



2008 Annual Meeting & Conference



Moving Towards An Affirmative Right to Know Policy

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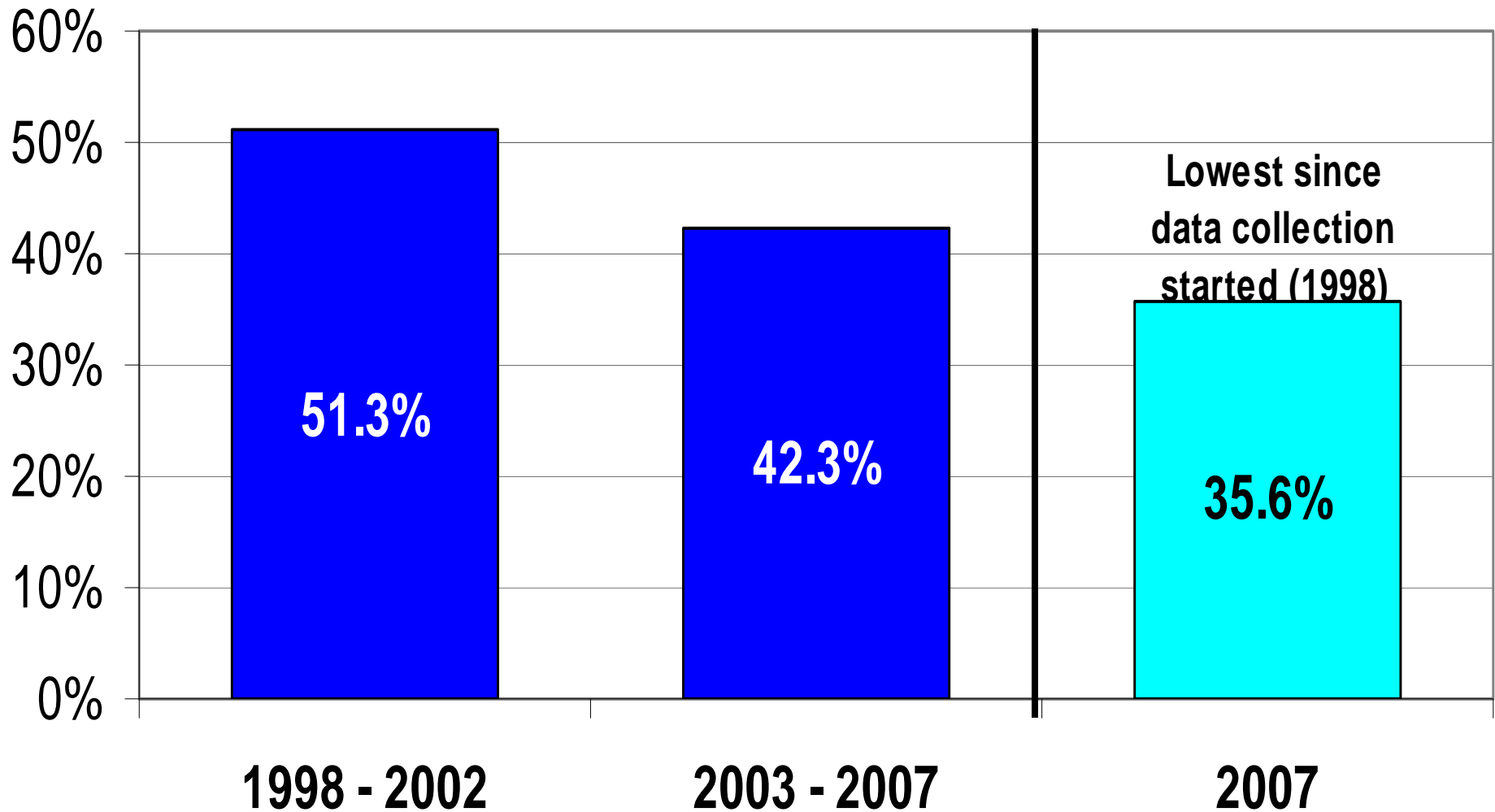


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FOIA Today:

