Testimony to the 2019 NYC Charter Revision Commission
Creating A Transparent & Digital 21st Century City

September 12, 2018

Good afternoon Chair Benjamin and members of the 2019 Charter Revision Commission.

I am Alex Camarda, Senior Policy Advisor for Reinvent Albany. Reinvent Albany advocates for transparency and accountability in State government, and are leading champions for transparency in New York City government, especially strengthening Open Data and the Freedom of Information Law. Reinvent Albany testified extensively before the mayor's Charter Revision Commission the last six months on campaign finance reform[1], city-affiliated nonprofit regulation[2], instant runoff voting[3], and redistricting[4].

Congratulations to all of you on being named to the first City Charter Revision Commission consisting of appointees from all the city's elected officials, and the first Commission convened as a result of Council legislation. We are impressed by the breadth of the experience of the members of this Commission.

Reinvent Albany, along with our good government colleagues Citizens Union and the League of Women Voters New York City, identified four Issue Areas we think the Commission should address. They are:

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[1] See:
https://reinventalbany.org/2018/06/reinvent-albany-calls-for-lower-contribution-limits-eliminating-the-public-match-cap-and-increasing-the-public-matching-rate-at-charter-revision-commission-campaign-finance-issue-forum/
[2] See:
https://reinventalbany.org/2018/05/reinvent-albany-calls-on-charter-revision-commission-to-increase-transparency-of-and-limit-donations-to-city-affiliated-nonprofits/
[3] See:
https://reinventalbany.org/2018/05/reinvent-albany-recommends-campaign-finance-and-voting-reforms-to-nyc-charter-revision-commission/
[4] See:
https://reinventalbany.org/2018/07/reinvent-albany-calls-for-redistricting-reform-before-city-charter-revision-commission/

1) **Open Government & Transparency**
2) **Ethics**
3) **Elections**
4) **Government Efficiency & Accountability**

Tonight, Reinvent Albany will provide recommendations on the first Issue Area: Open Government & Transparency.

Open Government & Transparency (Charter Chapter 47: Public Access to Meetings and Information)

Chapter 47 of the Charter outlines public access to government information. It is very outdated and in need of an overhaul that reflects major advances in technology and communication over the last 30 years. Many of the provisions of this section reflect the world as it was in 1989, when paper-based processes were standard procedures and the internet and mobile devices did not exist.

Reinvent Albany believes the Commission should revamp Chapter 47, and lay out a coherent vision for a Transparent & Digital 21st Century City. A vision for a 21st Century Digital City would identify the City's goals and values for the use of civic technology, in addition to specific offices, positions and initiatives. City government has issued reports that can guide this Charter Commission, including the 2011 Roadmap to a Digital City[5] and 2013 Council 2.0: A Roadmap to Digital Inclusion and Open Government.[6]

Reinvent Albany recommends a rewrite of Chapter 47 include the following elements:
1. **Establish that city data is open data by default.** We believe data should be made available in a machine readable and downloadable format on as many devices as possible. This should be an expressed value of the City and a general operating principle of city government. In other words, unless there are clearly and publicly stated concerns about personal privacy, criminal investigations or proprietary information, data should be open. In practice this means the 2019 Charter should:

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[5] See:
https://www1.nyc.gov/office-of-the-mayor/news/338-13/mayor-bloomberg-releases-to-digital-roadmap-plan-ensure-new-york-city-remains-leading#/0
[6] See: http://council.nyc.gov/wp-content/uploads/2016/05/techplan.pdf

a. Codify and strengthen the City's OpenRecords platform created by executive order and administered by the Department of Records and Information Services (DORIS).[7] Int. No. 328 of 2014 is a starting point for a stronger OpenRecords/"OpenFOIL" law and process.

b. Supplant the The Public Data Directory in section 1062 with a strengthened Open Data Law (Title 23, Chapter 5 of the City's Administrative Code). The Open Data Law should include a private right of action or other appeals process that allows the public to compel the release of public data.

c. Codify the Mayor's Office of Data Analytics (MODA) in the Charter in Chapter 47 (it was created by Executive Order No. 306 in 2013[8]) and prescribe its duties and responsibilities, which should include a Director and Chief Open Platform Officer, who is in charge of administration of the Open Data Law in coordination with the Department of Information Technology and Telecommunications (DoITT).

d. Require three separate open government interagency meetings at least quarterly to share best practices and ensure compliance with the Open Data Law, Freedom of Information Law (FOIL), and archiving requirements in the Charter. MODA and DoITT currently convene an Open Data Group and DORIS convenes an Archives Group and they should be mandated to continue to do so; additionally the Law Department should convene a interagency FOIL working group.

e. Require agencies to provide tabular data online in an open data format for all data embedded in agency reports and web pages (for example, NYPD Compstat 2.0 geographic coordinates data for its crime incident map[9]).

f. Mandate agencies include on their websites a downloadable *Table of Organization* that includes the date it was updated and reveals all directors of administrative units or assistant commissioners, whichever is more detailed. The Department of Finance does this but most agencies do not.[10]

g. Put voting records online. Require the City Council to include on each Councilmembers' webpage a searchable database informing voters how their Councilmember voted on issues and bills.

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[7] See: https://a860-openrecords.nyc.gov/
[8] See: http://www.nyc.gov/html/om/pdf/eo/eo_306.pdf
[9] See: https://compstat.nypdonline.org/
[10] See: https://www1.nyc.gov/assets/finance/downloads/pdf/org_chart/orgchart.pdf

2. **Put City government online: replace paper-based processes with digital information, forms and transactions.** For example:
   a. Enable vendors and the public to respond to all city procurement notices (Requests For Information, Requests for Proposals, etc.) electronically, reflecting changes currently being made in creating the new PASSPORT contract system replacing VENDEX.
   b. Require agencies to provide an online (paperless) mechanism to conduct transactions (permit and registration applications, fine payments, etc.) with the public using any common web browser.
   c. Require 311 and *all* city agencies to accept uploadable photographs for complaints and service requests involving the city's physical infrastructure such as streets, parks or property.
   d. Require agencies to have websites which include as digital, searchable, downloadable content all recent information that is transmitted externally in a paper form, including reports.
   e. Update sections 1058 and 1059 of Chapter 48 related to taxpayers' access to books, papers and records to reflect digital access. Modernize section 1065 related to budget documents to make documents available in a open data form.

3. **Data Sharing Transparency: require agencies to list on their website all data sharing agreements with non-NYC entities including vendors, universities and nonprofit organizations, including the type of data being shared and the conditions for sharing that data.** Maintain a webpage with a centralized link to all agency pages with such information.

Thank you for the opportunity to testify tonight. I welcome any questions you may have.