

Examining the Principles of Open Government

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Any views expressed are those of the author(s)
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Background



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

December 8, 2009

M-10-06

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Peter R. Orszag 
Director

SUBJECT: Open Government Directive

In the Memorandum on Transparency and Open Government, issued on January 21, 2009, the President instructed the Director of the Office of Management and Budget (OMB) to issue an Open Government Directive. Responding to that instruction, this memorandum is intended to direct executive departments and agencies to take specific actions to implement the principles of transparency, participation, and collaboration set forth in the President's Memorandum. This Directive was informed by recommendations from the Federal Chief Technology Officer, who solicited public comment through the White House Open Government Initiative.

The three principles of transparency, participation, and collaboration form the cornerstone of an open government. Transparency promotes accountability by providing the public with information about what the Government is doing. Participation allows members of the public to contribute ideas and expertise so that their government can make policies with the benefit of information that is widely dispersed in society. Collaboration improves the effectiveness of Government by encouraging partnerships and cooperation within the Federal Government, across levels of government, and between the Government and private institutions.

This Open Government Directive establishes deadlines for action. But because of the presumption of openness that the President has endorsed, agencies are encouraged to advance their open government initiatives well ahead of those deadlines. In addition to the steps delineated in this memorandum, Attorney General Eric Holder earlier this year issued new guidelines¹ for agencies with regard to the Freedom of Information Act (FOIA). With those guidelines, the Attorney General reinforced the principle that openness is the Federal Government's default position for FOIA issues.

¹ http://www.usdoj.gov/eo/foia/memo_march2009.pdf

“Open government is the governing doctrine which holds that citizens have the right to access the documents and proceedings of the government to allow for effective public oversight.”

“In general terms, an open government is one with high levels of transparency and mechanisms for public scrutiny and oversight in place, with an emphasis on government accountability.”

“Open government used to ... But over the last few years, that traditional meaning has blurred, and has shifted toward government data released openly through technology. Recent public policies have stretched the label “open government” to reach any public sector use of these technologies.”

“Open government is an innovative strategy for changing how government works. By using network technology to connect the public to government and to one another informed by open data, an open government asks for help with solving problems.”

“Open government now means government where citizens not only have access to information, documents, and proceedings, but can also become participants in a meaningful way”

“There is not yet a single accepted definition of open government, although there is much commonality in the evolving definitions.”