Essential, but Limited
& Outdated

Full Granting of FOIA Requests



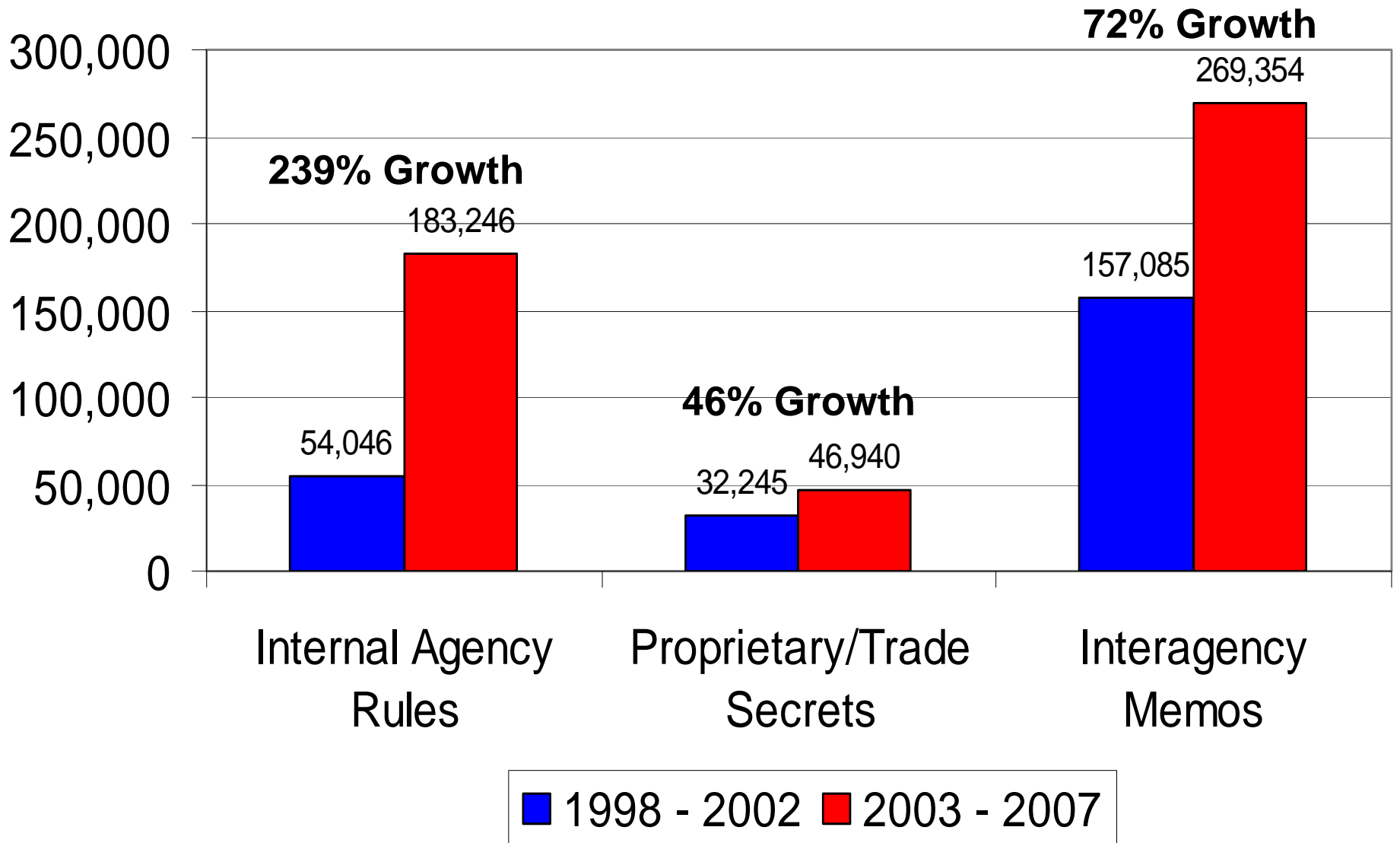
FOIA Exemptions

Memos in 2001 & 2002 from former Attorney General John Ashcroft & White House Chief of Staff Andrew Card encouraged agencies to use Exemptions 2 (Internal Agency Rules), 4 (Proprietary Information, Trade Secrets), and 5 (Interagency Memoranda) in handling "sensitive" information.

