feel the service is a good value, and how they would improve the service. Service portfolio owners within each agency would receive summaries of the feedback to create or modify new services that better align to constituent needs. More strategic reports would go to OMB to identify opportunities for more efficient management.

Implementing this would be much more difficult than the concept, I fear, but it can be done. Despite the GPRA, agencies struggle to define success. Whereas the GPRA tends to focus on equating success to the achievement of objectives, citizens define success in terms of creating value. Defining each agency and services value proposition – what benefit it creates – and then determining the best way to measure that is a huge undertaking in itself. That said, it would be time well spent. Having measures that focus on results over actions would allow a much more objective review of the government's service portfolio.

I could go on and on about this, but I want to keep this response to something that would actually be read. Please let me know if you would like to discuss further. I'm a big fan of the OSTP and know it can make a difference.

John Iverson

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Many of our thoughts for a next-generation government are on the NASA Forward Maker Camp wiki. See the *Problem Statements* for some additional ideas for OpenGov projects: http://nasamakercamp.wikispaces.com/7.1+Ames+Camp

For answers to your specific questions, see below:

- How can regulations.gov, one of the primary mechanisms for government transparency and public participation, be made more useful to the public rulemaking process?
    - o I'd like to see a link between this site and sites like LexPop and PopVox, which push legislative processes, and proposals for new wikibills, down to the general public. Sites like these need considerable oversight, training and outreach. Reach out to universities and coalitions, help to promote these sites and processes via public service announcements and hands-on training sessions. Use LexPop as an example for what can be done by sponsoring a few policy drives spearheaded by our elected officials. Focus on high impact bills such as tax reform. For rulemaking inside the walls of government, focus on personnel policy reform, with updates to the civil service workforce laws that preclude self-selection and independent action and thought. The hierarchical, top-down model that is currently in place is a bottleneck to innovation and initiative.
- OMB is beginning the process of reviewing and potentially updating its Federal Web Policy. What policy updates should be included in this revision to make Federal websites more user-friendly and pertinent to the needs of the public?
- Static Web sites are generally used for getting access to information that doesn't change much over time. Blogs, wikis, and social sites are far more relevant for today's internet. Work with NASA to **release the Spacebook source code as open source**. This code can form the foundation for a family of next-gen social sites that interoperate across gov't (and even international) lines, and synch with commercial sites such as Twitter, LinkedIn, Facebook, GovLoop (Ning), etc. Fund ExpertNet. The new policies that emerge as a result of this development project will drive the next-generation of web policies.
- How can we build on the success of Data.Gov and encourage the use of democratized data to build new consumer-oriented products and services?
    - o Focus on "open innovation" first. The data in data.gov is not requirements driven. Start by focusing on a few (Top 10, 20) key problem areas, a few innovation projects, and drill down from there. The data requirements will fall out via this process. Releasing raw data with no requirements for developing specific tools and apps is a recipe for failure, as many of the data sets are esoteric and only of interest to a small subset of experts in that particular area. Refocus on legislative data, and making that data (and the processes) more transparent, with steps built into the processes that allow for crowdsourced input at various stages prior to submitting a bill to Congress or State Legislature.

Megan Eskey

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1) How can regulations.gov, one of the primary mechanisms for government transparency and public participation, be made more useful to the public rulemaking process?

Disclaimer: I have never been to regulations.gov. I was a Government major in college, and did my thesis on campaign finance reform. At that time (in 2008), I found government websites nearly impossible to find the information I was looking for regarding campaign donations, and I relied on third party sources. Going on regulations.gov, it is unclear what it's about and, more importantly, what I can

do on the site.

From a glance, I am confused by the "search for comment" feature. Are these official comments? Or are they comments the general public can freely submit? I am typically interested in reading comments, but only if I was interested in reading about the regulation. It seems like I would just search for the rule, and then look for the comments. Further, it would be nice to have a category dropdown menu, not in advanced search, but as a main search option.

When I go to a specific notice, I could not find where I could easily read the comments. It was unclear to me if there just were not any, or if they were accesible elsewhere. They should be clearly included in a link next to the rules & notices.

It was still unclear to me, what is the full purpose of the site, so I searched around. I went to FAQ to find this, but it should state this somewhere on Home page: "Regulations.gov is your source for information on the development of Federal regulations issued by the U.S. government. Through this site, you can find, read and comment on regulatory issues that are important to you."

Does the government actually read the comments? It is unclear to me. Can people "like" or "upvote" comments? I know there are services like Disqus and others that let you do this with a simple line of JavaScript. Also, I recently heard about something called OpinionSpace which analyzes comments, which would be interesting.

2) OMB is beginning the process of reviewing and potentially updating its Federal Web Policy. What policy updates should be included in this revision to make Federal websites more user-friendly and pertinent to the needs of the public? How can we build on the success of Data.Gov and encourage the use of democratized data to build new consumer-oriented products and services?

Hands down, I would recommend conducting usability studies with real testers. Now that everyone's online, you can easily get remote testers who go on your site, perform assigned tasks, and speak through their thoughts. Several companies do crowdsourced usability testing, which record a video of users' screen, so you see where they are clicking, and records audio so you can hear their voice as they navigate your site.

I recently started a social job search site called InTheDoor.com, and we used a service called UserTesting.com for low-cost remote usability tests. (I used a free trial given to me as a member of the Founder Institute.) Within one hour of submitting a testing task list, I was sent videos back of testers in my demographic using my site. UserTesting provided the panel and the screen recording software, and sent me back a link to the video results and answers to written follow-up questions. They also have a cool little clip editor, which made it helpful to share specific issues that came up to my team.

If you want your websites to improve, I strongly recommend UserTesting. I believe they have the largest network of U.S. remote usability testers, who earn extra cash performing these tests. They have everyone from homemakers to advanced UX experts on their panel of thousands, but the one thing I find they have in common is their ability to articulate their thoughts clearly. I used tracking services like KISSMetrics, and CrazyEgg, which provides a heat map of where users are clicking, which are helpful, but real usability tests are great because they answer "why" your users are getting stuck.

Watching real users run through tasks on your site is a guaranteed way to improve your site. Not only will it help you craft your websites, so that the public can more easily find information, you will also cut down on support costs. Another benefit, that's important enough to mention: there will be less argument on the product side on what to do, as user tests don't lie!

You will regret that you did not do this sooner, once the sting from the "tough love" of how bad your really site is wears off. (I meant "you" in the figurative sense.)

Here are some of the top UX people who you may want to consult:
-- Andy Rutledge @andyrutledge
-- Bryan Eisenburg @thegrok
-- Steve Krug @skrug
-- Susan Weinschenk @thebrainlady

3) How can we build on the success of Data.Gov and encourage the use of democratized data to build new consumer-oriented products and serviced?

I noticed that you had 389,914 raw and geospatial data sets, 1,069 government apps, 236 citizen-developed apps, and 51 mobile apps. 51 mobile apps is nothing considering there are over 450,000 apps on the iPhone App Store alone. To encourage the creation of more cool apps from the vast amount of data you collect there are 3 things you could do:

- Having more hackathons: They recently had a cool hackathon in New York City to redo their city government website. Not only do hackathons produce designs or apps that you (the sponsor) can use, it will help you identify great developer talent, and be good for your public image.

- Cut the red tape for research grants: I know students who are working on an interesting project, using machine learning to improve traffic predictors from publicly available data. To be able to do research, you need funding which covers minimal student salary. My friend, who is a robotics professor on tenure-track at UC Berkeley, works 80-90 hours per week, and spends 8 weeks per year at minium applying to grants to be able to do the research.

Sometimes professors will be approached by companies, who give them discretionary funding, which is helpful. In return, they typically work on sponsored projects that benefit the company. The government should eliminate the red tape, if they had ideas for how they wanted their information to be leveraged, and wanted those ideas executed.

Specifically, there should be a way, once a researcher has proven themselves to cut through the red tape when applying for government funding. That way instead of filling out forms, geniuses dedicated to advancing science could spend more time on their work.

Please tell President Obama if you spend a week looking into that, you'll save the brightest minds in our country thousands of hours that could have been doing the research to make our nation more technologically advanced.

-- Get more involved with the tech scene, and promote a technical agenda: Any day in Silicon Valley there is a tech event going on. Boston, NYC and Seattle also have thriving tech scenes. Yet the government stays out of this, and never truly gets a pulse on whats going on in the tech world.

There is a cool program Codeforamerica.org similar to TeachforAmerica, which I think is wonderful, that brings technical talent to government websites that need improvement. However, there is a technical talent shortage (some would call it a drought) in this country.

We have a structural unemployment issue. The government must be doing everything they can to work with the tech area, and promote policy that supports it's growth and sustainability. H1-B visa reform,

improving education programs, creating more engineering scholarships, and even running public service announcements - are just some things to mention. So much more needs to be done. I just saw this video with celebrities, created by I am FIRST who sponsors an annual K-12 science and robotics competiton, that includes Miley Cyrus and Snoop Dogg telling kids that "science is cool." Thought that was a good step!

It's in the best interest of our nation to make science cool, because that is where the jobs are and that will get our economy on track for success. The underlying factor to improve our economy is to increase our productivity. Many web companies are stalling because they cannot find a single developer -- while millions of people are out of work.

If the government wants more technologists to leverage their data, the government should aggressively promote an agenda to advance our nations technical skills and develop a greater rapport with technology innovators.

Thanks for considering my ideas.

All my best,
Liz Carlson

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I would like to offer the following proposal for consideration in the U.S. Open Government Plan.

The Proposal: The U.S. Government should adopt a policy of publishing all non-sensitive products generated by the Director of National Intelligence Open Source Center. Doing so would serve to enrich the online domain with uniquely high-value content on a broad range of national security and foreign policy topics. It would foster increased public awareness and understanding of national security and foreign policy affairs. And it would provide the public with a tangible "return on investment" in this vital area of national policy.

Background: The DNI Open Source Center (OSC) produces thousands of discrete products each day, including translations of foreign media reports as well as original analyses of current events and emerging trends in international affairs. Only a small subset of these materials -- mainly translations -- are made available to the public (through paid subscription to a service called the World News Connection). This proposal would expand free public access to OSC products by promoting dissemination of original OSC analyses that are not sensitive.