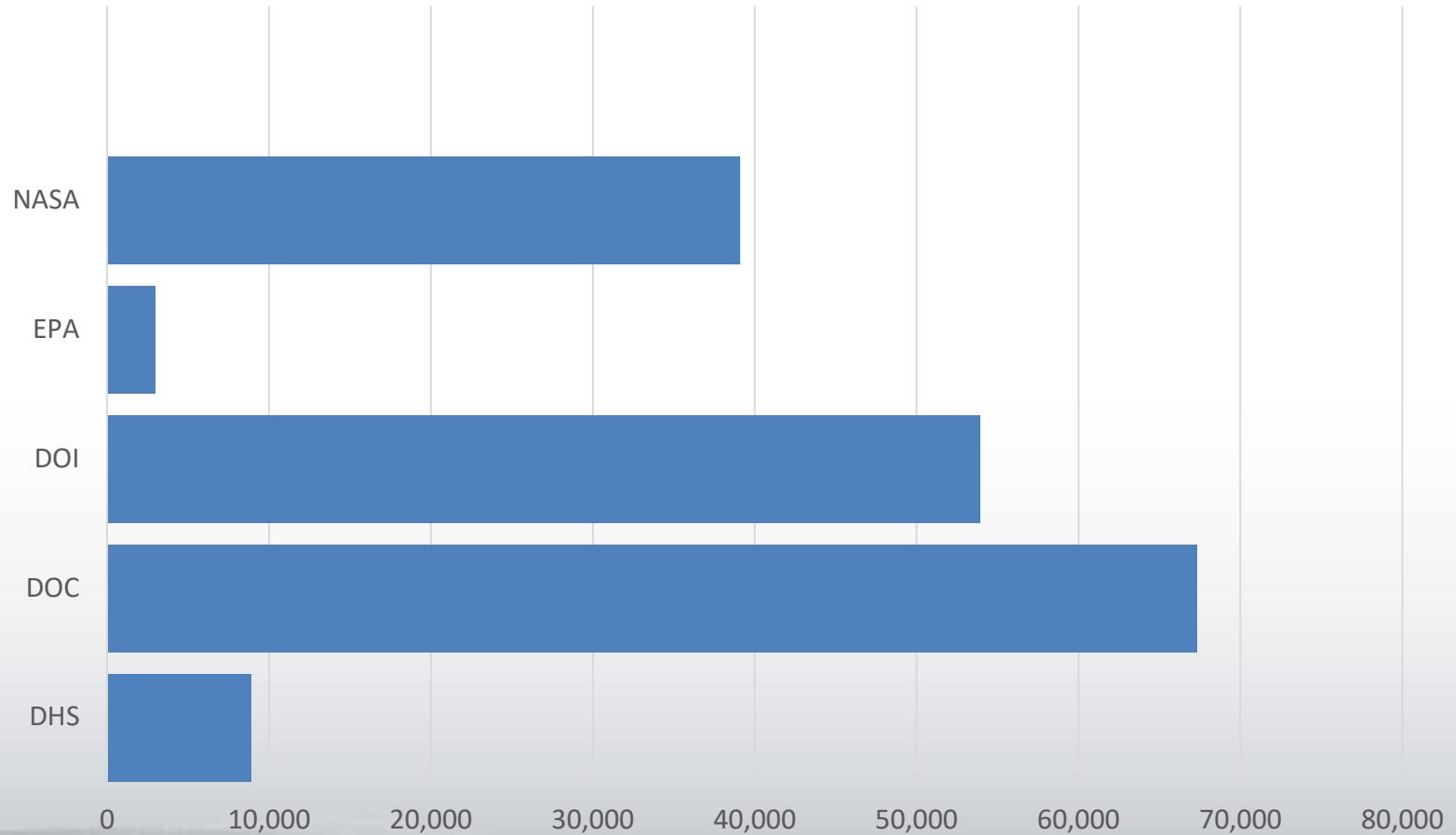
Open Government Directive (M-10-06)

- **Transparency** promotes accountability by providing the public with information about what the government is doing.
- **Participation** allows members of the public to contribute ideas and expertise so that their government can make policies with the benefit of information that is widely dispersed in society.
- **Collaboration** improves the effectiveness of Government by encouraging partnerships and cooperation within the Federal Government, across levels of government, and between the Government, private institutions and the public.

Transparency promotes accountability by providing the public with information about what the government is doing.



