



# A New Transparency for NY State

Use the Explosion in Information Technology to open NY Government

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# A New Transparency for New York State

## Use the Explosion in Information Technology to Open State Government

**We call on Governor Cuomo, legislative leaders Skelos and Silver, Attorney General Schneiderman, and Comptroller DiNapoli to use the explosion in affordable Information Technology to make New York State government vastly more transparent, more responsive, and more accountable.**

We join the State Committee on Open Government's urgent call for New York State to seize the power of Information Technology to achieve the intent of the Freedom of Information Law. That law says "The people's right to know is basic to our society."

Today, we call on our state's elected leaders to recommit themselves to this fundamental principle, and use the same affordable technology that New Yorkers use every day to shine a light on what our state government is doing and spending. Healthy, well-functioning democracies fully embrace transparency.

New York's digital information is a form of public wealth. Sharing that digital wealth with the public will help spur the innovation economy, improve public services, and reduce the cost of government by increasing efficiency and reducing corruption.

The good news is that New York has pockets of progress, including the Attorney General's Accountability/Money and Influence Site and the Comptroller's Open Book NY. These shed light on political contributions, lobbying and state contracts. Governor Cuomo's campaign promise to create an Open NY program is encouraging, as is the SAGE Commission's NY Performs project and the State Senate's "Open Senate" web page. State agencies are starting to use social media to alert the public to emergencies, public meetings and tax deadlines. The DOH's Metrix program has an excellent statement of principles extolling the value of opening up digital information, innovation and public collaboration. It should be adopted by all state agencies.

The bad news is that overall, the governor, legislature, NY State agencies and authorities have done a poor job putting information online in easily searchable or useful formats, or employing online maps and social media. The state budget remains very hard to understand or analyze. Despite recent laws, vast areas of state spending by authorities, and via business subsidies remain hard to assess. Unfortunately, the state does not appear to have a plan, process, timeline, or guiding intelligence in place for getting the state's massive wealth of digital information online, or spreading good ideas within government.

We expect New York to be a leader, not laggard. Abundant, affordable Information Technology --- smart phones, iPads, apps, the internet, wifi, social networking, interactive mapping --- is transforming the everyday life and work of New Yorkers. We urge our state's leaders to use these same tools to launch a transparency revolution that will help New York government become more democratic, open, innovative, and provide better services at a lower cost.

# Recommendations for Getting Started

## Use the Explosion in Information Technology to Open NY Government

### Basic Principles

We urge our elected leaders to adopt and publicly endorse the following basic principles for using Information Technology to open up government.

- 1. Government information is public information.** Information subject to public disclosure under the Freedom of Information Law is public information, except for privacy, security and contractual concerns.
- 2. Public digital information should be put online** in a searchable, usable, common format, and kept updated.
- 3. State policymakers should use Freedom of Information Law (FOIL) requests to guide what information goes online first.** The universe of digital records is huge. New York State government gets twenty thousand or more FOIL requests a year. The most FOILed (non-personal) records should be posted online in usable formats.
- 4. The State should seek ways to use technology to keep the public informed and engaged.** Information Technology is abundant and cheap. Most transparency measures involve a change in mindset, not great expense.
- 5. Online digital information should be searchable, downloadable, and usable by the public.** Government documents should be online in common, usable formats like TXT and CSV. Government should not hide information in plain sight --- scanned paper copies of documents, saved as image files in PDF format are unsearchable from the web or within the document. They are effectively inaccessible to the public.
- 6. Government should welcome and share public feedback**  
Government websites should give the public many opportunities to comment on government decisions before they are made. Those comments and responses should be shared.
- 7. The state should use online maps to show the public what government is doing.**  
A picture is worth a thousand words --- a map is worth ten thousand. A government serious about transparency will post information online as interactive maps as the federal government did with Recovery.org, including spending, tax breaks, capital projects, member items, economic development projects, etc.

## **Recommendations for Getting Started**

Use the Explosion in Information Technology to Open NY Government

### **Governor, Senate and Assembly**

#### **Governor Cuomo**

1. **Create a FOIL Center** webpage and post all non-personal FOIL requests, refusals and disclosures within a week for Chamber and agencies.
2. **Create an Open NY or Innovation Team** to help spread good transparency and technology ideas and practices throughout the executive branch, and to implement the transparency revolution.
3. **Issue executive orders to put government digital information online**, starting with the most frequently FOILed and requested documents.
4. **Adopt DOH Metrix data transparency/collaboration goals for all agencies.**
5. **Fully use NY Performs as a public accountability tool:** Fully fund and deploy NY Performs online performance system, and make fully available to public.
6. **Fund an upgrade of the Authorities Budget Office website.**
7. **Pick one area for fast tracking greater transparency:** for instance, consumer financial information, mortgages, insurance, bank rates and credit card rates.
8. **Launch a high caliber “Project Sunlight” site at Office of General Services.**

#### **Legislature**

1. **Make all public information available on LRS available with no restrictions to the public.** Make Assembly vote, fiscal notes and other committee information available for free. This can be done at minimal cost.
2. **Get the State Government Affairs Channel running.** Ensure that it is independently managed and its website has comprehensive content.
3. **Create FOIL Center** webpage and post all FOIL requests, refusals, and disclosures within a week of their occurrence. While not technically subject to FOIL, Senate and Assembly rules subject many of their records to FOIL requests.