Caveats and Limitations: This proposal is only aimed at disclosure and dissemination of "non-sensitive" OSC products. Such products may be sensitive for several reasons. In a minority of cases, they may be classified national security information. In many other cases, the documents may be copyrighted because they are derived from, or include, copyrighted material generated by private parties. In still other cases, the OSC publications may be "decision-sensitive," i.e. they may pertain directly to policy decisions that are pending before policymakers. Under those circumstances, their disclosure might prejudice the policy process or perturb it in undesirable ways. This proposal would exclude all three types of sensitive material from routine public disclosure: Only material that is neither classified nor copyrighted nor "decision sensitive" would be subject to routine publication. I have posted a small selection of OSC products that illustrate their diversity and potential value here (without OSC cooperation or approval):

        http://www.fas.org/irp/dni/osc/index.html

Costs: The costs associated with this proposal should be minimal since the proposed policy would not require the production of any new publications. Only OSC products that are undertaken and completed in the performance of the OSC mission would be eligible for public disclosure online. No new publications would mandated. There would be some administrative costs associated with selecting or exempting reports for publication, and for hosting them on a publicly accessible server.

Counterarguments: Since this proposal does not include classified or copyrighted or decision sensitive materials, there are no strong counterarguments to adopting the proposed publication policy. A weak counterargument might be made that public distribution of OSC analytical products could hamper the desired integration of open source intelligence into the tightly insulated world of classified intelligence. But I believe such a speculative claim is outweighed by the benefits to the public interest from publication and dissemination of the non-sensitive OSC reports.

Supporting Precedents: The World Factbook published by the Central Intelligence Agency demonstrates the feasibility and utility of publishing open source intelligence material, as well as the significant public appetite for it. This CIA document must be the single most popular intelligence product in the history of the U.S. government. Although it is not beyond criticism or correction, the World Factbook has served to educate and inform members of the public for four decades. It is a template for a much more ambitious and extensive open source intelligence publication program -- which should now be undertaken.

Thank you for considering this proposal.

Steven Aftergood

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8/22/2011

Dear Mr. President-

Recently, the issue of Peak Oil has been keeping me up at night, and the fact that if we started the production lines *yesterday*, we probably wouldn't be able to pump out enough alternative energy to cover more than 40% of our world's energy requirements by the time we run out of our global oil reserves.

However, I have an idea.

In layman's terms,

(1) we build giant "pin wheels" on the moon, each the size of the Large Hadron Collider. These pinwheels serve as giant turbines.

http://en.wikipedia.org/wiki/File:Hydroelectric_dam.svg

(2) We attach these giant pin wheel turbines to generators.

http://en.wikipedia.org/wiki/Electrical_generator

Obviously, there's no water or wind in outer space or on the moon. My answer?

Nuclear pulse propulsion.

http://en.wikipedia.org/wiki/Nuclear_pulse_propulsion

(3) Attach one or more nuclear pulse rockets to the giant pin wheel turbines.

(We don't have to worry about nuclear fallout, because they've been built on the moon.)

Where do we get the nuclear explosions for the rockets to spin the pinwheel turbines that create energy with generators?

http://en.wikipedia.org/wiki/List_of_states_with_nuclear_weapons

It's common sense.

In this process, we disarm the world's nukes, which is also kind of nice. Besides, the taxpayers paid for them in the first place, right?

And since the moon has 1/5 of the Earth's gravity, that's less resistance on your pinwheel turbines. That's more bang for your buck.

But how do we get all that energy back to Earth?

Wireless energy transfer.

http://en.wikipedia.org/wiki/Wireless_power_transmission

(4) We beam it down via microwave, and borrow the concept from this-

http://en.wikipedia.org/wiki/Space_solar_power

I'm sure we could set up a space based solar power matrix as well to help out with the costs.

As far as I'm concerned, the cost of launching the hardware into space (let alone landing it on the moon) is the biggest obstacle, but I'm sure our top scientists could find away around that.

If we were able to accomplish this-

http://www.youtube.com/watch?v=ydbbd-4oEds

I don't think that humanity (or the private sector) has an excuse.

It still boggles my mind that we found out how to release the power of the atom in the 20th century, yet never had any common sense long-term plans for harnessing that energy. Furthermore, it boggles my mind that no one else is speculating about my idea.

It's quite elementary if you think about it.

We turn the moon into the Earth's battery.

The program would take some time, and I'm sure there's some minor details to be worked out. But we have 40 years, and it would bring humanity together in the process, much in the same way that the Apollo Space Program did for the United States of America.

Right?

Please tell me what you think, and forward my idea to your top scientists.

Thank you Mr. President, and give everyone my regards.

Sincerely,

Brett Robert Wallace

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In response to your request for comments on the following questions on the Open Gov Blog, Phase One Consulting Group respectfully submits the following comments:

- How can regulations.gov, one of the primary mechanisms for government transparency and public participation, be made more useful to the public rulemaking process?
  - See this public posting of our comments on this question: http://www.phaseonecg.com/blog/archives/624
- How can we build on the success of Data.Gov and encourage the use of democratized data to build new consumer-oriented products and services?
  - See this public posting of our comments on this question: http://www.phaseonecg.com/blog/archives/616

Thank you for the opportunity to comment,

Jenn Gustetic

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Hello,

Re The Open Government Partnership and Development of the U.S. Open Government Plan and in particular

"1. Managing and properly archiving government records using new technologies not only makes government more efficient but also preserves vital records for the future. What issues should the

government take into consideration as it contemplates a records management system in an electronic environment? What would be the appropriate next steps?"

In my opinion, a very appropriate next step would be to step *back* away from the technology for a moment and look at the legal, social and business aspects of archiving and retention. Until such time as these issues are addressed, we will continue spinning our wheels looking for technological silver bullets to a problem that is not solvable with technology alone.

1 - We need legally/socially acceptable definitions of what it means for an electronic record to be "real" or "authentic". To this end, it is very important that State take steps to implement the Uniform Electronic Legal Material Act (http://www.law.upenn.edu/bll/archives/ulc/ulc.htm#apselm).

2 - It may be necessary to trigger action by the judiciary to bottom out all the uncertainties relating to admissability of electronic records and to give implementors of technological solutions enough detail to build real solutions.

3 - The hardest part of any digital archiving endeavor is ongoing funding. Technological obsolescence is a constant problem and that is highly unlikely to change. Given that funding will be required in perpetuity to ensure the upkeep of digital archives we must find a way to make the archive relevant at a business level - not just with "sticks" (such as retention laws) but also with "carrots" i.e. value propositions. There are many ways to create value propositions on an archive. It is "big data" after all[1]!

4 - Architecture astronautics[2] is the enemy here. Conversations about digital archiving have a habit of descending into epistemological rabbit holes very quickly - in particular in the search for the perfect storage model or the perfect metadata model or the perfect meta-meta-model...We need to consciously resist this and ask the pragmatic questions such "How far can we push the simple notion of a shared storage poll exposed 'dropbox' style?". And "how much metadata to we really need in order to stand a fighting chance of retrieving these records in the future?".

5 - Lessons from the past : a sort of "truth and reconciliation commission"...We have so many examples now of initiatives that have not worked out. There is so much *value* to be gained from looked at these "anti-patterns" but a forum needs to be created to allow folks to contribute their hard-won lessons as well as their successes. (I have my fair share of both as I'm sure most practitioners in the space do too).
We have to stop re-making the same mistakes over and over again

6 - Shared storage = consolidation = cloud. I believe a large percentage of the value proposition of IT consolidation can be extracted without re-engineering the applications themselves. By leveraging network storage pools (windows network drives, Linux mount points) it is possible to put in place a consolidated private data cloud very quickly.
With a little architectural thought, said private data cloud can be an excellent archive! Many classically trained archivists will have difficulty with that assertion I know but I believe it to be true. Look at google. See how good it is at retrieving content. Now, how much time was spent taxonomizing and cataloging and metadata labeling that content? I rest my case :-)

[1]
http://radar.oreilly.com/2010/12/strata-gems-three-key-data-trends-for-2011.html?cmp=ex-radar-synd-3-data-trends
[2] http://www.joelonsoftware.com/articles/fog0000000018.html

My 2 cents.

Regards,
Sean McGrath

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Hi,

When is the last day we can submit input to the ongoing consultation on the US National Plan for the Open Government Partnership?

Do you plan to ask specific questions in any of your upcoming blog posts regarding the area of public participation?

Thanks,
Tim

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Just a few observations/suggestions

Due to the extensive political infrastructures in place and the massive org structures continuing to evolve out of the political positions government continues creating, we see a proliferation of positions and orgs but less accountability and efficiency from every reorg reiteration. Although a minimal number of these positions are required, only the very fewest number should be tolerated if the goal is to achieve success, streamline efficiency, improve service and lower tax payer obligation. As an example, note the CIO policy memo M-11-29 dated 8/8/2011. When the CIO position was defined in government in the 90's, the Federal Information Security Management Act and Presidential Decision Directive 63 helped define the role of the CIO within government. After nearly 2 decades, it appears CIOs are still unclear on what their role is and how it should be administered. I know at our own agency (FAA) we have CIO council meetings every year, off-sites, strategic planning sessions, and exorbitant performance goals, Presidential Management Agendas, and strategic plans, yet we still have not been successful at the efforts we've initiated to consolidate data centers or standardize IT infrastructure models, help desk services, office tools, mail protocol, test/integrate new standard IT technology like wireless devices or cloud, or deliver IT projects on time, in budget, and with the functionality the customer initially required often scrapping projects/systems shortly after they're delivered. We're spending billions across government agencies with multiple IT teams delving into these initiatives (sometimes with extremely limited knowledge or process experience) making costly decisions that don't pan out in the long term instead of consolidating those initiatives in one government entity with participation from each agency making a consolidated enterprise decision.

Our open gov goals relative to HR include hiring the best talent, respecting and engaging the work force, and expecting the best employees yet our goals seem to be counter to what's actually taking place. We're streamlining the resume process to be less complex (even if the jobs are more complex) then wonder why we don't seem to acquire candidates with the right skill set. We're cutting developmental programs, training, shadowing, recognition, and benefit programs yet these are the specific initiatives required for improving and maintaining a work force. USA jobs recently lost several applications with no apparent backup capability per the email that went out to users requesting they validate their applications. And per HR policy to automate/streamline the application process, all human interaction has been removed. Regardless of how many applications an employee submits, even if he makes all the lists for those jobs, he's never called for an interview, never briefed on where he fell in the ranking list, and never notified as to why he wasn't considered for an interview (which seems to be totally legal).   And he'll never be notified on the legitimate status of the position. He must continue logging on to check weekly

only to discover several months later, even though he made the referral list, the position was pulled or silently filled from another list or through internal placement.   When would it ever be politically acceptable for applicants of a CEO/CIO position to have no feedback on their resumes or be told they were referred but never interviewed? If this is an example of government improvement, we need to go back to the old methodology that incorporates customer service and accountability.

