Testimony by Tim Hoefer
Director of Operations, Empire Center for New York State Policy
Before the New York City Council Committee on Technology in Government
June 21, 2010

Thank you for inviting me to testify today. My name is Tim Hoefer, and I am the director of operations for the Manhattan Institute's Empire Center for New York State Policy. The Manhattan Institute is a nonpartisan, not-for-profit think tank, and the Empire Center is an Albany-based project of the Institute that focuses on New York state and local government.

Promoting better transparency and accountability in government is one of the Empire Center's major, ongoing priorities.   As a result, we take a strong focus on ensuring public access to government records. And so I would like to begin by commending Chair Garodnick and the Committee for your work on the very important issue of data accessibility.

Nearly two years ago, we launched our own open government project -- a website known as SeeThroughNY.net. This site gives the public unrestricted access to millions of pieces of public information -- including searchable databases of state and municipal employee salaries and pensions; collective bargaining agreements; state legislative expenditure data; member-item expenditures; and a benchmarking feature to compare local government spending.

To gather this information, we have filed more than 1,500 Freedom of Information Law requests during a two-year period.   In the process, we have heard many different explanations or excuses for failure to comply fully or on a timely basis with the state FOI law.   My favorite may be the time a public information officer told me his daughter -- a high school freshman -- was on a field trip. Since she helped him with his email and preparing files, he needed to wait for her return before he could fulfill my request.

Some high-profile government entities -- including the City of New York -- often complain to us that agency resources are strained by the necessity of replying to numerous FOIL requests from the public and the news media.   But today's technology, specifically the Internet, presents a solution for that problem.

All public information should be proactively disclosed on the Internet, starting with expenditure, budget and payroll records that will give taxpayers a clearer view of how the bulk of their tax dollars are being spent. This would also free agencies of the time-consuming burden of processing multiple FOIL requests for different slices of the same material. It would be a win-win for citizens and for government alike.

A few agencies in New York State are already pursuing this strategy. Last year, for example, the State Senate began posting and updating its payroll every two weeks in a format accessible even to those who aren't computer savvy. The Senate also has begun posting its bi-annual expenditure reports in electronic form. From the Empire Center's perspective alone, that translates into at least three fewer FOIL requests a year—which also means three fewer FOIL transactions that the Senate staff has to handle. The Senate Majority took the initiative in this case. In a short period of time,

without a significant expenditure, Senate staff was able to develop, format and implement a simple, yet effective means to make data available.   The City Council could do the same thing.

Other examples of pre-emptive disclosure include the state comptroller's OpenBookNewYork website, which includes a constantly updated and searchable list of thousands of state government contracts; and the state attorney general's SunlightNY website, which allows searches and comparisons of state legislative activity, lobbying reports, campaign contributions, and charitable reports.

The bill before you envisions a three-year process for developing and implementing sophisticated open data standards for the release of public information. Much of the public information in the possession of city agencies could and should be made available much sooner, without the need for extensive and costly new programming.   Here are five ways to do it:

1) Standardize all publicly available data into the most simple and commonly used electronic document formats: plain text, comma-delimited text, spreadsheets and searchable PDFs.
2) Post the records for downloading from simple web pages linked prominently on existing agency websites. No elaborate bells, whistles or user tools are necessary; a list of links and brief descriptions will suffice. Even if the data are centrally warehoused with the Department of Information Technology and Telecommunications, links to downloadable records should also be posted on agency pages.
3) Require the immediate posting of all newly generated public records, in the same simple formats, as a matter of routine.
4) Update records of financial transactions, contracts and payrolls as frequently as possible and post existing electronic records to the public portals within 12 months, rather than 36.
5) Non-electronic records should be posted as they are FOILed starting immediately. As the agency is already required to answer the FOIL request by law, this method would add no extra burden to the agency, merely a change in process by which it complies.

The overwhelmingly positive public response to our SeeThroughNY website -- which over the past two years has attracted over 2.7 million unique visitors, who have downloaded 9.5 million pages of information -- convinces us that New Yorkers are eager to seize the opportunity the Internet provides to let them see how their tax dollars are being spent.   There is no need to make them wait up to three more years. It can and should start now.

I will be happy to take your questions.