



A New Transparency for New York State

Use the Explosion in Information Technology to Open NY Government

**Citizens Union • Common Cause NY
League of Women Voters of NY State
Reinvent Albany • New York Public Interest Research Group**

Updated September 2012
(Published March 2012)

Written and researched by:

John Kaehny, Dominic Mauro, and Benjamin Yee
Reinvent Albany

Additional editing by:

Rachael Fauss
Citizens Union

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 with the State Committee on Open Government in calling on the state's leaders to use Information Technology to achieve the intent of the Freedom of Information Law to make government information easily available to the public.

The Freedom of Information Law says "The people's right to know is basic to our society." Our state government should 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.

Parts of government are taking action. The Attorney General's New York Open Government website Influence Site and the Comptroller's Open Book NY 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 adopted few of the affordable technology tools that governments across the U.S. are using to make government work better for the public. Little digital information is online in searchable or useful formats. Online maps are underused, and social media is misunderstood. The enormous and sprawling state budget remains unavailable in a usable, common digital format that allows real public analysis. Vast areas of state spending by public authorities, and via business subsidies remain hard to assess. More broadly, the state does not have a plan, process, timeline, or guiding intelligence in place for getting digital information online, or spreading good ideas.

We expect New York to be a leader, not laggard. Abundant, affordable Information Technology --- smart phones, iPads, apps, the Internet, wifi, social networking, online commerce and interactive mapping --- is transforming the everyday life and work of New Yorkers. These same affordable tools should also be transforming our state government.

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 and practices 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 searchable, usable, common formats, and kept updated. Open data initiatives, including a centralized data portal, agency open data pages, and clear open data policies and practices should be encouraged.
- 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 as partners and problem solvers.** 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 by executive 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 help implement transparency and open government initiatives.
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, make it fully available to the public.
6. **Fund an upgrade of the important 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 a FOIL Center** webpage and post all FOIL requests, refusals, and disclosures within a week of their occurrence. 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 ongoing hearings on “Harnessing the Information Revolution for the public benefit.”**
3. **Create online form to submit FOIL requests.**
4. **Fund an upgrade of the Authorities Budget Office Website.**

Recommendations for Getting Started

Use the Explosion in Information Technology to Open NY Government

Attorney General and Comptroller

Attorney General

- 1. Upgrade the Charities database and website**, make data downloadable and usable by the public. Charities receive billions in tax-dollars and have been the center of numerous recent corruption and political scandals.
- 2. Introduce online Charities registration and reporting features.** Charities should file their annual Char 500/550 financial forms using an online form. This makes compliance easier, reduces AG's costs, immediately updates AG database, and makes enforcement easier.

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 included in reports online in a usable, downloadable format.** All tabular data from reports should be accompanied by spreadsheet documents in open formats (CSV, XML, XLS.) This will allow other government entities, the OSC internally, 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 ?
- **Open NY campaign 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 and transit open data:** Probably best agency or authority at using Information Technology to improve service and efficiency.
- **Authorities Budget Office site:** potentially hugely important with funding.
- **State Liquor Authority LAMP map:** interactive mapping site of all licenses.