Note the recent Obama policy to develop agency plans to increase work force diversity. The agency has had MSPB, EEO, and OSC entities for over a decade with mandates on policies for merit promotion, compliance to EEOC directives like MD 715, and independent entities like OSC for reprisal or follow-up audit assessments when these policies are not followed. Yet employes have no legitimate recourse through MSPB unless they've been fired or demoted which the agency is sure to avoid through equal pay reassignments to lower level positions - non-grievable actions. HR employees complain of referral lists being sent back and announcements cancelled when managers find the employees they wanted aren't referenced. And when minorities or women complain about blatant discrimination through EEO avenues, EEO representatives provide no referrals of competent legal representation versed in civil discrimination law who can represent a wronged employee or help them obtain the pertinent discovery material imperative to argument of legitimate facts per agency mandates and regulations that would restore a wronged employee. What teeth exist in this recent order that were lacking before which should lead us to believe this time the policy will work? It's clear the government will never be held accountable to the same level of compliance as private industry based on the existing court process and lack of authority to punish misconduct where it is found. Especially when agencies like OSC are barred from investigating prohibited personnel practices through title 49 USC 40122 establishing a separate personnel management system for agencies like the FAA who a decade later have still failed to prove the merit of the exemption in the first place. Really????

Recommendations:

1 - **Don't build in more fluff - take it out**. No more new agencies like those identified in Obama's new diversity policy. All this really says is "sorry - we failed the first time around and can't hold existing resources accountable so we'll try again with a new entity". Take out all the politics and hold existing agencies/HR entities accountable through clear metrics, performance plans and appraisals tied to policy, promotions, raises, rewards, Empower these agencies to work truly independently to deploy the policies for which they have oversight and implement the recommendations they make. Provide remote work assignments tied to these entities across the government and empowered to provide information on how policies are being deployed, implemented and improved. And allow them to take action when they see it's necessary.   These agencies are in place to identify and remediate barriers to Merit/EEO policies and hire/**develop**/maintain the best/brightest. Integrate budgets that support these goals versus cutting them. Remove barriers like 49 USC authority for agencies that facilitate non-compliance instead of prohibiting it. And last but not least, put your money where your loudspeaker is - maintain/provide lists of competent legal counsel that has won recent merit/EEO decisions against agencies in civil court if you really want to make sure we begin adhering to these policies. If government isn't willing to do these things don't bother deploying another policy, agency, or regulation and close the entities that currently support them. Policy with no empowerment is like a title with no pay and frustrating for everyone. Employees and taxpayers will be a lot happier knowing we're not spending billions on policies/entities we have no intention on supporting.

2 - **Consolidate, centralize, standardize, streamline.** - One HR, IT, Accounting, Purchasing, etc., policy/reg government wide. One authority in each with representatives from all who make centralized decisions and deploy them government wide. Maybe tiered levels of implementation based on funding constraints but certainly a standard for every tier. One franchise policy government wide with standard franchise agreements and administrative, approval and audit processes, One IT methodology and funding

14

source at the top to deploy budgets, resources, etc. Are we really so fragmented and incompetent this won't work? If so then what's the point of more policy an entity with authority to disregard will disregard?

3 - **Cut waste in high level non-1st line management positions** - we've evolved to and exorbitant number of SES/Deputy SES positions that serve little to no value. In the event managers at the highest level can't achieve an SES through standard qualifications, we've integrated an L pay scale which is equivalent without the SES qualifications. These individuals spend all their days in meetings strategizing their kingdom structures and deliver almost no value. With every reorg, we cut the lowest level positions where the work is done and proliferate more Executive positions that spend billions in constant travel and conveying verbal status to other high level execs with their major priority moving to the next level on the ladder. Abolish most of these positions and employ lower level direct line managers to implement the business decisions deployed by the consolidation initiatives referenced in 2 above. This should be feasible once standard government business processes, templates and methodologies are deployed government wide.

4 - **True Transparency** - begin publishing detailed budgets, new initiatives, consolidation initiatives, new orgs, type/kind of positions, new positions, salaries, awards, etc., for all government entities not expressly deemed "secret". And don't classify an agency as Secret to preclude transparency reporting. CIOs should be responsible for collection/dissemination of this information and should be rated on what's populated for their agency. Do this on one gov transparency page with a standard drill down list for by agency. Provide stats on whether positions, budgets, functions, have increased/decreased from one year to the next with synopsis on why and the impact to the public. Provide a link on the home page to standard agency regulations government wide with agency links to only unique agency policy. We shouldn't be afraid to publish this info in the spirit of true transparency unless we're afraid of what employees/taxpayers will discover. This is a government by the people for the people so the people should have access and are certainly capable with current technological advances.

And as always, if you can't locate dedicated, creative, ethical employees to assist you in implementing these recommendations, I'm available.

Laura Ramoly, PMP, CISA, CRISC

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Records management in an electronic environment

We applaud the Administration for instituting on day one an e-mail archiving system that preserves and manages the electronic records of the White House, even the President's Blackberry messages. It is time for agencies to do the same with their electronic records.

Short Term:
The Federal Chief Information Officer (CIO) Council, which describes itself as the "principal interagency forum for improving practices in the design, modernization, use, operation, sharing, and performance of Federal Government information resource," should be a natural source of leadership for electronic records management. Yet the National Security Archive awarded the 2010 Rosemary Award for Worst Open Government Performance to the Federal CIO Council because they have yet to step up to the table on the issue of electronic records preservation and management.

In the last year, the National Archives and Records Administration (NARA) created a link between the CIO Council and the Federal Records Council (FRC) by arranging regular meetings of the bodies. **These meetings should periodically include outside stakeholders – including public interest groups.**

The lack of a common standard and interoperability of agencies' systems are commonly cited as reasons the federal government is currently failing to manage its electronic records. **The CIO Council and FRC, with guidance from NARA, should be directed to identify uniform electronic records management requirements and develop open source software that meets those requirements at least at a basic level.** Agencies will be able to work with vendors to adapt the system for their needs while ensuring that information is saved in a common format government-wide.

Medium Term:
The Administration has directed agencies to increase their use of cloud computing. In September 2010 NARA issued a Bulletin that identified several records management challenges with cloud computing environments, but we have seen little evidence agencies are giving these issues sufficient consideration prior to moving to the cloud. **The Administration should require that agencies certify to NARA that their use of cloud computing meets all NARA requirements before adoption. Agencies that have already moved to the cloud should certify they are meeting NARA requirements within 5 months.**

NARA's reports on agency self-assessments of record management and audits show the extent of the problems agencies face in properly managing and preserving records, especially electronic records. According to NARA's 2010 report,[1] 95% of federal agencies that returned the surveys self-reported that they are at medium to high risk of losing electronic records. **NARA detailees should be placed in each agency to help make sure agencies are properly managing and preserving electronic records.** These detailees will help the agency analyze why an agency fails to meet expectations, provide training and work with the agency personnel to make improvements and build the infrastructure to ensure those improvements are sustained.

Long Term:
The Administration should work with relevant Congressional committees to revise and update the Federal Records Act so that the law's requirements are better suited to an increasingly digital work environment. At the very least the Act should provide an expanded role for Inspectors General (IG) in records management oversight, including an automatic IG referral if NARA's audits reveal an agency's records are at risk. We also support creating a third-party right of action.

Improved technology is necessary for the government to improve its electronic records management, but in no way sufficient. Additional attention must be devoted not only to records management, but to records managers as well. **The Office of Personnel Management (OPM) should create a new Federal job title and career track for records managers.** Professionalizing federal records managers by creating the title and track will help agencies more effectively recruit staff focused on records management.

Submitted 30 August 2011 by:

OpenTheGovernment.org
Citizens for Responsibility & Ethics in Washington (CREW)
Project On Government Oversight (POGO)

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1 http://www.archives.gov/records-mgmt/pdf/rm-self-assessmemt.pdf

National Security Archive

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I write in support of President Obama's *Memorandum on Regulatory Compliance*. Generating and sharing enforcement and compliance information across agencies is an important step toward holding both corporations and individuals accountable for their actions as they affect the common good.   At the same time, I suggest that we match this with a positive approach that highlights and incentive's "best practice" in compliance. Since we highlight "best practice" in education and other fields, we might equally highlight best practice in business, enterprise, and commerce. Let us collectively call ourselves to a higher standard of ethical action. Thank you, Samuel Mahaffy

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As part of the international Open Government Partnership, the US will soon release a National Action Plan about government transparency, intended to stretch "the country beyond current practice", "with the active engagement of citizens and civil society."

As the White House considers what to include in the plan, Sunlight is suggesting two specific actions for the plan.

1. The White House and the Office of Management and Budget should allow agencies to publish any open government recommendations, draft laws, and plans that they have, without fear of reprisal. Any gag orders or restrictions on sharing transparency proposals should be lifted, and agencies should be encouraged to share their draft ideas.
2. Every agency should publicly index and audit their regulatory data at least as well as the Department of Transportation has, and exceed the requirements of the Presidential Memo on Regulatory Compliance Data.

Open Sharing of Plans

The US National Action Plan should demonstrate what it means for a country to engage in good faith in the complex business of reforming transparency laws. American transparency laws should be a source of pride, often setting informal international standards for disclosure. They are also imperfect, and are the subject of intense scrutiny and analysis.

Some of the most informed expert views on any transparency law come from the government officials tasked with implementing those laws. Unfortunately, those expert views are kept away from the public. Many agencies that implement open government requirements have drafted legislative changes and guidelines for reform, but they are kept from sharing them publicly by OMB.

As part of the National Action Plan, the White House should demonstrate that transparency laws should be the domain of public discussion, not political control and review by central political staff. OMB should encourage the publication of draft transparency laws.

The complexity and importance of our transparency laws means that their expert review should not be subject to central control and gag orders. Anyone responsible for implementing an open government law (in any country) should be permitted (and encouraged) to speak publicly about how those laws might be improved.

17

Indexes and Audits

Open Government Directives and proclamations can do an enormous amount of good. Ultimately, though, their main limitation comes from their vague language and the lack of enforcement mechanisms. Aspirations can set a direction, but they're rarely enough to keep us on track.

