

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TECHNOLOGY IN GOVERNMENT

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February 27, 2009

Start: 1:08 pm

Recess: 2:15 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
GALE A. BREWER
Chairperson

COUNCIL MEMBERS:
Bill deBlasio
Letitia James
G. Oliver Koppell

A P P E A R A N C E S [CONTINUED]

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CHAIRPERSON BREWER: Good

afternoon. My name is Gale Brewer. I am the Chair of the Committee on Technology and Government. And I'm here with Jeffrey Baker who's counsel to the Committee and Canall Mohatra [phonetic] who's in charge of legislation in our office, so this Committee hearing is beginning.

We're delighted to have some guests. But before we go forward with our guests I'd like to talk about what we're going to talk about here today in terms of the background. And I think the Commissioner's quite familiar with the background that Local Law 11 of 2003 was passed by this Council on January 29th, 2003 and then signed by the Mayor about a month later, a little bit less.

And it requires that City agencies, the Council, Public Advocate, the City Controller, the Borough Presidents and Community Boards transmit to the Department of Records and Information Services, known as DORIS, although most people don't know what that is, in an electronic format all documents required by law to be published or transmitted to the Mayor or the

Council. We spent a great deal of time on that wording if I remember correctly.

DORIS is required to make any such document transmitted to the Department available on its website. Local Law 11 also requires that the head of each agency transmit to DORIS, in electronic format, each report, document, study and publication required by Local Law, Executive Order or Mayoral Directive within ten business days of such publication, issuance or transmittal to the Council or the Mayor. Materials to be made available to the public on or through the Department's website.

The law also requires that each agency transmit in electronic format to DORIS any report, document, study, or publication required to be published by any State or Federal law, rule or regulation within ten business of publication. The law imposes a reporting requirement on DORIS and specifies that DORIS' annual report shall further include an evaluation of compliance with the requirements of the law.

We're going to talk a little bit about compliance. Since 2003 DORIS has been

publishing government documents on its website pursuant to Local Law 11 of 2003. Documents are sorted into 15 general categories and are presented in PDF format. The DORIS website interface, in our opinion, although I'm sure much time is put into it, is a bit difficult and time consuming in order to find specific documents either by paging through the categories or through the search feature.

Additionally many documents that are required to be listed on the DORIS site are not, and I'm sure that's not because DORIS didn't try to get them there. The Municipal Archives Annual Report which is required to be transmitted to the Council by September 30th of each year and is required to include an evaluation of compliance with Local Law 11 has not been published in the last several years and is not available on the DORIS website.

So what I would like to do now and this is historic if you are part of our City Council you might think that this is strange but the good news is that for the first time, this particular City Council Committee is wirelessly

wired. And so we're able to get on the internet. So for those of you in the future who want to bring your laptop, don't tell anybody that you are able to get on, just do it.

So here is an example of the DORIS site with the government populations and I think you see the different categories that we mentioned and maybe Jeff Baker could kindly go to one and, you know, you see Business and Consumers. I looked at this earlier today. And I think the issue is that it does have some interesting reports that have been submitted to the City one way or the other. It's just; it's hard to kind of know what you're going to look at. And I know that we had talked when the law passed and maybe we could talk further in the testimony about indexing and figuring out a way of making it clearer.

The one other aspect I want to mention in terms of the site is when you go to nyc.gov it's very hard to know that such reports are actually available. And that's maybe something we could talk about. You have to know what DORIS is or you have to go to records and be

able to find that that is what you're looking for.
And I think you have to kind of know that that's
something as opposed to somebody just looking to
see what the City has available.

So we could certainly have this
available, perhaps by the Commissioner later on if
he wishes or certainly by others when they're
discussing these topics so. Thank you very much
Jeff Baker and without further ado, we'd like to
hear from Brian Andersson who's the Commissioner
of DORIS. Also in my--also Department of Records
and also Head of our wonderful library, municipal
library, Commissioner.

COMMISSIONER BRIAN G. ANDERSSON:

Good afternoon Chair--

CHAIRPERSON BREWER: [Interposing]

We've been joined--

COMMISSIONER ANDERSSON: --good

afternoon--

CHAIRPERSON BREWER: --I don't know
where he went, Oliver Koppell, he was here for one
minute. I don't know where he went. Council
Member Koppell. Go ahead.

COMMISSIONER ANDERSSON: Good

afternoon Chairperson and members on the Committee on Technology in Government. My name is Brian Andersson, and I am Commissioner of the Department of Records and Information Services. I try not to call it DORIS. You can call it BRIAN, you can call it whatever you want, please just don't call it DORIS.

CHAIRPERSON BREWER: Municipal Library, but--

COMMISSIONER ANDERSSON:
[Interposing] But we don't--

CHAIRPERSON BREWER: --it is--thank you.

COMMISSIONER ANDERSSON: --we still like acronyms.

Before I begin, I want to thank you for giving me the opportunity to testify, and acknowledge your long-standing interest in helping the citizens of our City gain access to information about their government. This is an important part of our mission, and we thank you for your support 'cause very often our agency is very much under the radar and we'd like more people to know about us.

Along with 311 and nyc.gov, the Department of Records and the City Hall Library are an invaluable resource for New Yorkers who wish to gain access to City government. With the help of Council Member Brewer's leadership, on February 18th, 2003, Mayor Bloomberg signed into law another measure that will improve transparency Citywide known as Local Law 11.

This bill amended the City Charter to require that city agencies transmit to the Department of Records, in electronic format, "each report, document, study and publication required by Local Law, Executive Order, or Mayoral Directive to be published, issued, or transmitted to the Council or Mayor." This amendment specified that these materials shall be made available to the public on or through the department's website within ten business days of release by the agency. The amendment also directed that where practicable, each agency should transmit in electronic format any report, document, etc. required to be published by any State or Federal law, rule or regulation, to be made available on or through the Department of Record's website,

also within ten days.

In compliance with a previous Charter mandate, agencies for decades have transmitted four paper copies of all reports to the to the agency's Reference Library, now known as City Hall Library. Since passage this information has been instantaneously accessible for viewing by the general public on the web.

The Department of Records spearheaded this initiative, and I am pleased to report on our staff's work to ensure its compliance. In the Spring of 2003, shortly after the law was enacted, we established a committee of representatives from the Department of Records, Department of Information Technology and Telecommunications, and the Law Department to identify agencies that potentially could produce reports suitable for inclusion on the website.

Shortly after enactment of the legislation, I issued a letter to each agency head requesting that a liaison be appointed to coordinate submission of reports to the City Hall Library. The Department, working in conjunction with DOITT, built the software tool for agencies

to use to submit the electronic documents, and the one that we use to manage the data base. By June 2003, we began accepting electronic documents and posting them to our website. And we're now approaching the 4,000 mark in electronic documents available via the, our website.

Ms. Christine Bruzzese, the City Hall Library Supervising Librarian, and Mr. Vladimir Averbukh, our webmaster, who is here, are responsible for managing the Local Law 11 website. On a daily basis, Ms. Bruzzese reviews documents that are submitted to the site; she assigns each document to one of 15 categories. She informs Mr. Averbukh that the document can be published on the site.

