



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the
Committee on Technology in Government of the New York City Council
Oversight Hearing Regarding Administration of the Open Data Law
Wednesday, November 20, 2013

Good afternoon, Chair Cabrera, and members of the Committee on Technology in Government. My name is Rachael Fauss, and I am the Policy and Research Manager of Citizens Union of the City of New York. Citizens Union is 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.

Citizens Union is a longtime supporter of the city's landmark Open Data Law, having participated in shaping the provisions of the bill and ultimately supporting its passage in 2012. We welcome the City Council's continued engagement on this issue in holding this important oversight hearing today. As government becomes increasingly data-driven, it is important that the wealth of public data be made readily available to the public in a timely manner, as well as in a form that is accessible and allows for independent analysis. Doing so will ensure the public are active participants in informing data-driven governmental decision-making

Before turning to Citizens Union's evaluation of needed next steps on implementation of the city's Open Data Law, I would like to highlight some of the positive effects the Law has already had in New York City.

Importance and Value of Open Data

Open Data is revolutionizing the way that government shares information with the public, and with the passage of the Open Data Law, city government is on its way toward fully modernizing public access to information.

The passage of the law has set an important new standard for public access to data: instead of the public needing to request information through the Freedom of Information Law (FOIL), data is now being pushed out to the public proactively. This paradigm shift has started to have important benefits for New Yorkers, which are described in greater detail in the Transparency Working Group report that has been submitted to the committee. Among these benefits and positive steps are the following:

- 1. Release of high-value data sets**, like 311 complaints, Automated City Register Information System (ACRIS) and Primary Land Use Tax Lot Output (PLUTO) data, which was previously available with a paywall, among others;

2. **Widespread use of the open data portal** by agency staff, the public, journalists, academics, and council staffers; and
3. **Commercial use of the portal** to create web-based and mobile apps, supporting the Open Data Law's goals to spur innovative uses of data and align with the city's efforts to grow the tech industry.

Needed Next Steps on Open Data

In order to ensure the continued success of the city's Open Data Law, Citizens Union recommends first that the City Council lead by example in publishing important data to the public. Similar to the City Council's efforts to webcast its meetings prior to passage of legislation earlier this month to require all city agencies to webcast their meetings, we urge the City Council to engage in the following actions to ensure the release of city data under its purview:

City Council

1. **Publish all of the City Council's data on the open data portal.** This should include the following priority datasets, which are not currently in the compliance plan submitted to the Department of Information Technology and Telecommunications (DoITT):
 - a. **City Council Expenditure Reports** – This should include detailed and up to date information about its expenditures on items such as mailings, rent and other district office costs for members, staffing, stipends received by members, and other relevant expenditures. This data should be broken down by member to the extent that the information is available. The state legislature currently provides this information to the public, though in pdf form¹, and the Council can be a leader in this area by providing its own expenditure data in a much more transparent form. It should be noted that this was supported by 31 incoming members of the Council in the October 30th Rules Reform Agenda issued by the Progressive Caucus and other members.² This information should also be provided on an annual basis as part of the budget process.
 - b. **Legislative Service (LS) Requests** – We were pleased to see the City Council include in its open data compliance plan that it will be publishing data on legislation, as provided in its Legistar portal. We believe that this data should extend, however, to requests by members for bills to be introduced, including any relevant data regarding sponsor, status, days/months since the bill has been drafted, topic and committee to which the bill will be referred.
2. **The Council should also work with city agencies that it appoints to ensure their compliance with the Open Data Law, including the following:**

¹ The New York State Assembly's expenditure reports can be found online at:
<http://assembly.state.ny.us/expenditure/>

² Available at: <http://bradlander.com/news/updates/city-council-rules-reform-for-2014-council-session>

- a. **Office of the City Clerk** – The City Clerk, who is appointed by the City Council, maintains a database of city lobbying activity. While it is currently searchable online, it does not include much of the underlying, detailed data that lobbyists file, and is not exportable. The complete data should be provided via the open data portal, and updated automatically. This data set is particularly important given that the Clerk’s Office and DoITT have yet to complete a more advanced database to reveal more lobbying activity that was first explored and recognized as important by the City Lobbying Commission more than two years ago. It should also be noted that the Office of the City Clerk did not provide information regarding its intended compliance with the Open Data Law in the recently released open data plan. We request that you ensure that this information is provided prior to release of the July 2014 updated plan.
- b. **Campaign Finance Board (CFB)** – As the Campaign Finance Board is currently jointly appointed by the City Council and Mayor, we request that you ensure that the wealth of data collected by the CFB which is already provided online for expenditures and contributions is integrated into the open data portal. It should also be noted that the Campaign Finance Board did not provide information regarding its intended compliance with the Open Data Law in the recently released open data plan. We request that you ensure that this information is provided prior to the release of the July 2014 updated plan.

The Council should also continue to play an important oversight role with regarding to agencies under the purview of the mayor to ensure compliance with the Open Data Law. We recommend that the Administration, with the support of the Council, ensure that the following steps are taken to ensure greater compliance with the law:

Administration

1. **The Administration should release to the City Council and the public a list of which agencies are subject to the Open Data Law.** This list will clarify whether the Administration believes certain agencies, such as the Board of Elections, are subject to the Open Data Law. It should be noted that agencies could also voluntarily provide data, even if they are not technically subject to the law.
2. **The Council and Administration should ensure that additional agencies submit compliance plans regarding their release of data to the public.** Among the agencies that failed to submit compliance plans are the following: Board of Standards and Appeals, Campaign Finance Board, Civilian Complaint Review Board, Office of the City Clerk, and the Commission to Combat Police Corruption, possibly among others. Again, having the list of agencies subject to the Open Data Law would facilitate this effort.
3. **The City Council should examine legislative changes to strengthen the law, including a public right of action.** As part of the negotiation over the Open Data Law, the Law Department had a public right of action removed from proposed legislation. Citizens Union supported its inclusion at that time, and believes that going forward, giving the public this tool will ensure compliance with the law.

- 4. The City Council and Administration should work with civic partners to ensure that priority data sets are put on a “fast track” for inclusion in the open data portal.** To this end, the Transparency Working Group has submitted a “wish list” of open data requests, which includes many of Citizens Union’s recommended data sets for publishing.

Thank you again for holding this hearing and allowing Citizens Union to present its views and recommendations. I am available to answer any questions you have.