In terms of new data and information, the Open Government Directive from OMB caused an initial burst of new information, but ultimately didn't fundamentally alter the way agencies choose what to release. That's why we were so excited when President Obama followed up the OGD in January 2011 with a closely related Presidential Memo. If the first Directive fell short because of a lack of specifics, the Presidential Memo showed that there are meaningful ways to direct agencies to create a public list of their data, and audit how well it's made available. Specifically, the memo asked agencies to review the data that they collect from those entities they regulate, and make plans for how to improve it.

It's now most of a year later, and the most exciting result we've seen is the draft plan from the Department of Transportation. It's worth a read, especially the appendices. It's a well designed guide to data collected by the different parts of the agency, organized by whether or not it's public, complete with citations of the laws or regulations that cover the information collection, and including ideas for how data publication could be improved.

While this may seem like basic stuff, it's actually been nearly impossible to get this sort of guide out of agencies, as similar policies have been pursuing for decades. Understanding what is knowable about an agency's work is one of the most powerful ways to approach oversight, and this plan gives any member of the public a great start. The plan also demonstrates the work that CIOs ignore far too often (as they focus more on technology procurement): active stewardship over public information.

In the National Action Plan, the White House should recommit agencies exceeding the requirements of the Presidential Memo on Regulatory Compliance Data. Every agency should create a public list of their data (and a plan to improve it) that is at least as comprehensive as what DOT prepared. Every agency should be a responsible steward of its public information, and the first good faith step in taking that responsibility is to publicly define what datasets the agency is responsible for, and to publicly define the steps that should be taken to improve them.

Ultimately, this indexing and auditing requirement should extend to other fields of information in addition to regulatory compliance, but since some of our public protections have sometimes eroded as a result of atrophying, ineffective disclosure, it's a good, focused place to start.

By including these two changes together, the White House can demonstrate its commitment to openness, showcase the strong foundation for transparency that exists in American government, and also demonstrate that good-faith reform involves including the public closely in a complex, long term process.

John Wonderlich, Sunlight Foundation

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To: U.S. Open Government Partnership Team
From: Katherine McFate, Sean Moulton, and Gavin Baker, OMB Watch

Date: Aug. 30, 2011

Re: Recommendations for Improving Government Openness and Effectiveness in the U.S.

OMB Watch appreciates the opportunity to comment on the U.S. Open Government Partnership (OGP) plan. The six topics on which the administration has requested feedback would constitute a positive agenda for the U.S. OGP plan.

For each of the six questions posted on the OGP blog (on August 8th and August 22nd), we have generated a set of specific, feasible reforms.

We look forward to working with the administration to find achievable and meaningful commitments for its OGP plan. Please feel free to contact Sean Moulton, OMB Watch's Director of Federal Information Policy (at 202-683-4833), if we can be of assistance.

1. Transform Regulations.gov into a One-Stop Shop for Citizens to Learn About Rulemaking

The Regulations.gov website was a first step toward the creation of a centralized information site on regulations, but we think it could be transformed into a "citizen's center"—a place to learn about and engage in executive branch administrative actions. In particular, the website should contain:

- A resource center explaining in common language how the rulemaking process works and how citizens can participate;
- Information and tools to help citizens engage with the rulemaking process, including how to read the *Federal Register*, comment on a proposed rule, file a petition for rulemaking, and more;
- A library of agency information pertaining to regulatory actions, including statutes, judicial and other legal documents, regulatory analyses, information collections, and administrative issuances. The section should be designed for a more knowledgeable audience who are looking for source materials but often have difficulty finding them; and
- The equivalent of the agency rulemaking docket, whether the content physically sits on Regulations.gov or on agency websites.

In addition, the Administration should encourage agencies to innovate new e-rulemaking platforms based on their own needs. For example, the **Department of Transportation** has developed such a platform, RegulationRoom.org, which should serve as a valuable example for other agencies.

2. Establish Federal Website Standards that Encourage Proactive Disclosure, Identification of Public Priorities, and Visualization Tools

Create a Vision for Federal Websites

The current guidance on federal websites (OMB Memorandum M-05-04) does not articulate a vision of what agency websites are for or what agencies should seek to accomplish with their websites. The new policy should explain that agency websites are a central method for agencies to offer information and services to citizens, broaden public understanding of what the agency does, and facilitate citizen participation with the federal governance structure. This vision would echo the administration's long-standing commitment to open government.

Maximize Proactive Disclosure of Government Information

The new policy should direct agencies to use websites to maximize the proactive disclosure of government information. In particular:

Set a Document Disclosure Goal: The administration should set a government-wide document disclosure goal (e.g., a total of 1 million new high-value documents online by the end of 2012). Such a goal would encourage agencies to think creatively about which documents represent the highest value. In the process, agencies should engage stakeholders, including FOIA requestors and website visitors, to gather input on which documents are the most sought after.

Expand the Information Required on Websites: The new policy should expand the floor of information that all agencies must consistently post on their websites. The current guidance establishes certain categories of information to be disclosed (Attachment, Section 3F), but these categories needs to be significantly expanded. The new list of categories should draw from the recommendations of the open government community's "transparency floor" and create a standard for transparency and accountability across agencies. The information should shine a light on fundamental agency activities and strengthen public trust in government through disclosure. For example, the new policy should direct agencies to:

- Post their FOIA logs and update them weekly;
- Post the calendars of department heads (i.e. Secretary and equivalent) and update them weekly; and
- Post their visitor logs at least monthly.

Maximize the Usability of Information on the Website

The new policy should direct agencies to use websites to maximize the usability of information and outreach to agency audiences. In particular:

Expand and Improve Online Tools: The new policy should direct agencies to expand and improve online tools to help Americans use and understand government information. Tools that increase access to significant health, safety, and environmental information should have priority, as should information that increases democratic accountability and engagement of on Americans in the decision-making process.

Improve Interoperability and Re-use of Government Data: In addition to developing or commissioning tools, agencies should facilitate re-use of agency information by external developers. Improving interoperability of datasets with other information and tools from inside and outside the government would be a top priority to facilitate increased re-use of data. Agencies should also publish information in open machine-readable formats such as XML, offer bulk downloads and APIs, publish data dictionaries, and minimize copyright restrictions.

Reach Out to User Communities: The new policy should direct agencies to reach out to user communities. This outreach should include publicizing the information and tools that agencies produce, training communities on how to use it, and soliciting feedback on how to improve or expand the information and tools that agencies produce. Agencies should be sure to reach out not just to their existing user base but also to other communities that could be empowered by the information, such as environmental justice communities.

Create an E-FOIA System

The new website policy should allow the public to submit and track Freedom of Information Act (FOIA) requests, and to receive responses electronically on the agency website. Furthermore, the new policy should direct agencies to comply with the best practices identified by the Office of Government Information Services (OGIS) related to web sites.2 In particular, the policy should direct agencies to:

- Allow the public to submit electronic requests either by email, which would require including posting the email address on their website and in their FOIA regulations, or through the agency's website, which would require establishing a web form for requests;

- Include an easy-to-understand explanation of how to submit a FOIA request, how the agency will process their request, and the individual's rights and responsibilities under the agency's FOIA procedures. Agencies should also include links to more detailed information such as the agency's FOIA regulations, the OGIS website, and FOIA.gov;

- Ensure that requesters can communicate easily with the agency by widely publicizing the contact information, including telephone and email address, of the FOIA office. Agencies should also allow requestors to receive ongoing communications and updates electronically;

- Establish an online service to allow requesters to automatically check the status of their request or appeal by entering the tracking number in a website;

- Establish categories of records that can be disclosed [i.e., proactively posted online] regularly; and

- Post online, in a searchable system, all significant documents released under FOIA without waiting for a second FOIA request. This effort should be expanded, as feasible, to more routine disclosures and documents released prior to the practice of online posting.

Improve Website Management

The new policy should improve the management of federal websites. Specifically:

Solicit Feedback: The new policy should direct agencies to solicit feedback from users, including surveying visitors, analyzing usage data, analyzing search position, surveying agency constituents about their awareness of agency websites, and conducting focus groups with current or potential user communities.

Review Performance: The new policy should direct agencies to conduct regular reviews of website performance and utilize the feedback received from the public. This should include review of how well the agency is maximizing proactive disclosure, maximizing usability and outreach, and supporting the FOIA system. These agency reviews should be accompanied by more active government-wide oversight.

Keep Policy Current: The new policy should establish a process under which the administration will review and update the web policy at least every 5 years and updated if needed in order to stay current with technological changes.

3. Improve Data.gov with Common Data Formats, Identifiers, and User-friendly Interfaces

While much of the information on Data.gov is of significant value to the American public, much of the information is currently posted in forms that limit its use. We understand and support the role of Data.gov

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2 http://www.archives.gov/ogis/resources/bestpractices.pdf

as a "warehouse" of bulk government information for more technical users; however, the government has a responsibility to actively disseminate significant information to the public, not just passively make it available. Therefore, the administration should direct agencies to identify data of interest to the public as a basis for developing new interfaces or improving existing interfaces to explore that data.

Improve the Organization of the Site

The interface of Data.gov should be further enhanced to make it more intuitive and engaging for members of the public. The large number of datasets currently posted makes it difficult to find a particular database of interest. If information is difficult and time consuming to find, it can entirely negate the benefit of disclosing it online. The site does not organize agency datasets by topic or office, and it provides only a limited set of categories to bring together data from different sources on similar topics.

For instance, the Environmental Protection Agency currently has 1,602 datasets posted on Data.gov. Without topic folders or some other organizing feature, this means users must scroll through screen after screen in search of the appropriate data. Similarly, the categories only offer the broadest perspectives such as Environment or Natural Resources or Geography and Environment, each of which also returns long lists of dataset entries to scroll through. We recommend the use of subtopic folders that can be expanded or closed to allow users to limit their browsing to only those datasets that are related to their interest area. The site could also use more robust tagging or metadata to enable the public to bring together information on more specific topics.

Enhance Interoperability and Facilitate Reuse

The administration should also undertake an effort to promote common data and metadata formats, as well as common identifiers, to be used across agencies. Common data and metadata formats are needed for names, descriptions, hierarchical relations and other useful properties such as geo-coordinates (see unique entity identifier). Additionally, we need common data on reoccurring public activities such as permits, certificates, reports, transactions, etc. Finally we need common data on the public statistics (counts, percentages, rates, indexes, etc.) used across agencies such as employment rate or consumer price index. Common categories should be defined in a centralized federal namespace. Individual agencies should define their unique categories in the same format in their own namespaces.