From time to time, an agency will request that a particular report or document should be removed when new information supersedes a report already on the site. Ms. Bruzzese must approve all such requests and even when a document is removed from the site, it is electronically archived. When patrons visit the Department of Records website, they can access the electronic documents by clicking on the appropriate category

on the government publications page. If the category is not known, the patron can find it by using the publications search box.

Ms. Bruzzese regularly contacts agency liaisons to ensure compliance with both the electronic and hard copy requirements. Many agencies publish documents on a regular schedule, for example their annual reports and so Ms. Bruzzese expects their arrival and follows up when an agency is late in posting. She reviews agency websites to check for publications that have not been posted and reminds agencies to send paper copies of reports as required by the City Charter.

She maintains a very detailed record herself of her contact with agencies and the liaisons. She notes each telephone or e-mail contact and follows up as appropriate.

The Local Law 11 legislation also directed that we include an evaluation of compliance with the law as part of an annual report to the Mayor and City Council. Although the agency's Preliminary Mayor's Management Report and Mayor's Management Report have taken the place of an annual report, this past September we did

submit a special Local Law 11 compliance report to Council Member Brewer.

We are planning to produce an annual report in 2009, and it will include Local Law 11 compliance information. Thank you again, always, for the opportunity to testify. I stand ready to answer any questions you may have.

CHAIRPERSON BREWER: Thank you. Thank you very much. My first question is how do you try to get some of these agencies to respond? Obviously you contact them and then when they don't respond, how do you deal with it?

And then the second question is just generally what do you think your compliance rate is. I mean it's hard. You've got Community Boards, you've got--and that was a whole issue regarding the Community Boards. So I'm wondering how you deal with them.

And in addition how do you--what is your compliance rate and how do you get people to try to comply? This was a problem even as far back as 2003. So.

COMMISSIONER ANDERSSON: Yeah. It's very difficult because as you can imagine

there's a number of agencies. And when you start adding in the Community Boards, it's a very, very long list. And Christine Bruzzese, as we mentioned, is very detail oriented and follows up as much as she can and very small staff as you can appreciate, it's hard to get around to these things all the time but she really does badger people into complying. Sometimes we don't know the reports that we're supposed to be getting from agencies.

CHAIRPERSON BREWER: Well there's no way you would know unless there's--

COMMISSIONER ANDERSSON:
[Interposing] There's no way we would know. So it's really incumbent upon them. I mean I personally have written letters to every agency head stressing that this is a law that must be complied with. It's in our interest. I like to have things that are, you know, of interest to the public. We want more people to realize who we are and the value we provide. So if there's more documents and more reports that we can have, I'm very interested in having them.

And we really do. We really badger

1
2 them. So it's very difficult for us to--without a
3 big stick, to enforce this.

4 CHAIRPERSON BREWER: Would it be
5 helpful for the Council to amend the law to
6 require each agency to submit to your Department
7 an update as necessary, a list of every report
8 that they are required to submit to the Mayor or
9 the Council? Because I know that even if the City
10 Council passes a lot of you must do, for instance
11 for the homeless count or there are many official
12 reports.

13 I know there's one that we've done
14 quite a few this year as an example, we're going
15 to do on, you know, something called bed bugs.
16 There's a million different reports that are
17 issued by City Council legislation.

18 And I think unless there's somebody
19 keeping count here, perhaps from the Mayor's
20 Legislative Office, but Community Board obviously
21 are not going to come the same route.

22 So is there some way that you can
23 think of to amend the law so that at least you'd
24 know when a particular report was due, whether
25 or not you're getting a copy of it. Right now it

just seems to be catch as catch can.

COMMISSIONER ANDERSSON: Yeah.

CHAIRPERSON BREWER: Because it would be based on a press release perhaps or some law that the City Council's passing, many pending, some pass, etcetera.

So how do you think we could improve the information flow as to what is supposed to go up on the web before it goes up?

COMMISSIONER ANDERSSON: That's a good question. I'd like some more time to think about that insofar as I don't know that passing another law or amending the law--

CHAIRPERSON BREWER: [Interposing] Amending.

COMMISSIONER ANDERSSON: --give it any better teeth with which to enforce it.

CHAIRPERSON BREWER: But knowing what's out there--

COMMISSIONER ANDERSSON: [Interposing] I'm certainly open to suggestion.

CHAIRPERSON BREWER: --knowing what's out there is what I'm trying to say.

COMMISSIONER ANDERSSON: Yeah.

CHAIRPERSON BREWER: As opposed--
then of course you still have to chase people down
to follow up.

COMMISSIONER ANDERSSON: I mean I
wish I had the staffing where I could dedicate one
particular person to doing just that. It would be
great. But again, we don't have any enforcement
arm.

CHAIRPERSON BREWER: Okay. Now the
other question I have is just on the outside
archiving. How do you deal with archiving?
Obviously this is not the only thing you deal with
in terms of archiving but these reports are
extensive. How do you--do you archive? Do things
stay up forever? Obviously you did mention that
when a piece of information is outdated you hope
that the agency clarifies that. There's no way
that you'd know that.

COMMISSIONER ANDERSSON: No.
Precisely. And there might even be some
redundancy on the site with regard to that. But I
think that, I believe that Christine is detail
oriented enough that she's removing the dated
copies of these things and replacing them with the

most current.

And again, electronically archived,
how that's done, I don't know but I--I--

CHAIRPERSON BREWER: [Interposing]
Christine, do you want to talk about--

COMMISSIONER ANDERSSON:
[Interposing] This is not Christine--

[Off mic] No - - .

CHAIRPERSON BREWER: [Interposing]
Oh, I'm sorry. All right.

COMMISSIONER ANDERSSON: Maybe
Vladimir could speak to that.

[Off mic] Yes.

CHAIRPERSON BREWER: All right.

COMMISSIONER ANDERSSON: Yeah.
Just identify yourself.

MR. VLADIMIR AVERBUKH: Hello--

CHAIRPERSON BREWER: [Interposing]
Make sure you introduce yourself.

MR. AVERBUKH: Sure. My name is
Vlad Averbukh. I'm the Webmaster for the
Department of Records. Thank you for inviting us
here.

CHAIRPERSON BREWER: Glad you're

here.

MR. AVERBUKH: As far as the, as far as the archiving option, what we offer agencies, if a document is outdated, the agencies can request through our internal intranet, to remove a document. And this request gets sent to, as Brian mentioned, to our Librarian, who then acts on that request. And when a document is removed from the website it's still archived internally within the Library on our own internal computers. So those, we do offer the capability to agencies to remove their document and their--

CHAIRPERSON BREWER: [Interposing] And so the documents that are up now and that have been up since 2003, 2004, they stay up.

MR. AVERBUKH: Unless an agency specifically requests--

CHAIRPERSON BREWER: [Interposing] Yes.

MR. AVERBUKH: --that they be removed, they stay up there, yes.

CHAIRPERSON BREWER: Okay. And the other question I have is how are you able to--how have you thought about designing the site.

