Linda Lacewell
Special Counsel to the Governor
NYS State Capitol Building
Albany, NY 12224

August 30, 2013

Dear Special Counsel Lacewell,

We write to thank you and Governor Cuomo for your ongoing efforts, via Executive Order 95 and Open NY, to open up New York State agency data. Like you, we believe that Open NY and the state's open data policy have the potential to enormously increase transparency, foster innovation, and improve efficiency in government.

Thank you also for inviting public edits and comments on the state's provisional *Open Data Handbook*. We think the successful implementation of the state's open data policy depends on a high quality *Handbook*. We greatly appreciate being asked for our thoughts, and we have a number of specific suggested edits, which are attached. Broadly, we recommend that the *Handbook* be very clear about two basic provisions to ensure that the governor's Executive Order 95 is properly implemented:

1. First, the *Handbook* should clearly state that agency data belongs to the public, and is open by default. In other words, agencies should assume they must release data unless there are specific reasons they should not. (The *NYC Technical Standards Manual* includes "open by default" at 3.4.1.)

2. Second, the *Handbook* should include a clear schedule for publishing agency data. As a first step, all tabular and geospatial data already posted on agency websites should be published in an open format within a year of Executive Order 95.

Among our groups are many of the policy experts who helped draft and pass New York City's Open Data Law, which includes a specific schedule for releasing data. Some of us

have also worked with the governor's staff on Open NY, and with New York City on its *Open Data Policy Technical Standards Manual*. We know firsthand that the city's open data efforts benefited enormously from the one-year data release target. That one-year deadline provided a clear short-term goal, and got agencies moving quickly from planning to actively publishing large amounts of useful data. It also created significant public momentum.

In addition to reiterating our strong support for an open by default standard and establishing a data publishing schedule, we would like to highlight four specific provisions from our recommendations that we think are particularly important. We believe these provisions would strengthen the Handbook and get Governor Cuomo's Executive Order 95 implemented faster and more comprehensively.

Priority recommendations for inclusion in the NYS Open Data Handbook.

1. All tabular and geospatial data already posted on agency websites should be published in an open format by March 11, 2014. (Some agencies already have large amounts of data on their websites, but much of it is available in non-machine readable or non-usable forms such as HTML tables or PDF format, or is accessible only via restrictive web forms.)

2. Create a goal of publishing all Publishable State Data in a six year total data release schedule: make all Publishable State Data available on Open.NY.gov in an open format, either six years after the *Handbook* is adopted, or by September 7, 2019.

3. Create an ongoing "One Strike and You're In" policy for Publishable State Data released via Freedom of Information Law (FOIL). Agencies should post that data to Open.NY.gov in an open format within 30 days of its release after a FOIL request is made. (Note that the US Department of Defense and Department of Justice and other federal agencies use "reading rooms" which post their most frequently requested documents. This is a similar idea.)

4. Create an open data dashboard to track agency progress. By March 11, 2014, one year after Executive Order 95, ITS should create a public dashboard online, which lists data sets scheduled for release, data sets already released, and data set releases behind schedule. (See: *NYC Technical Standards Manual* at 3.1.4.)

Additionally, we suggest that the Terms of Service be simplified and reflect best practices. For instance, the provisional *Handbook* forbids Internet search services from indexing or "crawling" the state's open data site, which all open data sites, including New York's, currently allow. (Public Participation section, fifth bullet.)

Our groups are big supporters of the state's open data efforts, and we hope Open NY keeps gaining momentum and support. We appreciate your considering our recommendations and look forward to working with you and the administration.

Sincerely,

Dick Dadey
Executive Director
Citizens Union

Susan Lerner
Executive Director
Common Cause NY

Ashton Stewart
Executive Director
League of Women Voters NYC

Sally Robinson
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