Develop New Interfaces and Visualizations

The administration should further encourage agencies to develop, commission, and improve user-friendly interfaces and visualizations to help Americans understand government data. The administration should direct agencies to expand efforts to identify data of interest to the public as a basis for developing new interfaces or improving existing interfaces to explore that data.

Solicit User Feedback

The Data.gov program should work with agencies to better publicize the information available on Data.gov and to train potential users, including journalists, librarians, and community organizations. In addition, the program should expand mechanisms to solicit user feedback in order to inform the program's activities to add and improve datasets and tools.

4. Strengthen Records Management with Smarter IT Investments and Email Policy

The administration should consider significant reforms to records management, particularly electronic records. As initial recommendations:

Include Full-Circle Transparency in IT Investments

Agencies should ensure that records management is fully considered when investing in new IT systems or upgrading existing ones. Many of the failures of electronic records management are owed to the fact that records management concerns are often absent from the considerations of adopting new IT systems. Agencies need to change their procurement process to avoid acquiring or designing limited proprietary systems that fail to address their record management needs. Instead, agencies should be proactive in ensuring that new IT systems will meet their needs to efficiently and effectively preserve and manage the records created, stored, and transmitted by those systems.

Agencies must approach IT investments as part of a larger, longer-term strategy to establish systems that work together throughout and between agencies. Maximizing interoperability will be an important standard to target, not only to create systems that work together, but also to protect against current IT investments becoming dead-end projects that fail to work with the next generation of technologies. This will require changes in how agencies draft Requests for Proposals on IT projects as well as how the procurement personnel evaluate the bids received. Agencies should also ensure that acquisition personnel appropriately consult with IT and records management personnel. Additionally, mechanisms should be developed to gather and share across agencies more robust evaluations of purchased IT systems and their records management performance to share the best solutions and avoid repeating mistakes.

Given the nearly constant growth of information being managed by agencies, it is imperative that agencies seek out systems that provide as much automatic management and disclosure as possible. A key challenge to this need is the reality that information collected by agencies can often contain portions that should legitimately be withheld from disclosure (confidential business information, privacy, national security, etc.). To the extent possible agencies should pursue IT systems that offer solutions to this problem of mixed information (disclosable/nondisclosable). This could be through the upfront structuring of information collections into disclosable and non-disclosable portions and/or that allow agency information managers to easily redact portions electronically.

Finally, agencies should also consider the suitability of IT systems to efficiently and effectively respond to the full range of potential future uses for information created and stored by those systems, such as responding to FOIA requests, proactively disclosing information, and sharing information among various government IT systems. Such multiple use applications could improve agency compliance with other requirements and mitigate cumulative costs.

Prohibit the Use of Personal Email Accounts

The government should prohibit employees from conducting official business using personal email, phone or other communication accounts. Under the current records management regulations (36 CFR 1236.22), agencies may permit personnel to conduct business using personal email and other accounts if such communications are appropriately preserved. However, the regulations do not provide any mechanism for ensuring proper preservation.

The regulation should be revised to state that personnel, as a matter of course, should only use official, adequately-preserved systems for email and other communications. Any exceptions should be strictly limited to exigent circumstances such as system outage, with strong and effective requirements to preserve records created in unofficial systems as soon as possible. The regulations should also be clear that any work-related messages that personnel may receive at a personal email address must be forwarded

as soon as possible to their official account, and that personnel should inform the senders of any such messages that the sender should instead contact them at their official address. Agencies should ensure this new policy is clearly communicated to all current and new personnel and take appropriate steps to ensure compliance, with guidance and oversight from NARA.

5. Make Regulatory Compliance Information More User-Friendly

Allow Effective Searching and Saving

Agencies should ensure that enforcement and compliance data is presented in a manner that allows robust searching and exploration. Websites should provide a variety of search criteria and qualifications to allow users to target data. Without multiple criteria that allow users to customize their searches, the results of searches are immense, overwhelming amounts of poorly sorted and poorly organized data. The addition of specific search criteria can help make the data results more manageable for users. Users should, ideally, have search options to narrow the results by broad location and violation information, for example.

Generate User-Friendly Visual Tools

Government websites should present data in ways that help the public to easily understand the information. The best way to foster usability is to present summary data through visual tools such as charts, graphs, and maps, thereby engaging users through these graphic features. These tools should provide the aggregate data that is likely to be the most important to users. From the display of summary data, users should be able to link to more detailed or related information such as relevant reports. For example, OIRA's Regulatory Review Dashboard graphically presents information about rules under OIRA review through an interactive display, allowing the public to sort rules by agency, length of review, state of rulemaking, economic significance, and international impacts. Notably, the Dashboard includes a function that allows the public to view and sort data by agency, rulemaking stage, or a combination of both. Dashboards are tools that should be used across agencies to provide summary data that also links the user to more detailed information.

Create Data Dictionaries

Non-technical users should be able to understand what the results of data searches mean. Since so many data sets are written in jargon and technical language, each website should contain a data dictionary explaining the terms and data metrics used by each agency that would help users comprehend and interpret the information.

Solicit Input from Users

The data provided through agency websites should be responsive to the public's concerns. To have the data serve some meaningful purpose, agencies should seek input from user communities about what data sets are most valuable and what methods of presentation would be most useful. Ultimately, users should be able to identify trends in enforcement and compliance within an agency as well as across agencies.

Facilitate Reuse

Agencies should facilitate reuse of their compliance information. Data should be downloadable in a variety of formats, including bulk downloads in open, machine-readable formats. Agencies should make that regulatory compliance datasets available on Data.gov to improve findability. Where possible,

agencies should offer APIs to facilitate use of their data by external web services. Agencies should explore opportunities to utilize common identifiers and data formats to facilitate mash-ups.

6. Promote Corporate Accountability with Better Disclosure

Establish a Unique Entity Identifier for Corporate Entities

As the government discloses more and more data, the lack of a consistent entity identification system prevents the public from linking the various datasets and performing more robust analysis. This barrier significantly limits the usefulness of the extensive disclosure efforts done by individual agencies. Being able to track entities across different datasets would be especially useful for evaluating the compliance and reporting of entities that received federal funds.

However, tracing the flow of funds from request to expenditure to reporting requires that multiple systems recognize a given entity throughout the process; that is, that the Acme, Inc. that received a federal contract last year is the same Acme, Inc. that appears in EPA's Toxic Releases Inventory. Furthermore, assessing the total amount of federal funds that an entity has ever received requires that systems recognize that unique entity in every instance it is involved in the federal spending process. Because data are housed in many disparate locations and in different systems, the ability to link these data sets is essential, but currently problematic, to federal spending transparency.

The importance of a "unique corporate identifier" extends beyond USAspending.gov. Implementing a single system to identify entities across all federal data would allow stakeholders within and outside government to link recipients of federal contracting dollars to contractor performance reviews to campaign donations to lobbying activity to environmental impacts and to workplace and consumer safety records. By linking these disparate data sets, citizens and governmental actors could increase the accountability of contractors and government alike.

Currently, the federal government utilizes the Dun & Bradstreet Universal Numbering System (DUNS) to uniquely identify companies doing business with it. Theoretically, with an entity's DUNS number, one could trace its entire federal grant and contract history, but access to the system is expensive. Moreover, because it is privately owned, and is essentially enclosed in a "black box," the system is not subject to the usual transparency requirements, including Freedom of Information Act requests, which leads to questions about its accuracy and comprehensiveness.

Moreover, the DUNS system being used with USAspending.gov cannot provide good historical information on corporate ownership; when a parent company divests itself of one of its subdivisions, the connection between parent and subsidiary disappears. For example, because Halliburton sold off a subsidiary, KBR, in 2007, billions of dollars of Iraq War contracts awarded to Halliburton no longer appear as having been awarded to the company in USAspending.gov.

The DUNS data remains locked in Dun & Bradstreet's data systems – a private service – so if the government's contract is not renewed or not properly negotiated, the federal government could suddenly find itself without a system for identifying contractors. The government needs to develop its own corporate identification system rather than remain dependent on a private system that isn't designed to do what the government needs it to do.

Publish Full Descriptions of the Work Done Under Any Government Contract

Without being able to read the full text of a contract or grant agreement between the federal government and a private entity, it's difficult to determine what the government is supposed to be getting for what it spends or to hold agencies accountable for maximizing taxpayer value. Commercial-grade websites can run from thousands of dollars to millions of dollars with price being determined by multiple factors, including site functionality, scale, and time to market. Seeing only that the government has contracted with a vendor to build a website leaves many questions unanswered.

For example, when the Recovery Board contracted with Smartronix, Inc. to build a website that was supposed to provide the greatest federal spending transparency to date, the only description of the $18 million contract was: "American Recovery and Reinvestment Act Project."

To date, the only way for someone to get a contract document is to file a FOIA request. However, this then requires a review of each contract requested to identify and redact any confidential business information (CBI) or other nonreleasable information before disclosing the contract. If, instead, contracts were submitted to the contracting agency electronically, the contractors could electronically segregate CBI from non-CBI information. Although over-redaction would be a likely initial problem, having significant portions of all agency contracts online would, nonetheless, be a step forward. Should stakeholders believe that some information was not properly redacted, a FOIA-like review process could then be initiated.

Disclose Contractor Lobbying Activities

Current law requires registered lobbyists who lobby executive branch officials to influence the awarding of federal funds to complete a disclosure document known as SF-LLL. Today, that form is paper-based and remains in filing cabinets within the federal agencies, subject to release via FOIA requests.

The SF-LLL form should be converted to an online version, and lobbyists should go to a web site to enter the information. A new SF-LLL should be filed for each communication that involves attempts to influence future awards. Forms should be completed within 72 hours of the communication and made available to the public in a searchable format on the Internet within 24 hours of their completion.

In addition to the information currently required on the SF-LLL form, more data elements should be collected. The most important pieces of information include: (a) date and time of meeting, including meeting number (meeting number should be automatically generated when the form is filled out); (b) full name, address, and DUNS number of the entity being represented (along with the parent company) and (c) the agent representing the entity; (d) the congressional district of the entity and agent (congressional district should also automatically fill in based on information entered into the address line); (e) the federal award identifier for the current contract, grant, or other form of financial assistance, which should include the name of the federal agency that provided the award and the name or description of the federal award; and (f) information about the communication to influence future awards, including the name of the federal agency, the people involved in the meeting, the name or description of the federal program being discussed, including any identifying codes, such as RFP numbers, contract number, CDFA, etc., and a brief summary of the meeting.