Obviously you're working with DOITT; you're working as a talented webmaster. How do you, how-have you gotten any feedback as to how the site is designed? Have you made any changes since 2003? Do you think there are changes that could be made and maybe you don't have the staff to do it? But are there some things than you've thought about, etcetera?

MR. AVERBUKH: Well I was actually--I was one of the folks who did partake in the design of the website. Actually what you saw earlier, that was just the--our web front-end--

CHAIRPERSON BREWER: [Interposing]
Yeah.

MR. AVERBUKH: --we actually have an internal application which you may have seen which is far different than what you saw earlier. I think as the, I think one of the criticisms that was mentioned earlier is that there was a search; perhaps some search capability could be improved. That's one area that I think we could always use assistance in.

CHAIRPERSON BREWER: Um-hum.

MR. AVERBUKH: But I think overall

2 we have, I think it's a usable interface and it's
3 something that I've gotten compliments from some
4 web patrons that they have found the tool useful,
5 so.

6 CHAIRPERSON BREWER: Again I guess
7 I go back to this other question of compliance.
8 Do you have any sense of percentage-wise,
9 Commissioner, what the compliance is? Hard to
10 know because there are a lot of agencies you don't
11 know the universe in which you're operating--

12 COMMISSIONER ANDERSSON:
13 [Interposing] Exactly. Yeah. But it's certainly-
14 -it's a reasonable compliance. I mean the
15 agencies that do comply, comply fully. And again,
16 believe me, if they don't, Christine is right on--

17 CHAIRPERSON BREWER: [Interposing]
18 Okay.

19 COMMISSIONER ANDERSSON: --top of
20 them so.

21 CHAIRPERSON BREWER: And then just
22 going back to the--you have, I think, 15
23 categories which--

24 COMMISSIONER ANDERSSON:
25 [Interposing] Yes.

CHAIRPERSON BREWER: --do they--
does that follow any Federal or State category?
How did you determine the categories? And
sometimes it could be a hard, you know, hard to
decide which category something goes into.

MR. AVERBUKH: I think at the time
of the original design of the application the
categories were agreed by both the folks at DOITT
and Department of Records. And--

COMMISSIONER ANDERSSON:
[Interposing] You want to - - .

MR. AVERBUKH: Yeah. And it was
just the most--what we thought were the most
commonly used categories. But there, of course,
are amendable if we, if there's a reason to add
new categories or to move certain categories,
that's certainly very much doable.

CHAIRPERSON BREWER: Can you track
by agency or by year? Is that something that is
searchable or within the category? In other words
if you know that there's been a report on small
business and you wanted to look in a certain year,
would that be something that you could track?

MR. AVERBUKH: Our Librarian has

the capability through her administrative rights to the internal application. She can sort by agency and by the title and the date. So she has the capabilities that are not accessible on the website because the website is--uses HTML pages.

CHAIRPERSON BREWER: Uses what?

I'm sorry.

MR. AVERBUKH: The website that we saw earlier--

CHAIRPERSON BREWER: [Interposing]

Yeah.

MR. AVERBUKH: --because of the security reasons, nyc.gov uses static HTML pages--

CHAIRPERSON BREWER: [Interposing]

Okay I see, yeah, yeah, yeah.

MR. AVERBUKH: So we have no--we don't give--offer the capability through the website to search specifically and narrow it down by agency or year. But our Librarian has the capability to do so.

CHAIRPERSON BREWER: Okay. So that's not something that could be fixed for the public then because of the constraints of the platform?

MR. AVERBUKH: It's--yes. It's something we could certainly have a dialog with DOITT about in the future but at the moment that's not what--how the site functions.

CHAIRPERSON BREWER: What about the front page of nyc.gov? That's something that I noticed. It's obviously a huge website. I'm very familiar with all the challenges that DOITT has in terms of maintaining it. But it is hard, excuse me, for DORIS, Commissioner, I apologize, I know you hate it, but, you know, Department of Records is a hard thing for the public to understand. I know that it's quite commonplace for you.

But if I remember correctly and I'm--that it says, it says records on the pull down on the left. I think that's how you're supposed to know to go to this site, right? But that's not a clear indication that there will be these wonderful reports.

MR. AVERBUKH: [Interposing] Yeah.

CHAIRPERSON BREWER: Is that something that you thought about with DOITT?

MR. AVERBUKH: Yeah. We actually, a couple of years ago, I made the request to DOITT

that we be put on the category of the website, nyc.gov, to make sure that patrons who visit the main page, the portal of nyc.gov are redirected to us. And I believe DOITT has placed us, we may not be on the very front page, but we are on the very first sub-pages when visitors ask to look for documents. I think we are listed on--

CHAIRPERSON BREWER: [Interposing]
Okay. So when--

MR. AVERBUKH: --one of the sub-pages.

CHAIRPERSON BREWER: --you do a search and you say documents then you're somewhere in that mix--

MR. AVERBUKH: [Interposing] Yes. Absolutely. In fact if somebody goes to nyc.gov and tries to do a search for publications--

CHAIRPERSON BREWER: [Interposing]
Okay.

MR. AVERBUKH: --we are, if not the first, we are one of the very first--

CHAIRPERSON BREWER: [Interposing]
Okay.

MR. AVERBUKH: --to come up.

CHAIRPERSON BREWER: What about for those who are visually or hearing challenged or impaired in any way? Obviously you comply with ADA 'cause I assume the whole site does. But are there any other aspects of the publications that you've thought about in terms of ADA compliance?

MR. AVERBUKH: Like you said, the whole site nyc.gov, we try to make sure we stay close to the compliance. But as far as specifically any additional work, we have not looked into that. But like I said the whole site is compliant as much as we can.

MR. AVERBUKH: Okay. 'Cause I think that is something that would be helpful, certainly for the future.

The other question I have which has never been completely answered is the issue of Environmental Impact Statements. I think I've discussed that in the past. Those are the statements that are made when a developer is developing and is part of the Uniform Land Use Review Procedure.

And I know talking to Michael Gerard who is an attorney in town, he's always

maintained that EIS statements which are voluminous but packed with information about our City, sewerage, traffic, air quality, etcetera, in other words the impact on the environment of the development. Is that something that's very gone up on the site? They are official in the sense that they are given to the City of New York; City Planning Commission specifically, in terms of development. So they are an official document.

And that's the kind of information that I think would--I mean it's important to have traffic to a site. And those are the kinds of documents although voluminous that would increase traffic to a site. So is that something that you've ever thought of? Ever had that conversation with the City Planning Commission?

COMMISSIONER ANDERSSON: I've not, but having spent time there I know how big those particular documents can be. And with all the projects going on in the City, you can imagine how big that data base would be. But you're right. It's something that would generate a lot of interest. I would be very happy to have that but I think that's a discussion that we need to be had

with the Chairperson there.

CHAIRPERSON BREWER: Would that be something that you could link to? Those probably are not submitted electronically would be my guess.

COMMISSIONER ANDERSSON: I'm not sure but it--

CHAIRPERSON BREWER: [Interposing]
How would--

COMMISSIONER ANDERSSON: --we would be happy to.

