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The Open Government Initiative

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Summary

On his first full day in office, President Obama committed to strengthen democracy, ensure the public trust, and promote efficiency and effectiveness in government by creating a system of (1) *transparency* that promotes accountability and provides information for the public, (2) *participation* that enhances government effectiveness and improves the quality of decision making, and (3) *collaboration* that engages Americans in the work of their government.

His executive memorandum launched the Open Government Initiative (OGI), an effort across the federal government to transform how it uses technology and collaborative governance. Recently, the Office of Management and Budget (OMB) issued the Open Government Directive directing federal agencies to publish government information online, improve the quality of government information, create and institutionalize a culture of open government, and create an enabling policy framework for open government. While the OGI and the Directive represent a major step toward making government more transparent, there remains much work to make it more participatory and collaborative.

Collaborative Governance:
Connecting Transparency to Participation and Collaboration

President Obama's memorandum effectively endorses what scholars and practitioners are calling "collaborative governance," a concept that refers to agencies working on policy together and in collaboration with stakeholders from the public, private, and nonprofit sectors. This is a departure from top-down command and control bureaucracy and expert-driven policy analysis. It starts with different assumptions: Knowledge is widely dispersed in society and agencies do not have a monopoly on it. A strong democracy needs many voices and values. Collaborative governance can take various forms, from network governance and public-private partnerships or contracts, to deliberative democracy and innovative online tools for civic engagement. However, for people to collaborate and participate meaningfully in governance, they must have information. The President's memorandum ties transparency and open government to collaborative and participatory governance. It also directs agencies to harness the power of technology to put information online.

Recent Technology Use in Governance

The federal government has been working to come into the Internet age over a series of initiatives since the 1990s. The National Performance Review recommended e-mail, electronic filing, benefit transfers, and integrated electronic access to government information and service. In 1996, Congress passed the Clinger-Cohen Act to improve federal IT management.

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The E-Government Act of 2002 directed agencies to use new technologies to make government more accessible and transparent to the public. The Act does not expressly define or set standards for public participation or interaction online. Rather, it emphasizes developing an electronic rulemaking system. The OMB decided to build a single, centralized system to replace any preexisting systems with a common database and public Website for all agencies. This system became the lowest common denominator; OMB prohibited agencies from building more sophisticated ones because it considered them duplicative and ancillary. The system prevented outside groups from easily using rulemaking data to create better public Websites, and it lacked common data fields across agencies, making it hard to compare similar information among agencies. There was also no significant involvement by public users and stakeholders in the system's design.

Nevertheless, the system is an important way for the public and stakeholders to participate in governance through technology and represents a big step forward from paper rulemaking processes. Named the Federal Document Management System (FDMS), it has both an agency interface and a public interface. Agencies use the password-protected FDMS.gov site to maintain an e-docket for rulemaking and store digital copies of rulemaking documents. The public can view materials and submit comments through the regulations.gov site. The FDMS improves access to notices and draft rules and it makes submitting comments much easier.

The system has both strengths and weaknesses. It is a significant achievement that 170 different rulemaking entities in 15 Cabinet departments and some independent regulatory commissions all use the same database, docket management system, and public Website for notice and comment.

Recently, the system added e-mail notification, full-text search, and an RSS feed (a tool used in frequently updated Websites). It also makes it possible for researchers to learn more about the variety of ways people participate in rulemaking, not just through formal notice and comment or negotiated rulemaking, but also through interactive forums like advisory committees, meetings, roundtables, and focus groups.

However, because it is a closed architecture, the FDMS does not begin to tap the potential for expanding public participation in the policy process. Not all agencies post submitted comments. It lacks interactive tools or Web presentation formats. It imposes a disproportionate fiscal burden on a few agencies that do more rulemaking and use it more. In short, it is a barrier to innovation.

A study committee recently recommended an appropriation for new architecture and new governance, including innovative use of Web capabilities and state-of-the-art Web design to make information more accessible and to increase the breadth and quality of public participation. It is against this backdrop that the President ordered the Open Government Initiative.

Early Results from the Open Government Initiative

The Open Government Initiative has become an umbrella for a number of activities, including open data, spending, online platforms, and efforts to increase public participation through more open policy development. For example, agencies must make data available in machine-readable datasets on a new Website, Data.gov.