Government employees should have to log communications. An efficient approach is to require government employees to file an online report immediately when they are involved in communications with those outside of government who are trying to influence federal spending. This online report could be short and trigger a notice to the non-governmental participants to complete a more detailed SF-LLL about the communication.

Disclose Contractor Campaign Contributions

Campaign contributions are seen as another potential vehicle for influence over government decisions; therefore, they are vulnerable to misuse. Transparency can reduce the possibilities of pay-to-play deals for government contracts and increase public trust in government contracting. Any entity bidding for a government contract should disclose political contributions to federal candidates or parties made within the past two years that, in aggregate, exceed $5,000. The disclosure should include contributions made by the entity's directors and officers as well as its affiliates and subsidiaries.

In addition, the disclosure should include contributions made by a prospective contractor to third parties "with the intention or reasonable expectation" that those parties would use the money to make independent expenditures that support or oppose a candidate for federal office or electioneering communications (e.g., paid ads) that refer to a federal candidate. This would mean that donors to certain nonprofit groups that are allowed to engage in electioneering (501(c)(4) organizations, unions, and trade associations, for example, would be disclosed.

The disclosed information should be posted on Data.gov in a "searchable, sortable, downloadable and machine readable format." The public needs to know who is giving how much to which candidates, and no person or corporation should be allowed to hide behind a shroud of secrecy and prevent the people from seeing who is trying to influence government and policymaking through political contributions. Such secrecy seriously damages the American people's trust in their government.

Disclose All Communications Designed to Influence Rulemaking

To prevent undue corporate influence in the rule-making that establishes and protects environmental and public safety standards, the administration should direct agencies and the Office of Information and Regulatory Affairs (OIRA) to disclose communications, both from the public and as well as between agencies, regarding a rule as part of the rulemaking docket. This disclosure could include copies of written communications and summaries of oral communications, along the lines of the rules regarding ex parte communications recently adopted by the Consumer Financial Protection Bureau and the Federal Communications Commission.

Require Strict Adherence to Environmental Standards and Disclosure of Toxic Substances

The public and governments at all levels are faced with new environmental and public health risks due to the chemicals permeating our physical world that are undisclosed by corporations. Without new policies that require corporations to disclose the chemicals in their products and processes, the U.S. government cannot protect public health. The U.S. government, including all federal and state agencies, must mandate disclosure by corporations of the impact of their business operations on public health, safety, and environment.

Minimum standards for corporate environmental responsibility would:

- Ensure workers can participate in environment, health, and safety inspections of corporate facilities as well as developing emergency planning for such facilities.

- Disclose chemical, health and safety data, health risks of chemicals, and require disclosure of oil and gas development chemicals.

- Develop a unified facility and corporate reporting system that creates profiles of reporting entities in a single online location.

- Require companies to produce product labels that disclose all ingredients and their associated risks.

- Strengthen and enforce procedures for evaluating and discrediting unreasonable claims of confidential business information, including establishing penalties for illegitimate claims.

- Ensure the public can participate in public hearings with entities and has access to records of agency interactions with entities.

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Dear Messrs. Chopra and Sunstein:

Thank you for your White House blog post soliciting ideas for the U.S. Open Government Plan.

I recommend that the White House include in its open government plan a proposal to modernize public meeting spaces at Federal agencies. What I have in mind is technology that would allow public bodies, such as the approximately 1,000 Federal advisory committees, the ability to turn on webcasting with the flip of a switch or at least something much more cost effective than today's labor intensive webcasting meeting room technology. The President has already endorsed webcasting Federal advisory committee meetings, so this would merely be a way to help move that agenda forward.

The specific way I would implement this agenda would be to ask GSA's Administrator to design new media specs for public meeting spaces at Federal agencies. The GSA is already implementing such technologies as part of its effort to bolster telework across the Federal government, so in some sense I'm merely suggesting another reason to continue that existing effort.

This summer the Center for Technology Innovation at the Brookings Institution published a paper of mine that touches on these issues. The paper, Making Public Community Media Accessible, focuses on the local level of government, where there are tens of thousands of public meeting rooms. But the need for automating media in public meeting rooms is also relevant at the Federal level.

Let's take cost away as an excuse for not webcasting and recording public meetings.

Sincerely,

--Jim Snider

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UNITED STATES COMMITMENTS TO PRINCIPLE 10 FOR RIO+20

1. Initiate a federal process to review and evaluate environmental and public health information holdings across major agencies. The process should identify untapped resources, information that should be shared more broadly, needed data quality improvements, and data gaps that require increased collection of information. Identify a common platform and format compatible with federal agencies and user friendly to stakeholders. Adopt this platform to include all relevant data collected.

2. Commit and work with federal agencies and stakeholders to identify and adopt a set of best practices on public participation for agencies to follow. Once developed, these documents and web-based information services should be made publicly available by posting on agency

websites, Regulations.gov, and any other venue that will promote widespread availability of the information.

3. Direct federal agencies to take specific actions to develop and implement a new component of their open government plans that focuses on the different priorities for regional and state offices. The new plan components should establish the most important open government issue and set specific goals for the region or state, complete with milestones and deadlines.

Demand 1:
Initiate a federal process to review and evaluate environmental and public health information holdings across major agencies. The process should identify untapped resources, information that should be shared more broadly, needed data quality improvements, and data gaps that require increased collection of information. Identify a common platform and format compatible with federal agencies and user friendly to stakeholders. Adopt this platform to include all relevant data collected.

Problem:
The government collects and maintains massive amounts of information on the environment and public health. Yet despite notable projects to improve transparency and accountability over the past few years, the public often cannot access vital information. Without this information, Americans are less able to protect themselves, their families, and their communities from environmental harm. In addition to problems with accessing such information, agencies often fail to do enough to explain the complex data that is disclosed, often leaving citizens more confused than empowered.

Solution:
Addressing this information shortfall requires not just increased disclosure of public health and environmental data, but also the development of tools to assist the public in understanding and making use of the information. Such improvements are needed to identify and understand a wide spectrum of issues, from potential health hazards posed by the tens of thousands of chemicals in commerce, to improved monitoring of pollution, to filling the huge data gaps in our climate policies.

Agencies must improve the information being made available to the public by identifying and addressing data quality problems and filling gaps in data collection that prevent a fuller understanding of environmental and public health issues. Agencies must also employ a variety of ways to communicate and provide information to the public. Information must be broadly accessible throughout society and available in multiple formats to ensure equitable access.

As part of this federal review and evaluation process, agencies should use innovative tools, methods, and systems to collaborate among themselves, across all levels of government, and with the public. They should also solicit public feedback to assess and improve data quality, access as well as the collaboration process itself.

More specifically, agencies should:

- **Identify stakeholders**. Develop systematic methods for identifying stakeholders and establishing communications.
- **Use new technologies and communication tools**. Exploit the use of online technologies to collect, analyze, and communicate information crucial to protecting environmental and public health.
- **Employ offline tools**. Identify and use all traditional means available, including offline methods.

- **Provide information in easy-to-understand language**. Provide information in plain, easy-to-understand language and methods, such as ratings or scores, that concisely interprets scientific, technological, legal, and bureaucratic language.

Demand 2:
Commit and work with federal agencies and stakeholders to identify and adopt a set of best practices on public participation for agencies to follow. Once developed, these documents and web-based information services should be made publicly available by posting on agency websites, Regulations.gov, and any other venue that will promote widespread availability of the information.

Problem:
Active public engagement in the policymaking process can improve policy outcomes while building trust in government – two consequences that make government more effective, efficient, and hopefully more rewarding for our public servants. Public participation practices have made great strides over the last several years with the Open Government Directive, presumption of disclosure, and implementation of e-government tools such as Regulations.gov. However, the quality of public participation efforts by different agencies varies widely. In other cases, it is not clear how public input will affect the design or selection of various alternatives.

Congress and agencies have developed clear standards for the implementation of public participation in various laws and regulations, including the National Environmental Policy Act and Administrative Procedure Act. However, in cases where statute does not require federal actions to include public participation processes, such as planning and program design, public involvement is often overlooked. In such cases, guidance can help agency staff to ensure adequate and fair public input.

In other cases, there is adequate opportunity for public participation, but it is unclear how the public might influence a decision making process. For instance, timely information on the process may not be available; participation may occur after options have already been narrowed; or there may be no official response to public input. Accountability for the quality of public participation efforts is often weak, absent the right to sue. Other, less conflict-oriented alternatives are available.

Finally, improved participation is critical to principles of environmental justice, which require the "meaningful involvement" of affected communities. Agencies should proactively engage vulnerable communities in a manner above and beyond existing environmental statutes.

Solution:
As part of the United States government's public commitments in Rio 2012, the White House should establish an interagency task force to gather and centralize best practices for public participation. This work would build off of the successes and innovations of the Open Government Initiative.

Such a task force should include historically low-performing agencies (with regard to public participation) and agencies with a record of high levels of public engagement. The task force could consider as a set of deliverables:
- Model community engagement plans, including systems for annual public evaluations of agency progress.
- Model guidelines for community partnerships.
- Guidance on communicating with EJ communities. Agencies should coordinate to identify successful methods of outreach to environmental justice communities.
- Standards for accommodating public participation in hearings, meetings, forums, listening sessions, and other events.

Markers of good participation should also be evaluated, including:
- Timing and location of participation events (to accommodate work schedules).
- Multiple mechanisms for public input into agency goals.
- Transparent and timely notification of meetings through channels in addition to the *Federal Register* (e.g., local print media, websites, through local organizations).
- Accessible supporting materials in appropriate formats and languages for community members.
- Availability of translation services where appropriate.
- Transcription and publication of public commentary in the corresponding docket
- A rigorous process of stakeholder identification with publicly available records of outreach efforts.
- Use of new online technologies to increase participation.

Demand 3:
Direct federal agencies to take specific actions to develop and implement a new component of their open government plans that focuses on the different priorities for regional and state offices. The new plan components should establish the most important open government issue and set specific goals for the region or state, complete with milestones and deadlines.

Problem:
Different regions around the country face different environmental and public health challenges, and therefore, their information needs will substantially differ. While national improvements in transparency and participation are welcome, they often fail to be specific enough to adequately address local and regional concerns. Also, implementation of information access policies is inconsistent across regional and state offices. Without federal action to deliver consist implementation, the improvements made at the national level will be unavailable to some.