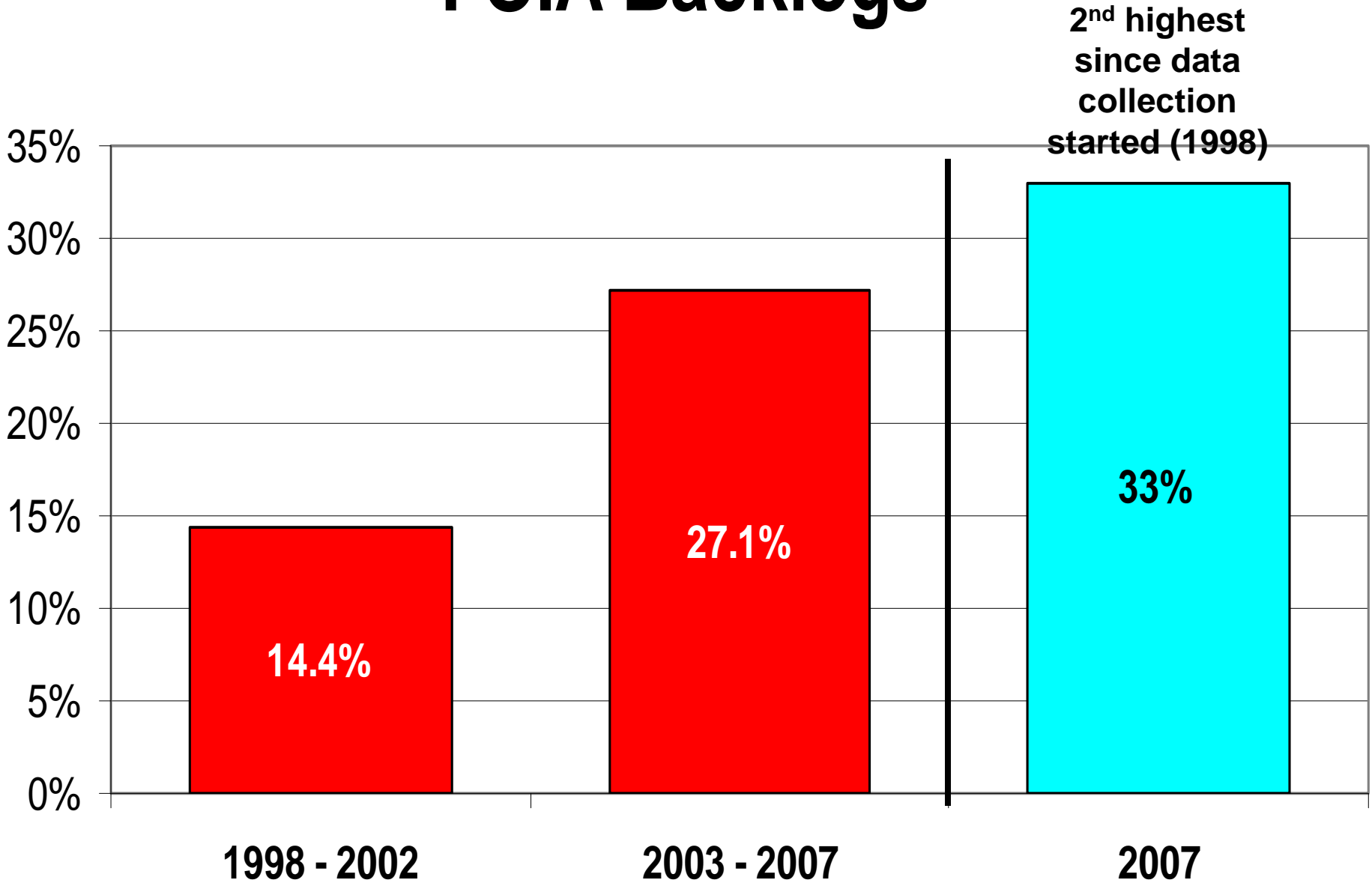
HERE ARE THE RESULTS



Use of FOIA Exemptions in Denying Requests: #2, 4, & 5



FOIA Backlogs



A New Policy for Tomorrow:

I. Make FOIA and
Whistleblower Protections
Part of a Safety Net

II. Create an Affirmative
Right to Know Policy as
First Option

1. Shift to a Presumption of Openness

- **FOIA Currently Requires the Public to take Action (e.g., filing a FOIA request)**
- **Government Should Have an Affirmative Obligation to Disclose in a Timely Manner**
 - There should be an index of all information holdings
 - There should be automatic declassification
 - Any documents released as a result of a FOIA request must be automatically be posted to the web, starting with electronic records
 - There should be a public plan for digitizing non-electronic information
- **Government Must Justify Nondisclosure**
 - Properly classified information should not be disclosed
 - Critical infrastructure information – if clearly and narrowly defined – should not be disclosed, but should be regularly reviewed
 - Should there be an index of non-disclosed information?
 - Should there be a public interest review board (akin to administrative law judges)?