CHAIRPERSON BREWER: Is it possible that that would be something that could be considered in terms of electronic--that you could advocate for? In other words, I think we're all trying to get as much information up on the web, even though it's a huge site already, the idea is to try to also have it to be something that is of interest to the public. And those EIS reports are of great interest to the public.

Now what you do is you get a copy or you go down to the City Planning Commission. Sometimes the developer makes copies of the Community Board, etcetera. But they have more

information about one's neighborhood and community than anything that the City produces often because they're done for a specific ULERP process.

COMMISSIONER ANDERSSON: True. And I also wonder how they're made available presently. I don't know that the Library currently has those and that's something that's been outside our purview for a while and we--worth a look at though.

CHAIRPERSON BREWER: Okay. Council Member I introduced you earlier, so thank you for coming.

[Off mic]

CHAIRPERSON BREWER: That's okay. If you have any questions let us know. I want to go back to this issue of how do you--

COUNCIL MEMBER KOPPELL:
[Interposing] Just since you were just--

CHAIRPERSON BREWER: [Interposing]
Go ahead.

COUNCIL MEMBER KOPPELL: --on the subject, it seems to me that these days with scanning capability it doesn't matter really too much whether it's submitted electronically or not.

[Pause]

CHAIRPERSON BREWER: The other question I have is again trying to think of ways that more agencies comply. And I know that you call them. Are there any other teeth that we could add to this discussion? Obviously we're not going to financially penalize, I assume, our own agencies.

COMMISSIONER ANDERSSON: [Chuckles]

CHAIRPERSON BREWER: But the fact of the matter is there needs to be some kind of a better compliance in this day of options in terms of electronic transmission. And I think that one of the things to think about is how we can make the site more interesting, not necessary web, but traffic-wise. Then more agencies might be more interested in participating. I don't know. What are your ideas about finding ways to have more teeth for your efforts?

COMMISSIONER ANDERSSON: I've been thinking about that for a long time and between calling them, writing them, we've even had a letter issued from the Deputy Mayor to the agencies' heads, stressing that we want compliance

with this. I don't know what else there is to do. I don't mind renewing my efforts and calling everyone individually again to remind them. And it's in their best interests honestly.

CHAIRPERSON BREWER: Do the agencies put up the material on their site? Or even though they're also supposed to put it up on your site. So do you monitor their sites? I'm trying to think of how the public is thinking--is able to access this information also. So do you--

COMMISSIONER ANDERSSON:
[Interposing] It's actually both. And we do. And as I say Ms. Christine Bruzzese does follow up. She looks at their websites to see what reports we may or may not have. But again that's a very long list of--

CHAIRPERSON BREWER: [Interposing]
I know. I understand that.

COMMISSIONER ANDERSSON: --agencies and Community Boards, so it's very difficult to keep on top of given--

CHAIRPERSON BREWER: [Interposing]
I'm wondering--

COMMISSIONER ANDERSSON: --our

resources.

CHAIRPERSON BREWER: I'm wondering if there could be some way in which--and when an agency does put up a report whether it is mandated by the City Council, Mayoral Order, etcetera, which would be reason to go on your site, or something that they're just doing because they're doing it, that that could set off some kind of a signal that it needs to go to your site. Is that something that would be possible in terms of technology?

MR. AVERBUKH: I'm not sure if this is such technology exists at the moment.

CHAIRPERSON BREWER: Like a tickler I guess I would call it in the old--

MR. AVERBUKH: [Interposing] Yeah--

CHAIRPERSON BREWER: --days before.

MR. AVERBUKH: --like Brian, like Brian said. We have agencies who do submit documents to their own websites--

CHAIRPERSON BREWER: [Interposing] Correct.

MR. AVERBUKH: --and simultaneously they would submit to our website. If there is

some agency out there who only submits to our website, I'm not aware--only submit to their website--

CHAIRPERSON BREWER: [Interposing]
Their website.

MR. AVERBUKH: --I'm not aware that they exist but that's a possibility if new technology comes up that allows us to do so, we'll certainly look into it.

CHAIRPERSON BREWER: Okay. Do you have any sense that other governments, Commissioner, Federal government, State governments, are doing something similar? In other words is the Federal government listing all of their reports, are State governments doing this? The reason I ask is 'cause the categories of yours should match the categories of any kind of another government so that the public has got something to look at that's similar.

COMMISSIONER ANDERSSON: Actually I don't know but I'm going to check--

CHAIRPERSON BREWER: [Interposing]
But--

COMMISSIONER ANDERSSON: --because

I'm sure--

CHAIRPERSON BREWER: --you were thinking--

COMMISSIONER ANDERSSON: --the State and the Federal government might.

CHAIRPERSON BREWER: --the world of the new Federal government, that there might be some inclination to do that.

COMMISSIONER ANDERSSON:
[Interposing] There might be.

CHAIRPERSON BREWER: Okay.

COMMISSIONER ANDERSSON: But the US Government Printing Office as you know just, you can imagine the volume of work that they have. I'll have to check there. I don't know.

CHAIRPERSON BREWER: Okay. The other question I have is how do you coordinate, again going back to some of the other--the Controller, Public Advocate, Council, Community Boards, do you know if they're in less compliance, more compliance or about the same kind of compliance in terms of the City agencies. They might be worse for all I know. I have no idea.

COMMISSIONER ANDERSSON: We'd have

to break it down in a different way to be sure but I don't know at the moment. We can check for that.

CHAIRPERSON BREWER: Okay. And how, are you able to determine how many hits you get to the site or whether there's a particular way in which people are drawn to the site through press releases or, you know, interests, go ahead.

MR. AVERBUKH: Yeah. We, actually there's no way to specifically--because our website is so large and the statistics are prioritized by DOITT. They get--

CHAIRPERSON BREWER: [Interposing] They mostly want to go to the photos I'm sure. Go ahead.

MR. AVERBUKH: We get a lot of those.

CHAIRPERSON BREWER: I know you do.

MR. AVERBUKH: Most of the statistics that come from DOITT, they are specific to a page. And we have so many pages on our website. So it's impossible to actually, to check precisely what the traffic is to each document. But we do see a lot of traffic coming from

nyc.gov, the main portal where folks are looking for specific documents. So we definitely see a volume of traffic coming into the website. But it's--to give you a precise figure overall is difficult because we have so many pages.

CHAIRPERSON BREWER: And the other question is maybe it's there and I missed it, but how do you think about indexing these reports? How is your though process in terms of the indexing?

MR. AVERBUKH: Well they are, if you look at like--as you saw that website earlier there, organized by dates, so as the more recent documents come in they go to the front. And we have, as the number--each page has about a certain amount of documents as they grow, new pages are being added to the website.

CHAIRPERSON BREWER: So if you're a reporter or a student or a researcher, doing something on wetlands for example, can you search to know which reports? It could be Environmental Protection. It could be in, you know, Health. Is there some way of knowing which reports have been written on wetlands, for instance?

MR. AVERBUKH: Yeah. Well our Librarian, she categorized--

CHAIRPERSON BREWER: [Interposing]
She can do it.

MR. AVERBUKH: --put a specific category when they come in and once she puts them in a specific category such as the--we have a category called Environment, and they would be under that category.