Solution:
The federal government should serve as a leader on information access issues and actively collaborate across and at all agency levels to improve transparency and community engagement. At a minimum, federal agencies must develop clearly articulated and enforceable strategies for implementing information access policies and capacity-building resources to regional and state offices.

In developing and implementing open government plans for regional and state offices, federal agencies should:

- **Build information capacity at regional and state agencies**. The federal government should work with state agencies to develop capacity to expand electronic reporting, document digitization, and other data access improvements. Federal agencies should also offer training and best practices advice to regional and state-level counterparts.
- **Establish policies and mechanisms for community engagement**. Federal agencies should coordinate with regional and state offices to identify successful methods of outreach to environmental justice communities and to establish policies for substantive community engagement in government decision making.
- **Set minimum standards for public participation in meetings**. Federal agencies should assist regional and state offices in developing clear standards for accommodating public participation in public hearings, meetings, forums, listening sessions, and other events.

Sean Moulton, OMB Watch

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Greetings Messrs. Chopra and Sunstein,

We are missing some important elements of the Open Government Directive, specifically innovation in the public sector, leadership, and organizational re-design. As a result of my research it's clear other countries are focusing on a broader innovation agenda, beyond just better technology. Our almost total focus on data, accountability and transparency has limited implementation of President Obama's OGD. This almost total focus on technology has in and of itself limited participation and involvement. Only a small sector of the American public even knows about it or frankly cares right now. There has to be more concrete and tangible action which is understandable to the public.

The Public Services Commission in Australia did an excellent job of describing innovation for their government. MindLab in Copenhagen, Denmark is funded by 3 Danish ministries. NESTA in UK is funding innovative projects in a number of challenging areas.

As we face serious economic challenges, relying so much on technology is limited. It is not surprising we have public participation issues. How much of the excitement around new websites and apps has considered the end user as most important? A recent report by the Knight Foundation makes this very clear.

I posit we could save enormous amounts of public money by re-designing our federal grant making system. It's easy to see how we could integrate technology into a new process, but there is more we can do to reduce redundancy and increase results and sustainable outcomes. As a Justice Department Fellow, I evaluated all the innovative community policing grants in the United States. The grant making system is old and wasteful, there are clearly ways to make the entire system more effective. It's a great focus for innovation and change, maybe not "cool", but important.

If we really want public participation, why not set up innovation labs? Why not get Americans involved in solving our difficult problems using new strategies? President Obama called for American innovation. What is the follow-through on that request? At a time of such public frustration, we can harness that energy to good purpose and take the best ideas and design new systems. The public needs to see concrete results right now. Tangible outcomes for dollars spent. New websites it fine, but not nearly enough to make the case.

Our current distress is an opportunity for positive innovation and re-design of our agencies, systems and processes. It is much harder to tackle organizational and cultural re-design than new websites. Dealing with the human factor is hard, but ultimately will save so much money and effort. We all know the system isn't up to the new challenges, we spend the same dollar over and over again and silo behavior is old school.

My advice is to broaden the scope of work.

Best,
Andrea

Andrea Schneider, MA

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Next Steps on Government Transparency and Openness

Notwithstanding putting significant energy into the openness agenda, the president is still not able to say his administration is the most open in history. Many in the openness community want to help the president achieve his objective on openness. Accordingly, we have identified three approaches to make major strides forward on the openness agenda.

I. Implementation Problems

Many of the excellent policies offered since the Obama administration took office have not lived up to expectation; the problem rests with implementation. The White House team is so busy moving from one issue to the next that it leaves little time to follow-up on existing projects to assess how they are working or to make needed changes. For example, the highly acclaimed White House visitor logs have been increasingly criticized because of data quality and inadequacies in the website itself. Here are three steps to improve implementation:

(a) The White House should review major policy initiatives and assess how they are being implemented. The assessment should involve consultation with those outside of government. This would include efforts as diverse as the White House visitor logs, E.O. on Controlled Unclassified Information, and Data.gov. The CUI E.O. deserves special attention because it received universally positive response from openness advocates, yet the implementing agency may be under-resourced to handle how it is deployed;

(b) Based on weaknesses identified in the assessments, create a plan for addressing the weaknesses that includes performance objectives and timelines for achieving specific milestones (a model for this document could be the Dec. 9, 2010 White House plan to reform information technology management at http://cio.gov/documents/25-Point-Implementation-Plan-to-Reform-Federal%20IT.pdf); and

(c) Assure that all future policy announcements addressing government transparency have performance objectives, timelines for achieving milestones, and identification of a person who will follow-up, serve as a liaison to the openness community, and report on implementation issues.

II. White House Staffing

There are two types of staffing problems that we think can be easily resolved. First, there is a need for a second senior policy person to complement Steve Croley, who we believe is doing excellent work. This would be a replacement for the Norm Eisen position. Portfolios can be defined to maximize efficiencies. Second, it would help to better articulate the responsibilities of the White House policy staff working on openness issues and share that with the openness community to foster improved communications.

III. Top Policy Priorities

Here are seven policy priorities that the White House can undertake that can make important, strategic steps in strengthening transparency and accountability in government:

1. **Policy directive to improve FOIA's implementation**, emphasizing the importance of full disclosures where possible, limiting the overuse of exemptions, directing the Department of Justice (DOJ) to coordinate and evaluate agency requests for new exemptions from disclosure in the aftermath of the *Milner v. Department of Navy* U.S. Supreme Court decision, ensuring the integrity of the FOIA process including the proper use of FOIA fee waivers, and continuing the drumbeat on reducing backlogs. Referencing the Office of Government Information Services best practices document at http://www.archives.gov/ogis/resources/bestpractices.pdf would be helpful.

2. **Policy directive to implement the Openness Floor** or elements within that document. We suggest a meeting between administration officials and the openness community to review the elements in the Floor to determine items the administration can support. Next create a minimum disclosure standard on the agreed elements for all government agencies; call it the Open Government Standards. This could be done by amending the Open Government Directive and announcing as a key step to implementing the president's Jan. 21, 2009 FOIA memo that "agencies should take affirmative steps to make information public." It could also be a contribution to the international right to know initiative known as the Open Government Partnership.

3. **Policy directive to limit unnecessary security restrictions on information.** Under E.O. 13526, Classified National Security Information, agencies are to complete a comprehensive review of their classification guidance by June 27, 2012. On Jan. 27, 2011, the Information Security Oversight Office sent a memo to agencies reminding them of their responsibilities under the E.O. Nevertheless, there has been little progress within the agencies and this process takes more than a year to do. White House action is needed on the classification guidance to get agencies moving.

4. **Executive Order on whistleblower protections.** Proceed with an executive order to implement items in the Whistleblower Protection Enhancement Act that stalled in the last Congress and appears to be stalled now. This may have the positive impact of spurring congressional action.

5. **Strengthen DOJ policy on state secrets for greater accountability.** The Attorney General's September 2009 policy on when the Department will invoke the state secrets privilege is an important first step for reform, including the legal standard asserted. However, the memorandum states that in certain cases, the Department will continue to "seek to dismiss a litigant's claim or case on the basis of the state secrets privilege." The Attorney General should modify the 2009 policy, recognizing that the state secrets privilege is an evidentiary privilege, and instruct Justice Department attorneys not to seek dismissal of a case or claim on this basis at the pleadings stage.

6. **Continued support for media shield law.** The media shield law is a protection for the public and our form of government. If we are to have a free press – which leads to a stronger democracy – it is vital to protect the relationship between journalists and trusted sources to whom journalists have promised confidentiality.

7. **Work on lobbying procurement reform, disclosure of political contributions, Ethics.gov, review of the lobbying restrictions under the Ethics EO.** There needs to be a renewed push on disclosure of special interest influences as promised during the presidential campaign. Work on procurement lobbying reforms (as required by the Ethics E.O.) has stalled. Ethics.gov was considered a high priority at the start of the administration but has stalled, although the Office of Government Ethics is working on a website to make various key ethics data publicly accessible and could serve as a down payment. The administration has worked on various approaches to disclosure in the aftermath of the *Citizens United* and other Supreme Court decisions, but nothing has been put in place for the next election cycle. There is a need to revisit the effectiveness of the 2-yr ban on LDA lobbyists working for the administration and the use of waivers.

Openthegovernment.org

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Openness Floor
8/20/2010 Version

We believe there are core items that all agencies should disclose to ensure consistent transparency, accountability, and informed participation across the government. The Open Government Plans should serve as agency tools for going beyond these core items to build transparency, collaboration and participation that meet the specific needs of the agency and the public, as well as reflect how to implement these standards in ways consistent with the mission of the agency. In order to increase openness and accountability, we urge agencies to adopt the detailed list below, which is comprised of important elements of transparency, participation and collaboration. These items should be easily accessible from the agency's Open Government Webpage. Just like agency Open Government Plans, this floor will continue to evolve and become more robust over time.

A. Accountability & Influence

1. Agency telephone and email directories so that citizens can contact employees concerning specific matters at each agency.
2. Visitor logs for each of the agency's decision-makers, to be made public in timely (every 3 months at a minimum) fashion. If the agency is not currently keeping such records, the agency should have a system in place to both store and make public visitor logs within three months. Exemptions could be established to address privacy issues and other concerns related to non-policy meetings, such as job interviews.
3. Lobby disclosure forms and data, including forms which government contractors and grantees must file when lobbying for additional funds.
4. Communications with Congress, including but not limited to reports, responses to inquiries, testimony before committees and legislative proposals.
5. A list of all Inspector General reports, with online access to all unclassified reports.
6. Calendars (with identification of people, companies and topics involved in meetings), correspondence logs, and ethics disclosure of top-level agency officials (e.g., the Secretary, Deputy Secretary, and Assistant Secretary).
7. Federal Advisory Committees, their members and recent (or all) meeting minutes as well as opportunities for public input.
8. Ethics Program Reviews conducted by the Office of Government Ethics.

B. Spending

1. Agency budget justification documents submitted to Congress with the annual budget request.
2. Information about agency spending: who gets how much money, performance information about contractors, lobbying information about contractors, and audits of grant/contract recipients.
3. Contract and award documents including but not limited to Requests for Proposals, Contracts, Task Orders and Contract Modifications.
4. Disclosure of contacts by the public to influence spending or financial awards.

C. Records and Data

1. A list of all FOIA requests and any documents released as a result of a FOIA request must be posted to the web in an organized, searchable manner, on a timely basis, starting with electronic records.
2. Reports to the Information Security Oversight Office on agency classification and declassification activity, and other reports required by the executive order on classified national security information.

