



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the
Commission on Public Information and Communications
December 18, 2014

Good morning, Public Advocate James, and members of the Commission on Public Information and Communications (COPIC). My name is Rachael Fauss, and I am Director of Public Policy of Citizens Union of the City of New York, a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform. We work to ensure fair and open elections, honest and efficient government, and a civically-engaged public.

We are encouraged by the convening of COPIC, as its mission to educate the public about the availability of government information and ensure public access to information is increasingly important as technology is rapidly expanding the tools government has at its disposal. We would, however, urge that there be greater public notice of future meetings, as that would allow the public to participate more fully and actively.

This body can be an invaluable force to promote open and transparent government and public access to data. At the end of my testimony, I lay out the duties and responsibilities of COPIC as an addendum for those who wish to know more.

In thinking through the city's recent efforts to expand public access to information, we encourage COPIC to play a proactive role in ensuring the effective implementation of several important transparency initiatives:

- **Open Data Law (Local Law 11 of 2012)** – This landmark law, which was championed by Citizens Union, established New York City as a leader in open data. It ensures the proactive disclosure of government data and moves the city away from the public “pulling information” out of government, but rather toward “pushing” data out to the public. COPIC is well positioned to play an oversight role in ensuring that agencies are living up to their obligations and the full promise of the law. We encourage COPIC to:
 - Review the Annual Agency Plans from July 2014 to ensure that they are inclusive of all public datasets currently managed by the city, and that the deadlines for the datasets being published are appropriate and prioritize

data that is commonly requested via Freedom of Information Law (FOIL) requests.¹

- Examine the usability of the open data portal. The Department of Information Technology and Telecommunications has been proactive in reaching out to users of the portal to seek feedback regarding its usability, but the backing of COPIC in this effort could help to ensure it is more user-friendly, and therefore more accessible to the public.
- **Webcasting Law** (Local Law 103 of 2013) – Citizens Union also supported and pushed for the passage of the webcasting law, which requires city agencies, committees, commissions, task forces and the council to webcast their public meetings where practicable, and provide archival video on their websites. At a City Council hearing earlier this year, Citizens Union provided the following best practices for implementation of the law:
 - Inclusion of associated materials as part of the webcast, for example on a split screen showing the meeting on one side and the minutes and documents under discussion on the other (note that under Section 103 the NYS Open Meetings Law, even draft or proposed regulations are subject to public review);
 - Searchability of archived video, minutes and documents by key words and terms; and
 - “One-stop” shopping, as is done currently by New York City in its portal for open data, and New York State for its webcasted meetings.²

We recommend that COPIC examine the implementation of the webcasting law according to these best practices. Additionally, we recommended that a comprehensive list of city entities subject to the webcasting law be published by the Law Department. This will ensure that COPIC, the Public Advocate, City Council and civic groups are able to do proper oversight of the implementation of the law.

- **The City Record Online** – Earlier this year, the City Council passed legislation (Intro 363-A, Councilmember Ben Kallos) that will require the City Record to be published online in a searchable format. Civic technologists including BetaNYC, with the support of Citizens Union, are currently working with the Department of Records to build out this capability. Given the general lack of public knowledge about public hearings and meetings, the searchability of the City Record could prompt more public engagement with government, and COPIC could play a role in promoting the new, searchable City Record.

¹ NYC Open Data Plan 2014, Department of Information Technology and Telecommunications, July 2014. Available at: http://www.nyc.gov/html/doitt/downloads/pdf/nyc_open_data_plan.pdf

² See NYS’s website of all agency webcasts: <http://www.nysegov.com/webcast.cfm>.

- **City Records Portal (Local Law 11 of 2003)** – Citizens Union and our good government colleagues have met with the Department of Records, and understand that they are upgrading the city’s portal to provide access to important government records such as agency annual reports and other reports that are provided to the City Council and Mayor. These reports are now most commonly buried on various agency websites, and this new central portal will be an important place for the public to look for information published by city agencies. We encourage COPIC to work with the Department of Records in developing this portal.

Regarding new legislative proposals, **Citizens Union also supports Intro 328 (Open FOIL - Kallos)**, which would create an Open FOIL portal to centralize the process of requesting records from agencies, and vastly streamline the process of responding to FOIL requests. It would catalyze open data initiatives by allowing for analytics-based publication of open data sets, and greatly improve public access to information while saving taxpayer dollars. We understand that the de Blasio administration is working to implement a FOIL portal, but believe this legislation remains important to ensure the robustness of the effort. We encourage COPIC to examine this important legislation.

Thank you for the opportunity to testify. I am available to answer any questions you have.

COPIC’s DUTIES and RESPONSIBILITIES

- educating the public about the availability and potential usefulness of city government information and assisting the public in accessing such information;
- reviewing all city information policies; the quality, structure, and costs to the public of such information; agency compliance with the various notice, comment, and hearing provisions in law and the usefulness and availability of city documents, reports, and publications;
- assisting city agencies in facilitating public access to their meetings, transcripts, records, and other information, and monitor agency compliance with public access laws;
- holding at least one public hearing each year on city information policies and issue an annual report with such recommendations as the commission deems advisable;
- on the request of any member of the public, elected official, or city agency, rendering advisory opinions; and
- making recommendations regarding: (i) the application of new communications technology to improve public access to city information; (ii) the distribution of information to the public regarding the city's service delivery facilities; and (iii) programming for the municipal cable channels and broadcasting system.