Datasets Supplied to data.gov as of 2/26/18





Proactive Disclosures

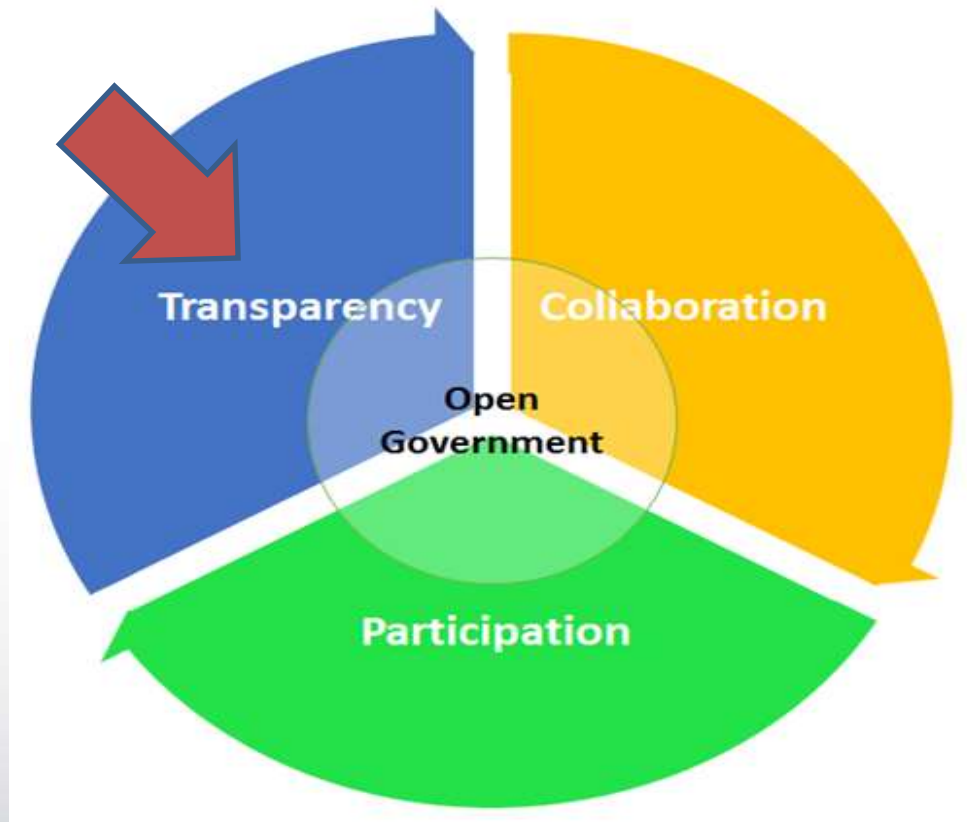
Proactive disclosures -- where agencies make their records publicly available without waiting for specific requests from the public -- are an integral part of the Freedom of Information Act. All federal agencies are required to affirmatively and continuously disclose records proactively by subsection (a)(2) of the FOIA.¹ Although this "proactive disclosure provision" has always served a vital role in achieving an "informed citizenry" -- the central purpose of the FOIA,² now, proactive disclosures are in the spotlight like never before. The President and the Attorney General have issued memoranda to all agencies emphasizing that the FOIA reflects a "profound national commitment to ensuring an open Government" and directing agencies to "adopt a presumption in favor of disclosure."³ (For a discussion of these memoranda, see Procedural Requirements, President Obama's FOIA Memorandum and Attorney General Holder's FOIA Guidelines, below.) Notably, the President has directed agencies to "take affirmative steps to make information public" without waiting for specific requests, and, to "use modern technology to inform citizens about what is known and done by their Government."⁴ This directive, echoed by the Attorney General,⁵ is both a reaffirmation

¹ 5 U.S.C. § 552(a)(2)(2006), amended by OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524; see *Jordan v. DOJ*, 591 F.2d 753, 756 (D.C. Cir. 1978) (en banc) (observing that subsection (a)(2) records must be made "automatically available for public inspection; no demand is necessary").

² *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978); see also *NARA v. Favish*, 541 U.S. 157, 171-72 (2004) (explaining that the FOIA is a means for "citizens to know 'what their government is up to'" (quoting *DOJ v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989))).

³ Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act, 74 Fed. Reg. 4683 (Jan. 21, 2009) [hereinafter President Obama's FOIA Memorandum]; accord Attorney General Holder's Memorandum for Heads of