3. Audit of agency data sets with a public listing and metadata and, at a minimum, online publication of the data dictionary for each database.
4. Comprehensive, well-maintained, and searchable archive of documents, including those that have been removed from the Web site.
5. Proposed rules, regulations and other documents (NOIs, NPRM, etc) and an effective mechanism so that the public can easily submit comments.
6. Current Privacy Impact Assessments and existing systems of records under the Privacy Act.

D. Policies

1. Public policy and implementation plan for managing and preserving electronic records, including but not limited to email records.
2. Public policy and implementation plan to ensure the permanent access and preservation of content made available to the public through the agency Web site.
3. Agency guidance or directives on national security information, controlled unclassified information, open government and freedom of information policy.
4. Records retention policy along with records schedules (GRS or SF 115), a schedule of records that will be declassified and the timetable for such action.
5. Public policies that clearly state the right of agency scientists and researchers to publish results without requiring policy review or approval by government officials.
6. Written and publicly available policies explaining how agency staff should communicate with the public and the media, and detailing the official procedures for peer review, clearance and release of agency information.
7. Strong whistleblower protections that guarantee employees that disclose information about waste, fraud, abuse, mismanagement and other accountability issues will not be retaliated against.
8. Scientific integrity policies that prevent political interference in the development of scientific research.

E. Participation

1. Employee incentives (e.g., budget, professional recognition; criteria for professional advancement) to encourage personnel to change entrenched methods and pursue more open and participatory approaches to planning, decision making and program implementation.
2. Employee training programs that provide agency personnel with skills needed to involve the public in planning, decision making and program implementation, and to ensure agency personnel are briefed on latest requirements of openness and participation as well as the latest developments in agency goals.
3. Inventory and evaluation of public participation tools and techniques used by the agency and a public participation framework that provides adequate guidance for employees about how to decide when different face-to-face and online tools should be used.
4. Evaluation of agency's participation practices (e.g., how many people participated; diversity; how participants felt about their engagement).
5. Programs to build capacity of national, state and local groups to better engage the public in agency efforts.
6. Formal open government structures, such as a FACA committee or review panel, comprised of agency stakeholders that ensures feedback from the public. Proceedings and materials of these groups should be publicly accessible.

F. Collaboration

1. Mechanism to share all materials, results, tools, training, etc. that could be transferable to other agencies. There should also be a public record of these materials.
2. Identification of barriers to transferability and collaboration between agencies (formats, metadata, definitions, etc.) that would be shared with other agencies and the public.
3. Development of list of needs for best practice policies, materials, programming, etc. on open government as well as barriers to potential new policies and practices that would be shared other agencies and the public.
4. Programs to build capacity of national, state and local agencies and government offices to better collaborate with each other.
5. Formal collaborative structures, such as an interagency working group or committee, comprised of agencies that address related issues (e.g., public health, science, security, etc.) to serve as vehicles for collaboration discussions. Proceedings and materials of the groups should be made public.

Openthegovernment.org

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Dear Mr. Sunstein and Mr. Chopra:

We, the undersigned civil society organizations, appreciate your commitment to engage with the public on developing the United States government's action plan for the Open Government Partnership (OGP). We are pleased to participate in this exciting initiative and applaud President Obama for raising the profile of open government on the international stage and throughout the U.S. federal government. We seek to ensure that this heightened attention yields real dividends for the public as the U.S. and other governments become demonstrably more open.
Thus, we urge you to include the establishment of a Presidential Advisory Committee on Open Government under the Federal Advisory Committee Act of 1972 (or FACA, Public Law 92-463) as a key objective in the initial U.S. OGP Action Plan to be unveiled September 20.
We believe a Presidential advisory committee is exactly the type of forum envisioned by the OGP. According to the OGP Roadmap, the U.S. and other countries are supposed to ―identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one.‖ While we have not identified an existing forum appropriate for meeting this objective, FACA is precisely suited for creating just such a forum. We believe that establishing an advisory committee is the best way to ensure that the government receives unbiased recommendations from a variety of experts and stakeholders in a manner that is transparent and accessible to the public.
FACA is one of our hallmark ―sunshine laws‖—using it to meet OGP goals would allow the United States to showcase a foundational open government policy for other nations. Importantly, there also is an opportunity to substantially enhance and expand openness throughout the U.S. both through the work and practices of the Presidential Advisory Committee on Open Government (PACOG).
The requirements for Presidential and other advisory committees under FACA provide for many of the features we consider essential to fulfilling OGP principles:

· A body of experts is tasked with providing advice that is relevant, objective and open to the public;

· Committees must be ―fairly balanced in terms of the points of view represented and the functions to be performed‖;

· The advice and recommendations of the committee are not to be unduly influenced by the appointing authority or any special interest;

· Public participation is ensured through open access to meetings (with some exceptions under the Government in the Sunshine Act), announced in advance in the Federal Register, with flexibility for utilizing tools and technology to expand public participation; and

· Committee papers and records are maintained for availability to the public, including detailed minutes of each meeting—again there is also flexibility in using tools to meet this requirement and go beyond.

In addition, it is only fitting that an advisory committee working on open government issues would itself be a model of open government. By going beyond the basic statutory requirements of FACA, this body could serve as a shining example of how 21st-century advisory committees should operate. The PACOG's practices and utilization of technology could enhance open government not only through its products, but also through its practice.

We believe the PACOG could greatly enhance the U.S. open government efforts and serve as a model by adopting policies such as the following:

· Reducing Conflicts: Prohibiting the appointment of any individuals with financial conflicts of interests to advisory committees unless the need for the individual's services outweighs the potential conflict. Social media and blogging could be used to cast a wider net and solicit public suggestions for committee member nominees.

· Increasing Transparency: Hosting a website for posting webcasts, transcripts and records of meetings, information about current members, the process used to select members, committee charters, official actions taken in response to committee recommendations, and other important information such as meeting notices and reports.

· Boosting Public Participation: Webcasting meetings and hosting virtual online meetings and discussions to complement and supplement in-person and phone meetings. A blog on the website and other social media also should be used to increase public participation. Utilizing other innovations for opening meetings, increasing collaboration, and soliciting input from the public and providing mechanisms for the public to express support or opposition to proposals being considered by the committee or to the committee's recommendations.

It also seems most appropriate for the President to establish this advisory committee, given the OGP's international prominence and its breadth across the federal government. It would not be sensible to task a single agency with establishing and managing the OGP advisory committee as the White House and the President will be crafting and implementing the U.S. Action Plan. It therefore is the White House that should receive the expert advice and public input on the OGP.

However, successfully opening the government will require work beyond any single presidential administration or action plan. Indeed, the establishing charter for the PACOG should stipulate that it will be in existence for a five-year period, with an option for renewal if the government identifies a continuing need for advice, reporting or public participation on the implementation of OGP or on other open government initiatives. The PACOG also could be tasked with providing annual or biannual reports to the President. These reports could include regular updates on the implementation

of the U.S. Action Plan, recommendations for new milestones, and in-depth analysis of open government ideas, initiatives, and best practices.

Additionally, the OGP Roadmap states: ―Countries will report on their consultation efforts as part of the self-assessment, and the independent reporting mechanism will also examine the application of these principles in practice.‖ The PACOG also could potentially fulfill this objective.

Finally, the PACOG could help to ensure the public that openness principles are truly being applied in the government's initiatives. This forum also would relieve many of the frustrations civil society groups and citizens have had with limited public awareness of the opportunities for participation and collaboration on the Open Government Directive and the OGP process. Providing experts and the public with an official, structured, and ongoing forum to discuss open government initiatives would go a long way to help fulfill President Obama's promise to create ―unprecedented level of openness in government.‖

We thank you for considering this proposal, and for your work to advance open government both in the U.S. and abroad. We would be very pleased to discuss this proposal with you in more depth.

Sincerely,
American Booksellers Foundation for Free Expression
American Federation of Government Employees - AFGE
American Library Association
AmericaSpeaks
Association of Research Libraries
Center for Responsive Politics
Citizens for Responsibility and Ethics in Washington – CREW
Electronic Frontier Foundation - EFF
Electronic Privacy Information Center - EPIC
Essential Information
Global Financial Integrity
Government Accountability Project – GAP
International Association for Public Participation — United States of America (IAP2 USA)
iSolon.org
Liberty Coalition
National Coalition for History
National Freedom of Information Coalition
National Security Archive
Northern California Association of Law Libraries
OMB Watch
OpenTheGovernment.org
Progressive Librarians Guild
Project On Government Oversight – POGO
Public Citizen
Reporters Committee for Freedom of the Press
Student Press Law Center
Sunlight Foundation
Union of Concerned Scientists
US PIRG
Washington Coalition for Open Government

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Greetings!
You are asking excellent questions,questions which are showing up in recent research on public participation and engagement — people are not engaging as predicted. If we are going to spend time and money on using technology we have to design those applications and websites with the end user in mind.

The way public services are organized inevitably influences the outcomes they achieve. Policymakers and managers are making design decisions all the time, too often without realizing it. If we accept we are all designers, perhaps we should be a bit more conscious of what it means, and integrate those processes, as we roll out these new tools. Diverse people have to see themselves in the picture.

Public Sector Design Thinking is always about engaging people, the users, citizens and professionals working at the front line and throughout the system. It starts with their lived experience, not something that is always available to policymakers and managers. Common terms for this are co-desgin and co-creating. End user's are central players throughout the project. Connecting and serving the end user is key to improving public services and using limited resources well. Using design can become an economic intervention in that, if done well, it will save money and time.

We have plenty of examples of thoughtful services, which don't work well for the people who actually use them. That can change. If it doesn't we open ourselves up to public criticism and misunderstanding about this entire endeavor. We have to be much more inclusive and open. Innovation comes from deliberate and planned processes, experimenting with the concept of prototyping, trying lots of things, failing quickly at low cost, iterating and learning.

Government is not always comfortable with failing as part of the learning process, however, with what we are trying to do, it's the only way to get excellent outcomes. It's a design method common to manufacturing, but yet to gain real traction in public services. We need to consciously change this situation, especially with so many new avenues for public engagement and services opening up.

We're now learning there are low-cost and low-risk ways to apply design techniques, like prototyping, to innovation for even the most sensitive of social challenges. We're also finding it is possible for public servants to learn those techniques and has got to be a priority for any organization trying to find innovative solutions to big social challenges.

I hope you find these suggestions useful. This is an emerging field of interest and one which will help us do better as less cost over time. Let me know if you would like more information or have any questions.

Andrea Schneider, MA