



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the New York City Council Committee on Technology in
Government on Intro 29 – to create open data standards
June 21, 2010

Good afternoon Chair Garodnick and other members of the Committee on Technology in Government. My name is Rachael Fauss, and I am the Policy and Research Manager for 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. We thank you, Chair Garodnick, for holding this hearing on Intro 29, which would create a single portal for City government data, create open data standards for City agencies and ensure increased public access to this important information. We also thank Councilmember Brewer for her continued leadership on increasing public access to government information through technology and for reintroducing this legislation.

Citizens Union continues to believe that it is critically important that the City take steps to make government more transparent. Increased access to government data, information and reports will allow the public to assess government performance and decision-making and ensures that citizens can hold their elected officials accountable. As we have testified to before this committee in previous hearings, we believe that efforts to provide more government documents online 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 will be providing recommendations in this area to the City Charter Revision Commission, building off of legislation such as Intro 29, as well as efforts of the Mayor's office with websites such as DataMine and NYCStat. Efforts in other cities and at the federal government to create data web sites such as data.gov, San Francisco's datasf.org, as well as data websites from Seattle and Washington, D.C. have also paved the way for increased access to information, and we believe that it is time for the City of New York to create a similar site to consolidate government data, reports and information.

Having testified last year in favor of the previous version of this legislation, Into 991 of 2009, we would like to focus on those aspects of the bill that have changed, while summarizing its key components. Citizens Union also supports Intro No. 29 of 2010, and would like to propose a number of recommendations to strengthen the legislation. The bill has three major sections, which we will address separately: public data availability, creation of technical standards and Internet data set policy, and the agency compliance plan and roll-out timetable.

A. Public Data Availability

Citizens Union supports the creation of a single web portal to host all City agency data that is required to be publicly accessible proposed in Intro 29. Data would be available in its raw form and viewable

through web browsers, and where practical, mobile devices. Different from Intro 991, this legislation does not require the posting of reports, files, accounts or records other than data.

We have previously testified before the City Council's Committee on Technology in Government on this issue, recommending that a City government website be created as a "one-stop shop" for City government publications, data and information. Intro 29 would create another government website to house data, in conjunction with other existing city websites such as DataMine, CityStat, and the Department of Records and Information Services website, which publishes annual reports from city agencies pursuant to Local Law 11 of 2003. While we believe that a city website dedicated to release of data, particularly data that is not processed, will be an important addition, it will nonetheless result in a further dispersal of information, rather than consolidating information in a singular location. If all city government data and reports, as well as other important information, were housed on a singular web portal, Citizens Union believes that there would be less confusion among the public as to where to find such information. This could be accomplished in stages, by first consolidating existing data, reports and publications that are online, and then proactively posting other information which is public but not readily available on the internet, similar to the process outlined in this legislation for data. Citizens Union does not underestimate the difficulty of this task, but believes that it is ultimately where the City should go in terms of the release of public information.

Citizens Union also supports Intro 29's efforts to make public data more 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 such as Really Simple Syndication (RSS), which notify the public of updates to specific city data or by agency, will allow the users to be immediately notified of data 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 will allow users to more easily process and analyze government data, as well as allow for the development of applications to creatively engage the public, as seen with the City's recent effort with BigApps. 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. 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 DOITT 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 represented, 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 29, but believes that the current date for the start of implementation of July 5, 2010 is too soon. DOITT would be responsible for creating an Internet data set policy and technical standards and the publishing of a manual regarding such standards for city agencies by July 5, 2010. Under the bill, consultation on such standards with voluntary consensus bodies would also have to be achieved prior to this date. City agencies would also be required to develop a compliance plan by July 5, 2010, which would include a full accounting of all public records under control of the agency and how such data sets have been classified. We believe that these dates are not achievable at this time, and that city agencies should be given some greater lag time after DOITT's release of its technical standards and manual, as agency compliance plans would be in part dependent on the standards set by DOITT.

Also with regard to implementation, the legislation 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 January 3, 2011, "priority" records would be posted after January 2, 2012, and "legacy" documents would be posted after December 2, 2013. Citizens Union supports this approach to provide roll-out periods for different classifications of records, as it will ease agencies' transition in posting public data. We are pleased that the bill has been amended from its previous version to explicitly require agencies to detail the reasons why records have been classified in the particular categories, as was recommended in testimony provided by Citizens Union last year. We believe that this will provide greater transparency and allow the Council and Mayor to understand the rationale behind classifications as well as the technical limitations faced by agencies. Further, requiring this documentation will provide greater confidence to the public that documents are not being withheld from immediate posting unnecessarily.

We are also pleased that the bill has been amended to require an annual update from agencies regarding their compliance. Citizens Union recommends that further reporting could be required of DOITT which could include 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 could require DOITT to hold a public hearing or use focus groups 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. Additionally, we continue to urge the Council to examine other proposals which would open up City government information, such as requiring the City Record to be published for free online, and requiring city agencies, commissions, the City Council and other city entities such as the Board of Elections to webcast and record their meetings and hearings which are subject to the Open Meetings Law.

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.