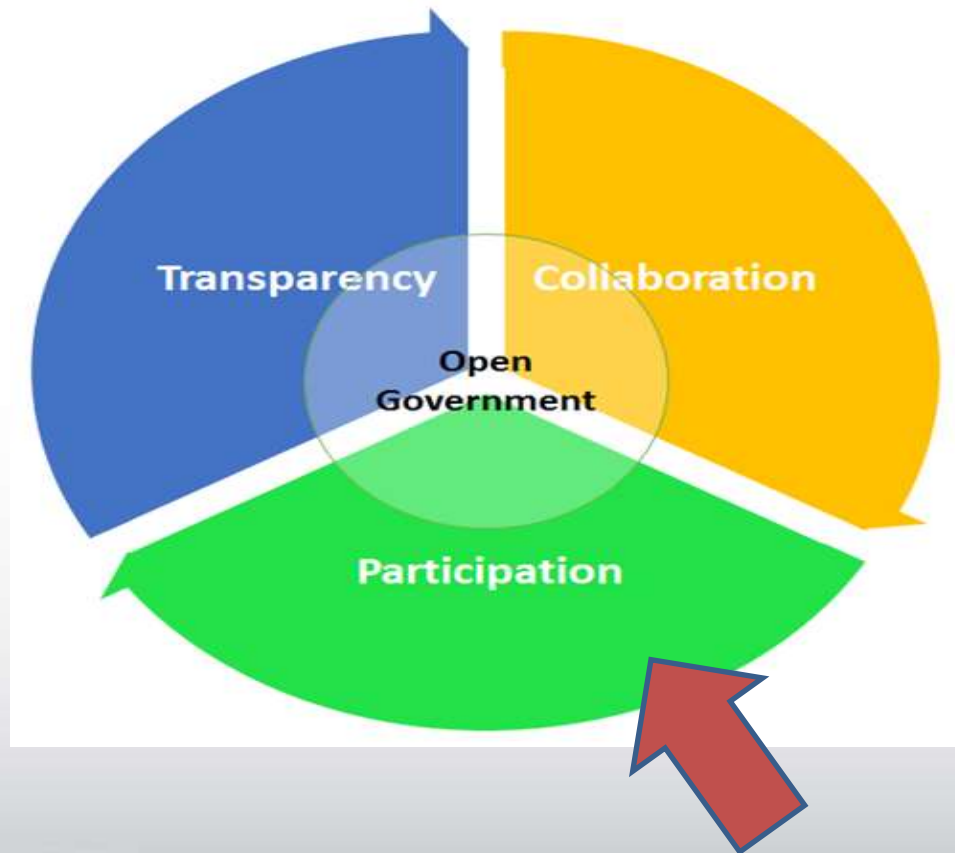
Challenges



Participation allows members of the public to contribute ideas and expertise so that their government can make policies with the benefit of information that is widely dispersed in society.



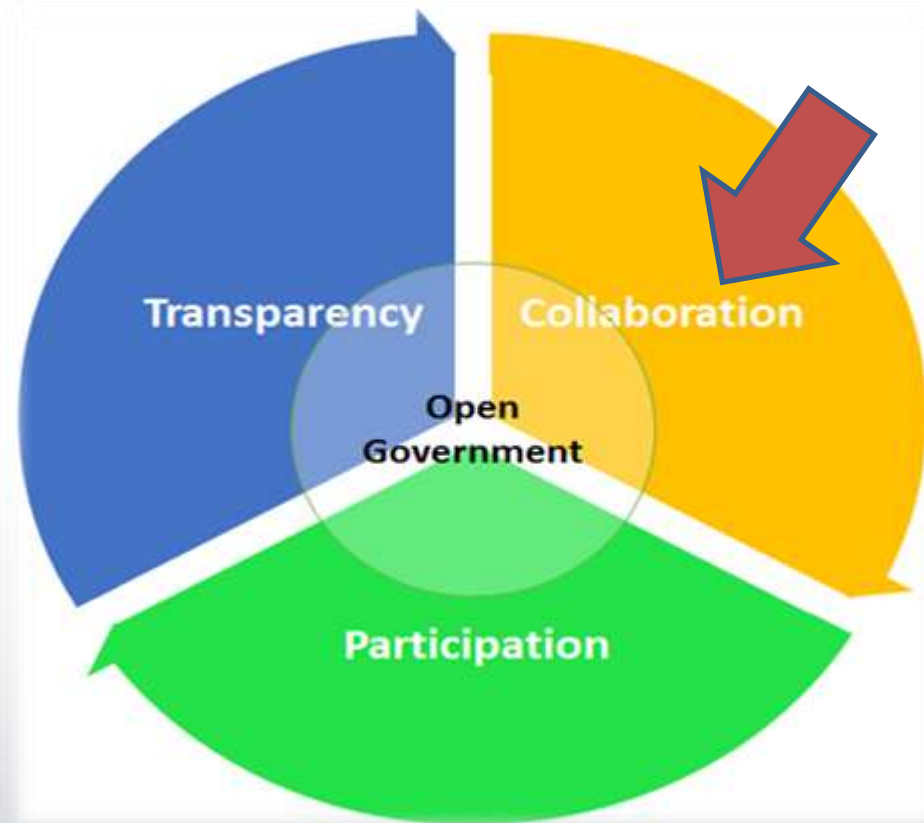
Challenges



Collaboration improves the effectiveness of Government by encouraging partnerships and cooperation within the Federal Government, across levels of government, and between the Government, private institutions and the public.



Challenges



Successes



Census 2020 Advisory Committee

Fact Sheet

Purpose: The committee will provide insight, perspectives and expertise on all aspects of 2020 Census planning and implementation to assist the Census Bureau in conducting an accurate decennial census.

Focus Areas:

- New technologies
- Enumeration strategies
- Policy
- Communications and Outreach
- Partnership efforts
- Historically undercounted populations

