

DIGITAL DEMOCRACY AND TRANSPARENCY

“Sunlight is said to be the best of disinfectants...”

—Justice Louis Brandeis, “What Publicity Can Do,” Harper’s Weekly [1913]

THE PROBLEM

Modern government grows out of a nineteenth century bureaucratic model that is intentionally slow to innovate. Current transparency requirements general focus on physical publication and inspection, which are designed to favor and protect incumbent power. Exponential advancement, innovation and a remix culture of the private sector in the 21st century has often left government two centuries behind. Residents and advocates understandably want rapid access to government information online; they argue that transparency and public data can help improve the effectiveness of government agencies and elected officials. However, local governments often do not have rigorous data collection, either because this value is not recognized or because of budget constraints. Even localities that have the data lack the resources to make it useful.

THE SOLUTION

Democracy requires “government of the people, by the people and for the people.” Yet today, we have largely lost what we believe should be the preferred relationship between citizens and the government. Digital democracy can reverse this trend by shedding sunlight on government and enabling citizen engagement in public decision-making. The solution includes targeted legal reforms, citizen-centered technologies and modernized models of public administration. This agenda is designed to build a more efficient, effective, accessible and responsive government. Most importantly, the tools of digital democracy are essential for an informed citizenry that consents to be governed in the modern era.

POLICY ISSUES

OPEN 311: Cities like **Baltimore, Chicago, and Washington, D.C.**, have diverted non-emergency service requests from 911 by adopting Open 311 to provide a single point of contact for residents to dial 311, visit a website, or use a third party app like SeeClickFix. Open 311 is a customer relationship management (CRM) that supports online submission and tracking of requests through resolution and allows searches for terms like “trash” and “rat.”

OPEN DATA: Putting a live feed of government data online in computer readable format from 311, transit, traffic, and other sources empowers government and residents to hold agencies accountable by using facts and figures to make better arguments and decisions. Making this data open and computer readable will allow third-party developers to create new tools to address both old problems and new challenges. From the Federal Government to big cities like **New York and Chicago** and small ones like **South Bend, IN**, open data is making government more accessible by and putting data collected online for the public. Open Data Portals can easily be implemented using the CKAN free and open source software used for Data.gov.¹

OPEN FOIL: The public has a right to know about and access the documents, communications, and other information leading to public policy decisions. Public information should be provided in a timely manner to any member of the public upon request. Freedom of information requests and their response times should

be tracked publicly in a centralized location, and once the information is provided, it should be available online so it does not need to be requested again. Implemented in **Oakland** and **New York City**, a free and open source program called RecordTrac provides access to a searchable database of city records and communication, with a centralized online record request continually updated with the status of requests.²

OPEN MEETINGS: Few residents can engage government during business hours; opening meetings through video and livestream will make it easier for residents to participate from the convenience of their desk or couch. Through Executive Order, law, or cable franchise agreement public meetings conducted by government can be recorded for television and streaming and archived online.

New York City and State have done all three and though hearings are often sparsely attended, they are engaged through tweets, comments and editorials from those watching at their desks or on television from the comfort of their home.

OPEN NOTICES: Governments publish notifications in newspapers to meet a standard of transparency from the 19th century. Few if any residents read through the public notices section of a newspaper to learn about meetings where important decisions will be made. To improve democracy and enable participation, notices of government meetings and upcoming decisions should be online in human- and computer-readable format so that apps can help make the information useful. **New York City** now publishes its public notices online in both formats.

OPEN LAW: Law is a constantly changing code, and cities should treat it as such when designing publication platforms. The free and open source software model can inform the principles by which the law is created and disseminated. Laws should not only be available to lawyers who pay costly subscription fees but should instead be published for free, online, for anybody to access. **Miami, San Francisco, Baltimore** and **Chicago** make their laws available for download and easy access online through the State Decoded free and open source platform.³ **New York City** has a law requiring the law be open and online.

OPEN LEGISLATION: Legislation and rule-making should be treated as a work in progress, which can be drafted, commented on and followed by any interested resident. In **Philadelphia, Chicago,** and **New York City** the Councilmatic free and open source platform, has information on all official legislative actions, council members, public events, and how city government works, with advanced search and tracking features.⁴ **Washington D.C.** has adopted the Madison free and open source platform that allows the public to read and comment on proposed legislation.⁵

OPEN ACCOUNTABILITY: Restoring the public trust means bringing transparency and accountability to shine a light on areas that have historically been sources of conflicts and corruption such as campaign finance, lobbying, and outside income. In **Washington, D.C.** and **New York** campaign finance contributions are searchable and downloadable online. In **New York** and **Chicago** lobbyists must report quarterly on fees received, clients, topics, and targets for lobbying, giving rise to apps like ChicagoLobbyists.org. In **New York** government employees with decision-making authority file annual disclosures of outside income in bands with those of public officials posted online.

LANDSCAPE AND RESOURCES

For more information on innovative local government approaches to open data, please check out the **Sunlight Foundation, OpenGov Foundation, Participatory Politics Foundation, GovLab,** and **GovTech.com.**

Co-authored by the OpenGov Foundation