If a visitor is looking for specific documents such as wetland, we have a separate search button on our website just for the publications. And what this does is if they put in the words, keyword wetland, they would use the Google capability to search our publication section only of our website for that specific keyword.

CHAIRPERSON BREWER: Okay. So they then would be able to get the reports that have to do with wetlands, is that correct--

MR. AVERBUKH: [Interposing] Yes.
If the keyword wetland appears in any--

CHAIRPERSON BREWER: [Interposing]
In the report.

MR. AVERBUKH: --pub--in any of the publications in the--

CHAIRPERSON BREWER: [Interposing]
In the title.

MR. AVERBUKH: --in the title or in the brief description.

CHAIRPERSON BREWER: Okay.

MR. AVERBUKH: Then that page would be available. Yes.

CHAIRPERSON BREWER: Okay. So that would be a search function that is possible.

MR. AVERBUKH: It is--yes, it's not as robust a search function as we would perhaps like but it's a very good--it's run by Google and it works I believe--

CHAIRPERSON BREWER: [Interposing]
Okay. So--

MR. AVERBUKH: --very well.

CHAIRPERSON BREWER: --in the end it would be great to have a text--anywhere in the text because it could be a more complicated issue. I'm using a simple one. And that's the kind of search function that you would prefer if you were able to do it.

MR. AVERBUKH: Yes.

CHAIRPERSON BREWER: In other words, wetland could not be in the title or in the summary but the report could include a section about wetland.

MR. AVERBUKH: In some cases when the agencies submit documents to our website, they have the option to either transmit the entire document to us and host it on our website or--

CHAIRPERSON BREWER: [Interposing]
Or a link.

MR. AVERBUKH: --still, still give a link and post it on their website. In those cases where the documents are hosted on our website, we could in fact search the entire document for any keyword.

CHAIRPERSON BREWER: I see. So when they give you the entire document, then you can search the entire work--I see--

MR. AVERBUKH: [Interposing] Yes.
Yes.

CHAIRPERSON BREWER: --so it's only when there's a link that there's a more challenging search problem.

MR. AVERBUKH: Yes.

CHAIRPERSON BREWER: I see. And does the, okay. What also, in terms of the agencies going back to try to get them to be more responsive, is there something else that we could do to find out when they are producing reports other than having some kind of a check-off which is electronically challenging at the current time? Is there anything else we can think of to work on compliance?

I know that you've called and you've e-mailed. But how do you track or do you not have the staff to do it, the City Council reports that are due. Is there somebody from the Mayor's Legislative Office who tells you when, I'm making this up, there's a homeless report and the Mayor just signed the bill and in 2010 we have to report on how many homeless there are in New York City. Is that kind of function go on? that kind of back and forth in terms of the Mayor's Legislative Office?

COMMISSIONER ANDERSSON: Not presently, no.

CHAIRPERSON BREWER: Okay. Because

that would seem to me at the very least, that that could be in some kind of a function. In other words, there are State legislative, I assume, City Council, I have no idea how many Executive Orders are sent out. But there is a finite number that is tracked, I assume, by the Mayor's Legislative Office.

And it would seem to me that that would be something that you could get on a regular basis. And then at least you'd have some dates specific as to when something is due. Now that doesn't take care of the reports that were passed in, you know, 1995 that have to come 4 times a year to the City Council. But it would seem to me that that could at least keep you current with what's being proposed and signed.

COMMISSIONER ANDERSSON: True.

CHAIRPERSON BREWER: What other places besides Executive Orders, City Council, Mandates that the Community Boards have set, City Planning commission?

COMMISSIONER ANDERSSON: Um-hum.

CHAIRPERSON BREWER: I mean how, do Health and Hospital Corporation, do you have them

on your site--

COMMISSIONER ANDERSSON:

[Interposing] I think so yes.

CHAIRPERSON BREWER: --yes? When they have Board members. So there's Board members, there's--where the authorities exist, and there are obviously Executive Orders, City Council. It does seem to me that one of the ways to handle this would be to work with the Mayor's Legislative Office and/or the Authority Boards which also set official documents to state that these things are going to be happening.

I think you could be a little bit more, as we say, robust about finding out when these things are coming forward so that people would understand that you're very serious about putting it up on the site. Okay.

We've been joined by Council Member from Brooklyn Bill deBlasio. Thank you very much. Okay. Do you have any questions?

[Off mic]

CHAIRPERSON BREWER: Go ahead and do it.

COUNCIL MEMBER DEBLASIO: You can

tell me if it's been asked already. But I'm concerned about the--whether the information that is put up is put up in a user friendly manner, as is pointed out in our briefing, has that been asked yet?

CHAIRPERSON BREWER: Yeah, no, go ahead and--

COUNCIL MEMBER DEBLASIO:
[Interposing] Well I mean I--

CHAIRPERSON BREWER: --I think it would be go to do it.

COUNCIL MEMBER DEBLASIO: --I'm not going to ask you because I've exhaustively, personally tried this myself. I'm going to accept that the staff looked into this and found that there were instances where trying to find documents was difficult and time consuming.

So could you talk about the quality control dynamic? Could you talk about how you're testing constantly to make sure that the average citizen can get information quickly and doesn't get discouraged because it's hard to navigate?

COMMISSIONER ANDERSSON: Well I'd like to say I hadn't heard that complaint before.

1
2 So I'm a little concerned that people have found
3 it that way. But let me just throw it back to
4 you. You're a user. Try it. Tell me what you
5 find difficult or helpful about it. We're always
6 open to suggestion and we want to make it usable.
7 We want people to visit the site.

8 We don't like being the secretive
9 New York that people stumble upon us and find out
10 what a great agency we are. We are. We were very
11 forthright in coming forward and saying we wanted
12 this component. We wanted to be the ones that
13 hosted this. So we want it to be user friendly.
14 So it's up to the users to tell us what they're
15 finding easy, not easy, etcetera.

16 I can't tell you, well some of the
17 updates that we've done, perhaps Vladimir can
18 speak--

19 MR. AVERBUKH: [Interposing] Yeah.
20 Yeah as far as making it more user friendly to
21 search documents, find them easier, as I mentioned
22 to the Councilwoman earlier, we have a specific--
23 we give an option for a user to search just the
24 publications through Google on the website. And
25 if they have a specific keyword they can search

the title and the description of every document that we have close to 4,000 documents on our website.

And this is something that Google was added to nyc.gov about 2 years ago. And that's something that made a big difference in making it easier to find documents. So we're always, as new technologies, as DOITT brings new technologies to nyc.gov, we will certainly add as many new additions as we can to make it easier.

COUNCIL MEMBER DEBLASIO: I appreciate that. I just wanted to ask in the same vein, do you ever do, if you will, sort of focus groups? Do you ever get average citizens or people who are interested in pursuing the information and just have them run it through and see what their experience is as opposed to--I would think for people who work there it's probably--even if they think they're looking at it through the eyes of an average citizen, you know so much already about how to navigate stuff it probably comes easily to you. But have you attempted to sort of have objective folks just run it and see how it works out and get feedback?

