



Testimony
of
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before the
New York City Council
Technology and Government Operations Committees
Hearing on
Intro 328-2014 (OpenFOIL)
City Hall

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Today, the Committees on Technology and Government Operations are holding a hearing on Intro 328-2014 and two other government transparency bills.

Intro 328 would propel New York City into having one of the best, most transparent, and most accessible Freedom of Information Law systems in the nation. Today, it is one of the most inconsistent as Public Advocate de Blasio chronicled in his 2013 report "Breaking Through the Bureaucracy: Evaluating Government Responsiveness to Information Requests in NYC (http://advocate.nyc.gov/sites/advocate.nyc.gov/files/deBlasioFOILReport_0.pdf).

That report is the most thorough, recent and comprehensive NYC FOIL analysis within memory. It strongly illustrates the need for an OpenFOIL approach. The Public Advocate reviewed 10,000 FOIL requests and identified several key areas where agencies were neglecting their responsibilities under the law:

- 1. The process for submitting FOIL requests to City agencies and tracking their status is very inconsistent.** It can be extremely challenging for the public to navigate. Forty percent of City agencies lack information on their website about where to direct FOIL request. Neither 311 nor the City's Green Book provide this information.
- 2. For the three months of FOIL data that was analyzed, more than 1,000 individuals or groups had not received an approval or denial determination after more than six months of waiting.** That represents one-in-ten requests that were either ignored or fell through the cracks.

3. When City agencies responded to FOIL requests, response times varied dramatically by agency.

In his report, then-Public Advocate de Blasio made several recommendations to adopt an OpenFOIL system. These included:

1. New York City should follow the federal government's lead and transition to a single online portal for processing FOIL requests to City agencies.

2. The process of filing FOIL requests should be streamlined. Requesters should get updates on the status of their FOIL submission. 311 and the City's Green Book should maintain contact information for all record access officers at City agencies.

3. The City Council should pass legislation mandating that all City agencies must proactively publish commonly requested records online. This would modernize FOIL disclosure practices and encourage agencies to adapt to changes in technology.

And here we are, considering Intro 328-2014, which would modernize and computerize FOIL requests. Such a system would benefit both:

- FOIL'ers (quicker, allows tracking and analysis ensuring fairer treatment of all FOIL requests, respects privacy concerns, and can download existing information off the web from previous FOILs); and
- City agencies (substantially reduces costs and administrative burden, as well as allowing downloading of existing information off the web from previous FOILs.)

Open FOIL also has two other very important open data benefits:

First, the "one strike you're in provision" in the bill will result in data sets released under FOIL being published in the City's open data portal.

Second, by revealing the topic of each FOIL request, the bill will help the City and the public identify what information New Yorkers are asking for, and help get that information online faster.

For these reasons we strongly support Intro 328-2014.

We also support the other two bills that are the subject of this hearing. These are:

- Intro 149-2014, which would put the NYC Charter, City laws and other documents on the web; and
- Intro 363-2014, which would put the City Record on the web.