Data.gov includes three searchable data catalogs – raw data, tools, and geodata, all individually ratable on a five-point scale. There are also new Websites for citizens to track government spending on the economic recovery (http://www.recovery.gov)

and the budget more generally (http://www.usaspending.gov). The General Services Administration is hosting a site for more open technology platforms (http://www.apps.gov).

OSTP created a gallery to showcase other experiments. One was Regulations-gov-Exchange (http://www.regulations.gov/exchange/) to explore how to improve e-rulemaking. Moreover, the federal government is encouraging state and local governments to start their own open government efforts, with success in California and others. The OGI has generated high-level positions like Chief Information Officer, Chief Technology Officer, and other staff in many federal agencies. These efforts represent potentially transformative transparency.

The Initiative also encourages agencies to involve the public in generating ideas for improving government and policy. Agencies are experimenting with a variety of technologies and social media to engage the public in the policy process. For example, the Department of Homeland Security conducted the Quadrennial Homeland Security Review using a three-stage dialogue process to generate ideas on six topics related to security, to deepen the discussion, prioritize goals, and to recap conclusions.

To model more open platforms for generating ideas, OSTP used the Open Government Dialogue (see below) to gather information and input in its development of the OMB Directive, which is the federal government's policy on open government.

The Open Government Dialogue Model

The Open Government Dialogue was a three-stage participatory online process for developing new policy. The National Academy of Public Administration (NAPA) has observed that agencies usually approach policy-making and rulemaking from the top down: For example, experts draft a proposed rule and then seek public comments. OSTP inverted this: It sought public comments *before* drafting anything. NAPA called it transformational – an effort to make a foundational shift in the relation of the public to policy-making.

Phase I – Using commercially available online tools, NAPA hosted Phase I, asking its participants to brainstorm online using Ideascale (http://opengov.ideascale.com/). After creating an account and logging in, participants posted ideas for making the government more transparent, participatory, and collaborative. For example, suggestions emerged on how to better use federal advisory committees, rulemaking or e-rulemaking , and how best to use Web 2.0. Participants could vote on each other's ideas. NAPA monitored the site for seven days and observed traffic that included 30,222

visits and 20,830 unique visitors from every state and territory, as well as 123 countries. About 4,000 people registered as users (19 percent of the unique visitors), contributing 1,129 unique ideas, 2,176 comments, and 46,469 votes.

After Phase I, the summary concluded that voters did use the voting mechanism to provide feedback on ideas. However, so-called "birthers" flooded the site with comments regarding the President's birth certificate that most other users felt were off-topic, and NAPA could not remove comments or put them in a "parking lot" in Ideascale. Moreover, the site did not let users self-moderate by others voting their ideas down to minimize or hide them.

Phase II – OSTP addressed these problems in the next phase, a Discussion Phase using the OSTP blog (http://blog.ostp.gov/category/opengov/). It had a voting mechanism for self-moderating, so that a majority of negative votes minimized an entry but left an active link. Phase II allowed participants to deepen the conversation about ideas from Phase I by drafting longer suggestions and commenting directly on each other's entries.

It ran from June 3-21, 2009 and attracted more than 1,000 comments in response to 16 topics. OSTP continues to use its blog

for discussions concerning other Open Government issues, such as the policy regarding "cookies" (information kept on individual users) on government Websites and the White House visitor records.

Phase III – The last phase used a wiki tool, which lets users add or edit text, to draft policy (http://mixedink.com/opengov/). It lasted from June 22-July 6, 2009, resulting in 305 drafts by 375 authors, with 2,256 people voting. In theory, participants could draft language collaboratively. Of the three tools, Mixed Ink attracted the fewest participants by far. It had problematic features that allowed participants to use each other's language out of context, and was deemed best suited to small groups who share a common goal and know each other.

From Initiative to Directive

In December 2009, OMB issued the Open Government Directive, informed both by the White House Chief Technology Officer's recommendations and input from the Dialogue. The Directive focuses primarily on the issue of transparent and open government, but provides less guidance on how to make agencies more participatory and collaborative. The Directive establishes deadlines for agencies to adopt open government plans and take action. It directs agencies to:

1. publish government information online, including at least three high-value open format datasets within 45 days and an open government Webpage as the agency gateway within 60 days;

2. improve the quality of government information by designating a high-level senior official within 45 days to be accountable for the quality and objectivity of agency spending information;

3. create and institutionalize a culture of open government by directing senior leaders to incorporate the values of transparency, participation, and collaboration into the ongoing work of their agency, using all the professional disciplines, and to develop an Open Government Plan within 120 days that describes how it will improve transparency and integrate public participation and collaboration into its activities; and

4. create an enabling policy framework for open government to realize the potential of new technologies and forms of communication.