MR. AVERBUKH: Oh yeah and if I can answer that, we get feedback from our website. We have a form where users can submit feedback as to how to make the site better. So we always receive e-mails. We have not had a complaint that I've not--I think I've received many--

COUNCIL MEMBER DEBLASIO:
[Interposing] Um-hum.

MR. AVERBUKH: --responses. I've not had a specific complaint about not being able to find a document. If there's ever a problem, we will certainly help a user find the document. But we have not--

COUNCIL MEMBER DEBLASIO:
[Interposing] Right.

MR. AVERBUKH: --done any testing with a mass group of people to get their evaluations.

COUNCIL MEMBER DEBLASIO: Thank you.

CHAIRPERSON BREWER: I think the Council Member is saying, and I hear you, is that he's trying to be a little proactive which is an unusual concept. But you really need to do that

1
2 because, you know, you've got people in the City
3 who are dying to participate and I think want to
4 help you. So that's something, as long as it's
5 free of charge and that we have no funding in the
6 City and I understand that the Department of
7 Records is in a similar situation.

8 But that's something to think
9 about, to put on your list, to say--and I'm sure
10 you could find some users who would want to do
11 that. You could just, you just tell me to put
12 that on my e-mail and believe me they'd all show
13 up. I got 22,000 people on my e-mail.

14 So just tell your--on your site,
15 would you like to participate in a focus group to
16 help us improve the service? And it could work
17 for the Department of Records in general or just
18 focus on the publications section. I think you'd
19 actually get a group of interested individuals and
20 you could get some good feedback. And it would
21 actually be quite interesting for you. So. I
22 would really appreciate that. And let us know
23 your findings. Okay? Thank you very much. Go
24 ahead. You want to say something else
25 Commissioner?

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2 COMMISSIONER ANDERSSON: Thank you.

3 No, no--

4 CHAIRPERSON BREWER: [Interposing]

5 Okay.

6 COMMISSIONER ANDERSSON: --thank

7 you.

8 CHAIRPERSON BREWER: Thank you very

9 much. We appreciate it.

10 COMMISSIONER ANDERSSON: Thanks.

11 [Pause]

12 CHAIRPERSON BREWER: Our next panel

13 is Rachael Fauss from Citizen's Union; Chris Kelly

14 from Common Cause, New York; and

15 [Pause]

16 CHAIRPERSON BREWER: And Joshua

17 Breitbart who needs to fill out a form. Is Jolie-

18 -

19 [Pause]

20 CHAIRPERSON BREWER: Thank you all

21 for coming, whomever would like to start, go

22 ahead.

23 Ms. RACHAEL FAUSS: Good afternoon

24 Chair Brewer and other members of the committee on

25 Technology and Government. My name is Rachael

Fauss and I am the Policy and Research Associate of Citizens Union of the City of New York, an independent, nonpartisan civic organization of New Yorkers that promotes good government and advances political reform in our City and State.

We thank you, Chair Brewer, for your leadership on using technology to increase government transparency and accountability, and for holding this hearing to monitor implementation of Local Law 11 of 2003 to ensure that City publications and documents are accessible to the public through the Department of Records and Information Services, which I'll refer to after what we heard, as Records, a little bit different than DORIS I suppose, the Records website.

And I just wanted to first respond to earlier testimony concerning agencies requesting removal of documents. That wasn't something I was aware of could happen. But I'd just like to say I'm concerned about that in terms of the ability for, you know, both organizations and groups that are interested in these issues and the public to be able to look at trends and analyze changes that may have occurred.

I'm not exactly sure what the criteria is for what is outdated. If it's simply a report that might be a year old that information I think still has value and I just wanted to say that before I got into the bulk of my testimony. It's actually quite short. It's not that bulky.
[Chuckling]

So we, Citizens Union supports increasing government transparency, as expanding the public's access to information about government performance and decision-making is crucial to ensuring that citizens can hold it accountable. We believe that efforts to provide government documents online not only serve to increase transparency, but can also save government resources and time, because it would eliminate many of the formal and informal requests to agency personnel for basic information that is already provided in existing government reports and other documents.

And while Local Law 11 of 2003 laudably sought to increase transparency by requiring all City agency publications and reports required to be published, issued, or transmitted

to the City or Council or Mayor to be posted on the Records' website, we believes that more can be done to ensure greater public access to City government information and reports.

Specifically, we recommend reorganizing the publications into categories that are more intuitive, such as by the authoring agency or type of publication, i.e. reports versus newsletters, as well as providing cross-category sorting of documents, which would substantially improve the site's user-friendliness. The current categorization, for example, lists categories that often involve overlap such as Government Policy, Health or Public Safety.

And I'd also like to comment about the search functions. I mean I, I did do--try it out before I came here as I imagined we all did. But it wasn't the most easy to find certain reports, especially when there's, you know, you might be looking for something that you'd come up with so many results in the end that it wouldn't be the easiest to find. And being able to search the text of all the documents is also crucial I believe.

We are also concerned about the timeliness of the postings. And we urge the Council to ensure that Records is complying with the statutory deadline for posting of materials within ten days of release by the agency. Timely access to information is important to ensure that the public is able to weigh in on decisions that are being made by government while the window of consideration is still open.

It seems that documents are organized on the site based on the order of creation perhaps rather than the original posting date, which makes it even more difficult to determine whether Records is complying with the posting deadlines or agencies are providing those documents at the appropriate time as well. It could go either way.

And we're also concerned that Record's Annual Report from last year on their performance of their powers and duties, as well as compliance with Local Law 11, is not posted on their website, and thus may not have been completed as I learned today. Such a report on Records' efforts to comply with the law would be

an important first step in determining how best to proceed in ensuring compliance and thinking about ways that it could be--compliance could be improved.

Citizens Union also believes that there are other government documents that should be required to be provided online by the City that are not currently covered by Local Law 11. For example, the City Record should be included on the Records' website and available to the public for free. Much of the information in the printed, subscription version of the City Record, which includes notices from City agencies about public hearings and meetings, court notices, property disposition, procurement opportunities, and proposed and final agency rule changes, is not available for free access online. The only--only procurement notices published in the City Record are currently available for free.

In comparison, the entire New York State Register, which is the state equivalent of the City Record, is available for free online. Accordingly, we urge the Council to undertake a review of City government documents and

publications and act legislatively to strengthen the mandates of Local Law 11 to require more documents, such as the City Record, to be posted on the City's website.

Lastly, I'd like to reiterate our support for the web casting and archiving of public meetings. I know you had a hearing earlier on that subject. Because ideally records should be a one-stop-shop for all government documents and information, which could include reports, proposed rule changes, notices of public meetings, archival video of public meetings, and other important documents.

I'd like to thank you again for holding this hearing and I'm able to answer any questions you might have.

CHAIRPERSON BREWER: Thank you.
Next.

MR. CHRIS KEELEY: Thank you. My name is Chris Keeley; I'm the Associate Director of Common Cause New York. We're a nonpartisan, nonprofit citizens lobby and a leading force in the battle for honest and accountable government.