2. Change Practice of Disclosure

- **Make Information, including Databases Publicly Accessible and Searchable.**
 - Develop common IDs for key items (e.g., regulations, companies reporting to the government, those doing business with government, etc.)
 - Open systems interfaces (e.g., application programming interfaces (APIs)) for public enhancement
- **Make all Agency Information, including those in Databases, Accessible to Search Engines.**
 - Need to improve metadata
- **Scrub Personally Identifiable Information, but NOT for Companies.**
- **Ensure Online Information is Authoritative & Authentic.**

3. Change Culture of Disclosure

- **Make Transparency a Priority**
 - Appoint a transparency czar – also oversees privacy rights
 - Increase funding for FOIA, IT resources, etc.
 - Increase agency inspection for compliance. Should NARA do this? IG offices? External oversight body?
- **Educate Agencies & Public**
 - Announce right to know rights – like a Miranda warning at public meetings, on web sites, reading rooms, libraries, etc.
 - Mandatory training & certification so agencies know what to disclose & how to do it
- **Create Incentives for Transparency**
 - Part of government employee reviews
 - Awards – transparency version of the Golden Hammer
 - Citizen suits for non-compliance

4. Apply New Policies Across Government

- **Extend RTK Policies to New Media – Video, Audio, Text Messages, Emails**
- **Extend to Congress and Judiciary**
- **Extend to Federal Contractors as they are an Extension of Government. What are the limits?**
- **Should it Apply to Federal Grantees?**

5. Archiving

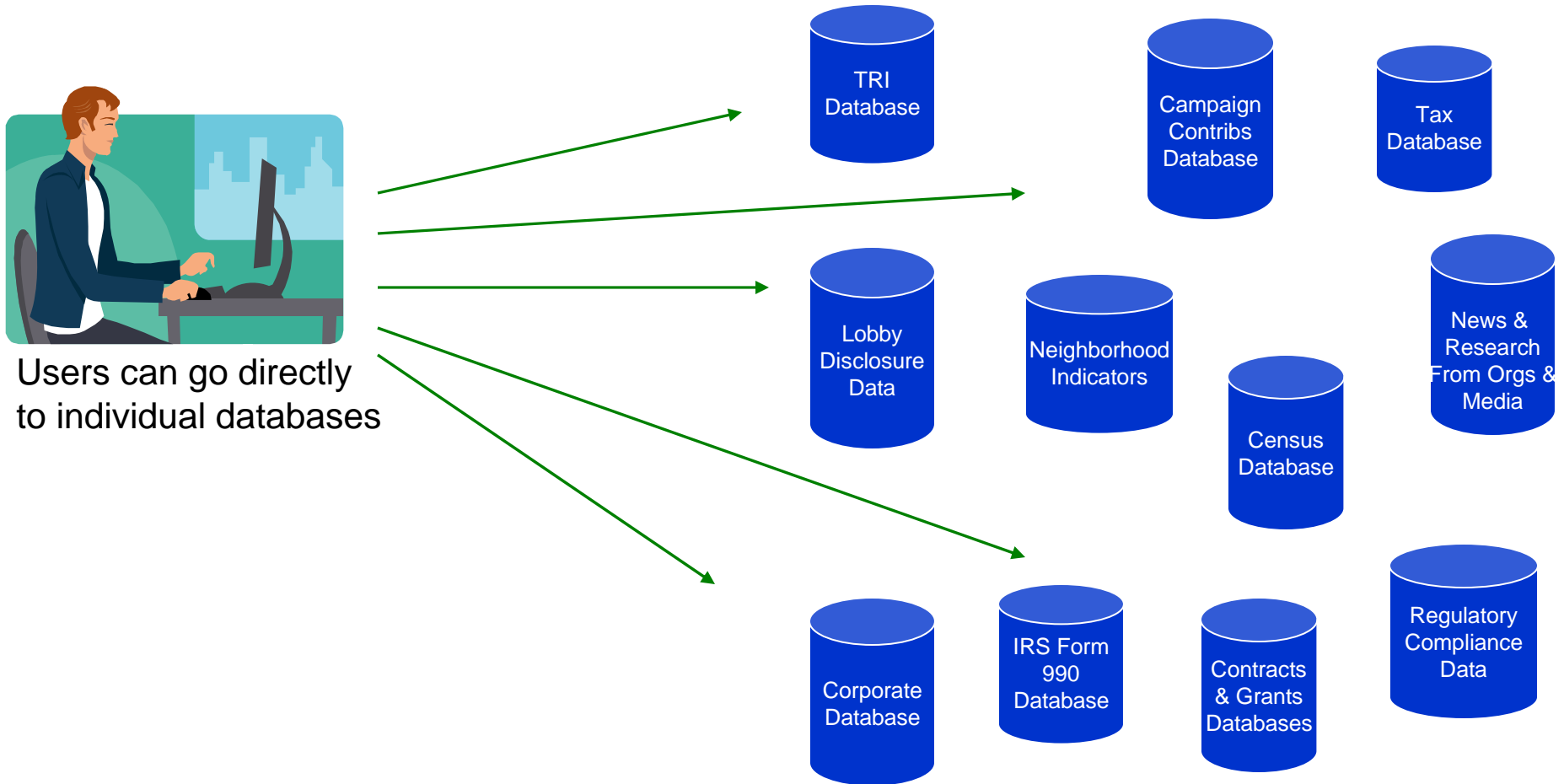
- **Develop Clear Enforceable Guidelines On How To Identify What Information Posted to the Web Should be Scheduled for Preservation**
- **Strategic Plan to Digitize Non-Electronic Information (including archives) & Ensure it Remains Public Information**
- **There Should be Free Permanent Public Access**