#### **State Senate**

1. **Post online all documents subject to FOIL** per Senate FOIL rules. This should include fiscal notes Index records, Messages from the Governor, and Assembly, Home Rule messages, local fiscal impact notes, and notifications
2. **Fund an upgrade of the Authorities Budget Office Website.**

#### **State Assembly**

1. **Webcast all committee meetings, hearings, and taskforce meetings from all locations** --- including 250 Broadway.
2. **Hold hearing on “Harnessing the Information Revolution for the public benefit.”** It has been postponed twice.
3. **Create online form to submit FOIL requests.**
4. **Fund an upgrade of the Authorities Budget Office Website.**

## **Recommendations for Getting Started**

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### **Attorney General and Comptroller**

#### **Attorney General**

- 1. Revamp and Upgrade Money and Influence Website.** (AKA Proj Sunlight.)  
This important public resource badly needs modernizing and investment. This site is achieving a fraction of its potential because of technical glitches, balky and non-intuitive search features, and the lack of integrated databases.
- 2. Integrate the Charities database into new money and influence site.** Charities are big business in NYS, and lobby and hire lobbyists.
- 3. Revamp Charities website:** integrate database, improve public feedback features, and rename the misleading “Pennies for Charity” to Where Your Charity Money Goes.

#### **Comptroller**

- 1. Further develop the excellent Openbook NY site,** this important public transparency site can be more powerful and useful if it continues to evolve.
- 2. Put data from the Comptroller’s Reports online in a usable, downloadable format.** All reports should be accompanied by spreadsheet documents in open formats (CSV, XML, XLS) which allow other government entities and the public to reuse and expand on this research.
- 3. Revamp Report Page** so all downloadable spreadsheets and related data sets collated for reports are indexed in one place. (Put link to that page on home page.)
- 4. Improve online pension transparency to equal or exceed CALPERS.**

## **FOIL and The Budget** **Freedom of Information Law (FOIL)**

FOIL provides a robust legal framework for disclosing public digital data. FOIL is also a powerful tool for identifying the digital information the public is most interested in. But FOIL is overused for routine questions. The state's goal should be to vastly reduce the number of FOIL requests. The most requested, non-personal, information should be put online, and made easily searchable, and available in downloadable, common, usable formats. The power of FOIL can be greatly increased via Information Technology:

1. Agencies should create a statewide FOIL Center web page on which all non-personal FOIL disclosures, from the executive branch and state authorities, are posted for all to see. The US Justice Department and Pentagon do this with FOIL reading rooms.
2. There should be a statewide online FOIL portal and document management system which publicly tracks the status of requests, shows the most frequently FOILED information, and displays agency compliance.
3. Non-personal records disclosed under FOIL should be available in one place in a data base format, with a developer friendly API that allows their maximum use by the public and other government agencies.

### **The Budget**

The state budget is a huge, bewildering document with thousands of pages in dozens of separate sections, and no appendix or table of contents which covers all volumes. None of it can be downloaded in spreadsheet format (csv, xml, xls). This means that its online document is essentially unusable for serious analysis or assessment. Budgeting is a primary function of state government and the Division of Budget and Governor should seek ways to use newly evolving Information Technology to make the budget as transparent as possible. The governor's Division of the Budget should:

1. Put all tables, charts, and quantitative data from the budget online in a commonly used spreadsheet format. Post a reference copy in a locked pdf to address concerns about "manipulation" of spreadsheets by interest groups
2. Convene fiscal watchdog and transparency groups and academic experts to develop a plan to make the state budget the most transparent and publicly useful in the nation.
3. Map economic development projects and tax expenditures, and use maps to show where state revenues and expenditures occur. Use different ways of illustrating revenues and expenditures to help the public understand where and how funds are raised and spent.

## Thumbs Up

### Encouraging current and planned transparency efforts

New York State government is using technology to be more open to the public and to provide better online services. The challenge is to do much more, and spread the best of those ideas and tools across all agencies. Here are some transparency initiatives which should be built upon:

#### Governor

- **NY Performs:** online performance measurement system. Launching July 2012.
- **Open NY Pledge:** expansive pledge to open govt. with technology.
- **Experimentation with social media and internet outreach:** Citizen Connects, town hall chats.
- **Webcasts of speeches and major appearances.**

#### Agencies

- **DOH Metrix data collaboration and innovation policy**
- **DEP site:** numerous website features, maps and downloads.

#### State Senate

- **Open Senate website:** mobile apps, files downloadable in usable formats.
- **Open Legislation:** page of website
- **Webcasting hearings from Albany and 250 Broadway.**

#### State Assembly

- **Webcasts from Albany**

#### Comptroller

- **Open Book NY:** a very strong “follow the money” site.
- **Very good search feature on website:** documents searchable from Internet.

#### Attorney General

- **Launch New Accountability/Money and Influence site.** (Was Project Sunlight.) Potentially most important transparency site in NY. Needs upgrade.
- **Charities Bureau site:** important and should be updated

#### Authorities

- **MTA website:** enormous strides in fiscal transparency and rider services.
- **Authorities Budget Office site:** potentially hugely important with funding.
- **State Liquor Authority LAMP map:** interactive mapping site of all licenses.