Thank you for this opportunity to

1 discuss Local Law 11 of 2003. The language of the
2 bill stated its intention to position New York
3 City as leading the nation in using information
4 technologies to improve the efficiency and
5 accessibility of municipal government and using
6 the internet as a powerful means of accomplishing
7 these twin goals.
8

9 Unfortunately noncompliance has
10 significantly undermined the likelihood of
11 accomplishing these goals of efficiency and
12 accessibility as not all agencies are posting the
13 documents as mandated while other agencies are
14 providing documentation; they're not doing so in a
15 user friendly fashion.

16 Common Cause New York suggests we
17 undertake a three step process in order to ensure
18 the quality and timely dissemination of City
19 produced materials and resources.

20 Number one, Local Law 11 should be
21 amended to include data quality standards.
22 Agencies should be required to issue their own
23 information quality guidelines ensuring and
24 maximizing the quality and utility of information
25 including statistical information disseminated by

the agency. The Federal Data Quality Act or Information Quality Act was a simple two sentence rider put into a 2001 appropriations bill. There's--it has a bit of a troubled history at the Federal level in that it was put in by specific special interests with specific goals in mind, but at the same time it lays out a worthwhile framework that I think we could consider here.

It mandates every Federal agency to meet basic information quality standards for public dissemination of information on their respective websites. It directed the Office of Management and Budget to issue government-wide standards, that then each agency had to design their own agency specific standards which then would act as a floor. That each agency, because agencies are different, they have different types of information that they're going to be publishing. Each agency has its own floor established by an amended Local Law 11 is what we have in mind.

We expect other organizations participating today to talk in greater detail about what elements could make up such a quality

1
2 floor but I'd like to touch on two overarching
3 points that we think should be included. One
4 element that should be included when forming a
5 meaningful quality floor is a requirement for user
6 friendly formats, which we've touched on already
7 from a few different speakers.

8 Things that are created in
9 Microsoft Excel for example, should remain in
10 Microsoft Excel when they're posted on the
11 website. Having an 800 page PDF of a Microsoft
12 Excel document is not very useful. So that is
13 one.

14 Number two, plain language
15 requirements. There's a lot of, there's a lot of
16 reports that are posted online that are
17 unnecessarily complicated. So perhaps as, to
18 further transparency, to further accountability
19 here, incorporating plain language standards would
20 be one easy way to do that.

21 And thirdly we think that a quality
22 floor should include broadening the net so that
23 more agencies fall under Local Law 11. We've
24 accidentally included Community Boards on here
25 which should not be included on our testimony but

other things that should be included for an amended Local Law 11 would include Industrial Development Agencies, the Economic Development Corporation--

CHAIRPERSON BREWER: [Interposing]
Um-hum.

MR. BREITBART: --and the Board of Elections. These quasigovernmental and, you know, well Board of Elections--

CHAIRPERSON BREWER: [Interposing]
Uh-huh.

MR. BREITBART: --is not, but the others are quasigovernmental agencies that do have controlling interests by the City, at the City level here, and clearly impact the day to day lives of New Yorkers. So that is--that should be brought and that should be broadened to bring them in.

Our second step after we set these quality floors, Local Law 11 should establish administrative mechanisms allowing individuals to seek and obtain correction of information maintained and disseminated by the agencies. Noncompliance with Local Law 11 is far too

widespread and it has to be addressed as we all know. The Federal Data Quality Act or Information Quality Act provides mechanisms to help oversee this sort of noncompliance that it allows individuals to, right through the website know which individual is responsible at each agency for this sort of quality.

We heard earlier that there's a liaison at the Department of Records that does this but I don't know who it is at, you know, HPD. I don't know who it is at each of the other agencies. Having one individual liaison at each of those agencies responsible for the quality of-- for quality control at their given agency would be one very important step. And allowing New Yorkers to be the ones to alert the Department of Records when there is a problem, we heard in the last panel that they haven't heard it. I think that it's out there. You can ask, you know, if there's Council Members that are having--that are having problems finding these documents, clearly any other New Yorker that would be going to the website's going to be having problems as well.

And thirdly, the agencies should be

required to report annually on how they are addressing those concerns raised by New Yorkers. They need to file reports annually with the Mayor, with the Comptroller, with the Public Advocate, with the Council, and obviously be made publicly available on the Department of Record's website so that we can see year in and year out how many complaints are coming in. How many people are having problems accessing these documents? And what are the agencies doing to address it?

Local Law 11 of 2003 sets forth a good framework for making New York City government more transparent and more accountable to its residents. Its goals are laudable but are far from being recognized. The steps outlined above, our three step process, would offer recommendations to further the stated goals.

Thank you again, and I'm happy to entertain any questions. Also before I finish I would also--I would like to underscore the concerns that Rachael just raised about the archiving.

We don't understand why things should be taken off of the website. I feel that

there should be a certain threshold met to take it off the website. If it's a public document, it should remain public. It should remain accessible.

And I'd also like to underscore one other important point that she raised. And that's about the City Record. The City Record should absolutely fall under this. It should be posted online. It should be accessible. It should be archived. You should be able to go back to any week's City Record and be able--or any version of the City Record and be able to have easy access to it.

CHAIRPERSON BREWER: Thank you.
Thank you very much. Joshua.

MR. JOSHUA BREITBART: Thank you.
Good afternoon. My name is Joshua Breitbart. I am the Policy Director of People's Production House. Thank you for the opportunity to speak to you today about this essential piece of legislation.

Local Law 11 was a visionary, first-of-its-kind measure to take advantage of the democratizing power of the internet. However

People's Production House believes that Local Law 11 is in need of an upgrade. And I'm just going to try to move through to the heart of the suggestions.

We would concur with what's been said so far about expanding the law and giving it some teeth and increasing compliance. But I believe that there are some technological issues that we should also address.

There are four key modifications I think would make the information presented through Local Law 11 much more useful to city residents. First that the law should specify that all documents should be transmitted in an electronic format, but in an electronic machine readable format, such as Extensible Markup Language or XML.

XML permits the underlying text and data in a document to be reused by other applications. The difference between XML and a scanned document, which is essentially an image and yet qualifies as an electronic format, is as dramatic as the difference between a scanned image and a piece of paper when you're talking about accessibility.

XML formatting would allow City residents to adapt public information to our needs. We could extract, analyze, and present our information, and when I say our information I mean the public's information that's collected by the City, in a variety of ways based on what we care about or what we think is interesting or attractive. The Mayor can still have his filter for how he presents the information but with XML we could bypass it or apply our own. And that's democracy.

Further, XML would ensure that the government documents--that government documents are accessible to New Yorkers who use text readers or other assistive technologies which you raised before. And so I would just, you know, there's more information regarding Section 508 of the Federal Rehabilitation Act.

All documents should be categorized in at least three ways. In addition to the general category areas currently in use by the Department of Records and Information Services, each document should be marked according to the agency or agencies that produced it and according

to the geographic area of the City to which it pertains. The geographic--we don't have to get into details, but the idea of tagging which is very common on the internet now, which is applying multiple categories to documents and allowing people to search across all those categories is really, really important.

