



**CITIZENS UNION OF THE CITY OF NEW YORK**  
**Testimony to the New York City Council Committee on Technology in**  
**Government on Int. No. 991 – to create open data standards**  
**June 29, 2009**

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Good afternoon Chair Brewer and other members of the Committee on Technology in Government. My name is DeNora Getachew, and I am the Legislative Counsel and Director of Public Policy of Citizens Union of the City of New York, an independent, nonpartisan civic organization of New Yorkers that promotes good government and advances political reform in our city and state. I am joined by my colleague Rachael Fauss, CU's Research and Policy Associate. We thank you, Chair Brewer, for your leadership on using technology to increase government transparency and accountability, and for holding this hearing on Intro 991, which would create a single portal for City government data, open data standards for City agencies and ensure increased public access to government records and publications.

Citizens Union believes it is not only timely, but also critically important that the Council take steps to make government more transparent. Efforts at the federal and state levels to create data web sites such as data.gov have paved the way for increased public access, and we believe that it is time for the City of New York to create a similar site. Increased access to government records and publications allows the public to assess government performance and decision-making and ensures that citizens can hold their government accountable. As we have testified to before this committee in previous hearings, we believe that efforts to provide more government documents online not only serves to increase transparency, but can also save government resources and time, because it would eliminate many of the formal and informal requests to agency personnel for basic information already provided in existing government reports and other documents.

Citizens Union supports Intro No. 991, which would establish open data standards for City agencies and begin a process to move all public records online, but would like to propose a number of recommendations to strengthen the legislation. The bill has three major sections, which we will address separately public records availability, creation of technical standards and Internet records policy, and the agency compliance plan and roll-out timetable.

**A. Public Records Availability**

Citizens Union supports Intro 991's proposed singular web portal to host all City agency public records. Under the bill, government records would be required to be available on the Internet through a single web portal, with all records available in their raw form and viewable through web browsers, and where practical, mobile devices.

Given that Intro 991 does not specify where on nyc.gov or a successor site the web portal would be housed or what agency would be responsible for maintaining the website, we believe that consideration should be given to hosting it on the Department of Records and Information Services' (Records) website. Citizens Union previously testified before the City Council's Committee on Technology in

Government on this issue, recommending that the Records website become a “one-stop shop” for City government publications and information given their current function in implementing Local Law 11 of 2003. Local Law 11 requires all city agency publications and reports that must be published, issued, or transmitted to the Mayor and City Council to be posted on the Records’ website. We recognize that there have been significant concerns regarding the user-friendliness and timeliness of posting on the Records website, but believe that Records’ current role in obtaining documents from City agencies gives it practical experience in this area that may be beneficial in the present case.

Whatever agency is ultimately responsible for maintaining the web portal, Citizen Union recommends that sufficient resources and staffing be provided to ensure that records are posted in a timely manner and that staff have appropriate technical expertise. The Department of Information Technology and Telecommunications (DOITT) should also play a major role in the development of the website, and be available to make the portal as user-friendly as possible. A singular web portal for government records and public information also should ideally be a single source for those looking for a variety of information about City government, including public hearings, agency records, rules changes and the City Record.

Citizens Union also supports the bill’s efforts to make all public records easily accessible and useful such as requiring the use web syndication technology, requiring records to be presented and structured in a format that permits automated processing, and not having restrictions on access or use of documents. Tools such as web syndication technology, for example Really Simple Syndication (RSS), which notify the public of updates to specific city records or by agency will allow the public to be immediately notified of documents of interest to them, similar to how they might subscribe to news feeds. Timely access through this technology ensures that the public can weigh in on important decisions that are made by government and effectively hold it accountable. Formats that allow automated processing such as comma separated values (CSV) will allow users to more easily process and analyze government documents by creating programs to analyze trends, look at changes in spending, or conduct other types of analysis. Specifying that there cannot be licensing requirements would ensure that documents are provided in open formats such as PDFs that can be viewed through multiple types of software. Lastly, Citizen Union supports not having registration requirements to access data, as there are many other ways to ensure that access is not abused such as tracking the IP addresses of users.

## **B. Technical Standards and Internet Record Policy**

Citizens Union supports the creation of an Internet record policy and technical standards manual on web publishing and e-government for City agencies through a consensus approach, but believes there should be greater specificity in the bill regarding the selection of voluntary consensus bodies, standards, and the public process for weighing in on such standards. In Intro 991, DOITT would be required to develop a manual on technical standards based on standards developed by voluntary consensus bodies to ensure that agencies have guidelines and standards to allow them to meet the requirements of the bill. It is not clear in the bill whether DOITT would use preexisting federal standards or develop new standards in consultation with voluntary consensus bodies. Citizens Union recommends that the bill be clarified to include the opportunity for the public to comment on the use of pre-existing standards, or be able to be part of the process in developing new standards, similar to the federal model.

Intro 991 also requires DOITT to consult with voluntary consensus bodies and, only when feasible, participate in the development of technical standards. Citizens Union recommends that the bill be

modified to clarify how consensus bodies would be selected and under what criteria, as well as the process by which they would develop standards. The composition of such bodies is crucial to ensuring that a broad base of stakeholders is represented, and while Citizens Union does not believe that it is necessary to mandate who should be around the table, the bill could require DOITT to report on the reasons for choosing particular bodies. Additionally, the bill should require the opportunity for general public comment throughout the standards development process.

### **C. Agency Compliance Plan**

Citizens Union supports the goals of the agency compliance plan section of Intro 991. This section would require agencies, in consultation with DOITT, to submit a compliance plan to the mayor and council by January 4, 2010. These plans would detail how agencies intend to comply with the chapter and would include an accounting of all public records under control of the agency and how such records have been classified.

Intro 991 sets forth three separate classes of documents: immediate, legacy, and priority. The three classifications provide for a roll-out period in which “immediate” records would be required to be posted after July 5, 2010, “priority” records would be posted after July 4, 2011, and “legacy” documents would be posted after July 1, 2013. Citizens Union supports this approach to provide roll-out periods for different classifications of records, as it will ease agencies’ transition in posting all public records. We recommend, however, that the bill be amended to explicitly require agencies to detail the reasons why records have been classified in the “legacy” or “priority” categories to provide greater transparency in the classification of documents. While we understand that documents which are large and/or complex may pose unique problems for Internet posting, it is important for the Council and Mayor to understand the rationale behind classifications as well as the technical limitations faced by agencies. This is particularly important for ensuring that agencies have the appropriate resources and tools to meet the requirements of this bill. Further, requiring this documentation will provide greater confidence to the public that documents are not being withheld from immediate posting unnecessarily.

Lastly, we recommend that the Council consider amending the bill to create mechanisms to allow for greater evaluation of its implementation. Specifically, this could be in the form of an annual report compiled from agencies’ including statistics on the number and types of records available online, the number of hits received by the web portal, and other issues related to implementation. Additionally, the bill should require DOITT to hold a public hearing to assess the user-friendliness of the web portal, solicit recommendations for how to improve the site, and evaluate the timeliness of record posting.

We urge the Council to promptly pass this legislation and consider further efforts to improve its implementation as recommended in our testimony. Citizens Union appreciates the opportunity to share its views and would welcome the opportunity to work with the Council further on ways to continue to improve public access to important government information.