New Practices for
Tomorrow:

Maximizing the Internet
& Distributed Systems

The Current Model for Accessing Data

Databases and Information Maintained by Organizations or Government



Accessing Data Today

- You can find the top federal contractors and how much money they receive (although this is not easy).
- You can find information about corporate toxic releases or workplace accidents and injuries (all from different locations and some about facilities, not necessarily about the company).
- You can find information about campaign contributions and lobbying expenses by these corporations.
- **But it is difficult to assemble a profile about these contractors to assess their influence in winning contracts or their performance as contractors.**

The New Model for Sharing Data



Databases and Information Maintained by Organizations & Government



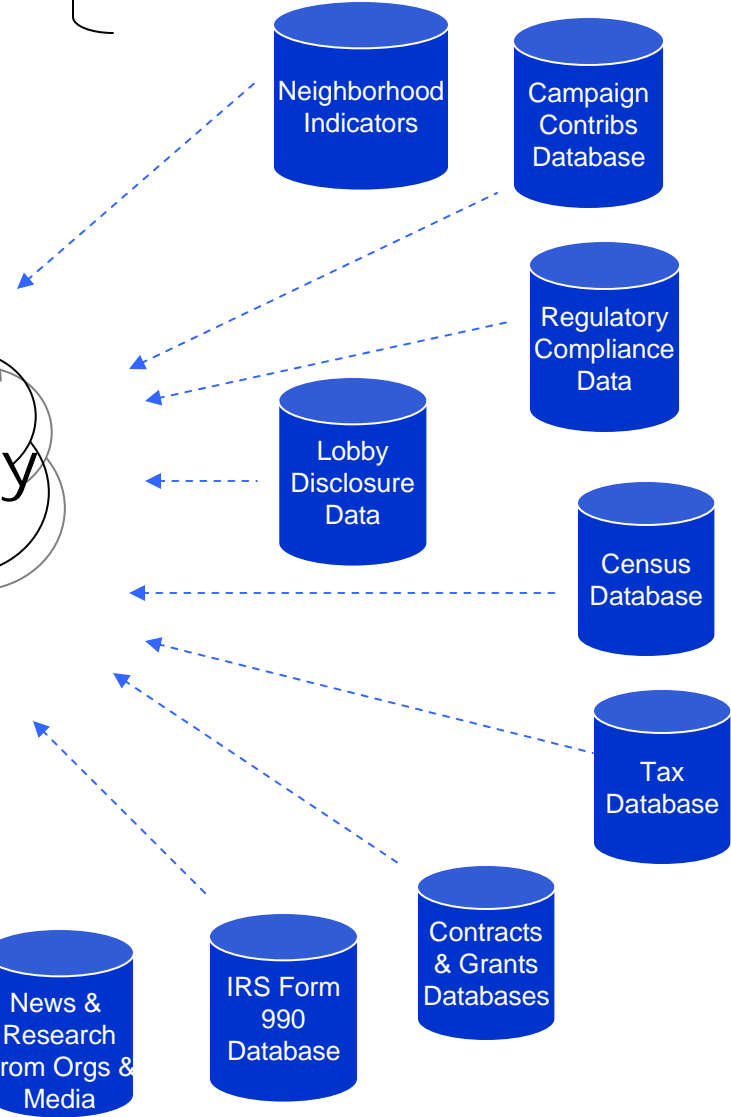
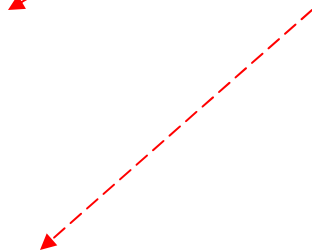
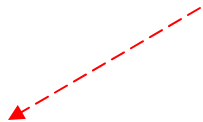
Users can go directly to Matrix for integrated search -- or to individual databases



Feeds on Web Sites



Email to Mobile Device



The Matrix in Action: An Example