The Directive also commits the Deputy Director of OMB to issue guidance on the quality of published federal spending information, to develop a longer-term comprehensive strategy for federal spending transparency, and, together with the Federal Chief Information Officer and Chief Technology Officer, to establish a working group that focuses on transparency, accountability, participation, and collaboration within government. The goal of the latter is to provide a forum for sharing best practices, coordinating efforts, promoting participation and collaboration, experimenting with new technologies, and taking advantage of the expertise and insight of people inside and outside government, including researchers, the private sector, and civil society. The Office of Information and Regulatory Affairs, in consultation with others, will review OMB policies to identify impediments and issue clarifying guidance to foster open government.

The Directive's attachment provides more detailed guidance for agencies on the components of their Open Government Plan.

The Future of Open Government

The OGI is a major effort to transform how the federal government uses technology and collaborative governance. Its gains in transparency are potential game-changers. However, although there is tremendous potential, OGI has not achieved as much progress toward the goals of making government more participatory and collaborative. While experiments with open policy dialogues are exciting and groundbreaking, future efforts need to build on what we have learned so far. We need to find better ways to recruit participants, move from input to partnership, and embed continuous collaboration in government.

New research on public deliberation suggests that, contrary to the "stealth democracy" theory that says most people dislike politics (Hibbing and Theiss-Morse 2002), the overwhelming majority of people would like more opportunity to participate in some kind of deliberative session on public policy generally (Neblo et al. 2009). Critics of public deliberation have pointed out that the usual suspects who participate are not representative of the general population – they are disproportionately white, well-to-do, older, and well-educated. The new research suggests that the existing forums have not reached people who are in fact more willing to deliberate than the usual suspects – that is, people who are non-white, lower income, and younger.

The Open Government Dialogue, while open to the public through published notice, provided limited outreach beyond organized networks of interested stakeholders. It allowed only a week or so for Phase I, which may have advantaged participants who knew it was coming. While individuals were in the majority in

Phase I, by Phase III participants were more often representatives of organizations or networks. People who are less tech-savvy or tech-resourced may have found it difficult to participate. Moreover, to guard against bias through any single form of public involvement, it is critical to combine online with face-to-face means of collaborative governance. Another area where there is room for improvement is in the quality of participation. Some commentators have criticized the initial results as masses of less-than-useful text. Using a platform with appropriate functionality, a moderation feature enables users to police their own community, setting clearer expectations, and providing briefing materials to give people context and keep them on task. Giving users credit for their contributions may also create an incentive for higher-quality suggestions.

The Dialogue produced input for the Open Government Directive, which is policy guidance for federal agencies from OMB. However, there is potential to do more than simply get good quality public input. Fung, Graham, and Weil (2007) describe the concept of "collaborative transparency," using information technology to enable users to shape information content and act as self-disclosers. Collaborative transparency systems both employ interactivity and customize data. For example, the public can create information for government by reporting an outbreak of disease to authorities online to help map a pandemic. Similarly, Noveck (2009) describes "Peer-to-Patent," an online community of volunteer experts who help the federal government evaluate the originality of patent applications. In both cases, the public is not commenting on policy, it is helping govern.

To date, experiments with online deliberations have largely been one-time events, not permanent changes in the way an agency does business. Some commentators observe that to make them meaningful, agencies need to embed them in making public decisions and taking public action. They need to adopt deliberation, adapt it to their context, and use it repeatedly over time. Collaborative governance varies with context and issue, so embeddedness will look different from agency to agency. Indicators of commitment to the concept include top agency leadership and support, an agency champion, policies, performance indicators for the agency and its staff, and measuring the success of processes to improve their use over time.

The United States is not alone. The United Kingdom and Australia are also experimenting with the power of technology for engaging citizens in governance. EU initiatives cover the entire spectrum of improving access, participation, efficiency, public

agency coordination, and rethinking government processes. OSTP's Beth Noveck, Deputy Chief Technology Officer, has observed that the perfect should not be the enemy of the good. The federal government is just beginning to explore technologies potential for leveraging public participation and collaboration with citizens and stakeholders.

Resources

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