And also I would add--well we'll get to searching in a second but each of the above categories should have an RSS feed. RSS is Really Simple Syndication is widely used on the internet. It's a way for one website to indicate to another website when there's been an update. And I was surprised to hear the webmaster from DORIS saying that he's not aware of such a technology. RSS is widely used on the internet.

And it would allow citizens such as myself to receive updates through our inbox or our browser when a new document in one of these categories has been posted. And it's--it should--it's Really Simple Syndication.

And lastly, Local Law 11, well we should make sure that that all the content, all the text, as was said, is available for indexing.

I didn't understand from the testimony before why the Librarian would have the capacity to search across agency, title and date but other users would not. It seems to defeat the purpose of the law to have to go to the Librarian to conduct an electronic search. The whole purpose of this law as I understand it and of the internet as I understand it, is to make that information available to the end user.

As, you know, just again echoing what was said before, that we can shorten the timeline for when the documents are available, increase accountability, and also just, just to add, as I've said before, that as we increase the democratizing power of the internet, it really increases the burden on us to make sure that everybody has access to the internet. If not we're expanding the gap for those who don't have access to that democratic tool.

Thank you very much. Be happy to work with you on specific language around these technological issues or to answer any further questions you might have.

CHAIRPERSON BREWER: Thank you all.

First of all you, the three of you in particular have spent a great deal of time with this Committee and I appreciate ;cause I know it's time consuming and it's nice to have some partners, so thank you.

The second issue is, remember I asked about, thanks to Council Member deBlasio, about trying to get some input. And I assume that's something that you would participate in if we could make sure that the Department of Records was interested 'cause I think your input in sort of online, in person, in front of a screen, would be helpful. Would that be something that you'd be willing to do?

MR. BREITBART: Yeah. Again. You know, I think, you know, we're obviously not necessarily the standard public users of the website. But I did give my testimony to the webmaster and I think that a lot of what I have suggested at least are technological things that he can implement without additional direction from Council.

CHAIRPERSON BREWER: Okay. Do you have - - ?

COUNCIL MEMBER DEBLASIO: Just to say I appreciated the latter part of your testimony, the point about, you know, move the next frontier, more and more is web casting at the most, you know, local level. And I think I again Chairwoman's pushed that too. I think that's where we need to go and I am struck by even in an economic crisis that's a pretty small expense in the scheme of things but it would engage people in government much more thoroughly so I think it's the right thing to do. Thank you.

CHAIRPERSON BREWER: Chris I had some questions about the Federal law 'cause I tried to find out, you know, there's a lot of Librarians are wonderful profession and they have certain ways of categorizing things and you try not to make up new ones because it makes no sense for the public.

So my question is, I asked the Commissioner if there was any State or Federal model and he didn't seem to know. But you do seem to know. So I'm just wondering if you're aware, if you think--you mentioned some ways in which the Federal legislation would be helpful. Do you

1
2 think that's true? And is that something that we
3 should be modeling ourselves? Not just on the
4 data but in terms of how the information is
5 organized?

6 MR. KEELEY: Well we are--well we
7 are familiar with the Information Quality Act or
8 Data Quality Act and how it's been implemented at
9 the Federal level. We're actually not intimately
10 familiar with other State's models. Maybe Rachael
11 can speak to that in more detail. But that's also
12 something that we'd be happy to follow up with and
13 assist in doing some more research because that's
14 something that we think is incredibly valuable.
15 And it really needs to be done.

16 CHAIRPERSON BREWER: It just needs
17 to be--everything needs to have the same indexing
18 and way in which it's organized because it makes
19 no sense for everybody to do it differently. Go
20 ahead Rachael.

21 MS. FAUSS: Sure. I think--we
22 discussed this actually at the web casting hearing
23 about how legislatures can actually improve their
24 sites for searchability. And I know there are
25 some good models that we looked at, Los Angeles,

their City website. I mean it's very searchable and the categories are very clear.

And you also have, under that site, the ability to look at, to search a keyword and you can--it'll pop up testimony, it'll pop up archival transcripts. It'll pop up just about everything that you'd need to see.

So I think--and, you know, I think at the Federal level, I think it's THOMAS is what it's called, the Congress' search function for all of its materials.

So I'm less familiar with, you know, I guess, municipal governments or State governments but I think a lot of the legislative search tools are very helpful.

CHAIRPERSON BREWER: Okay.

MS. FAUSS: And I just wanted to respond briefly to Council Member deBlasio's point about, you know, this is a tough economic climate, certainly, but something I pointed out in my testimony that I like to state again is that when you're--when you think about the type of requests that come into agencies for information that's staff resources that are being used, for all the

FOIL request. And if you simply put up that information first, you avoid that step and you've theoretically saved some money--

CHAIRPERSON BREWER: [Interposing]
I totally--

MS. FAUSS: --on that.

CHAIRPERSON BREWER: --totally agree with that. Josh.

MR. BREITBART: I just wanted to add on the issue of categorizing, I think having the broad cat--the kind of broad categories that are on the website now are very important. If the information is available through RSS and through XML, it means that other websites can also take the information and I wouldn't necessarily suggest that the City website be so interactive to the point where anybody could--any user could add a category, but that is a very popular function of websites on the internet, that users could add additional categories or additional tags.

And if the documents and information was available through RSS and through XML, a separate website that a citizen could and probably would set up, would enable that capacity.

And that sort of increased tagging really greatly enhances the findability of documents.

CHAIRPERSON BREWER: Chris, I think--thank you, I think it's a great idea. Chris you mentioned some of the other agencies. I'll have to check. I know our problem, and we brought this up extensively in 2003 with the Board of Elections is that it is a State agency. And we spent a great deal of time trying to get it included and we were preempted. So it's something that people are very interested in but it wasn't able to be included. We'll have to look at EDC and others.

MR. KEELEY: And a quick note on that. You know, there's been a recent struggle, I guess, to have Board of Election information included in the Mayor's Management Report.

CHAIRPERSON BREWER: Yes.

MR. KEELEY: Which it, it, in broad stroke it was in the preliminary one that was released last week or two weeks ago. And that's a good step. And I think that if we can continue to make those sorts of incremental steps, if there's ways that we can find to have those agencies

reporting, even if it's not going to be the whole kit and caboodle off the bat, if we can find ways to start cracking away at it, I think that's going to--I think that can be very useful.

CHAIRPERSON BREWER: Um-hum.

MR. KEELEY: And one other thing that I have in my testimony but neglected to mention is that when we're pushing for agencies to do the annual reports on their compliance and how they're responding to the complaints coming in, all of that information, we would like to see in the Mayor's Management Report also.

CHAIRPERSON BREWER: Okay.

MS. FAUSS: I'd like to reiterate that point about the Board of Elections. That's, you know, an issue that's near and dear to our heart. But I think even, even just doing a first step of just informally asking for than information creates a certain record of sorts too. You know, why is this information not being provided? I think just having the request itself-

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CHAIRPERSON BREWER: [Interposing]
Hum.

MS. FAUSS: --is a valuable--

CHAIRPERSON BREWER: [Interposing]

Hum.

MS. FAUSS: --even if it's not, you know, statutorily required, perhaps.

CHAIRPERSON BREWER: Okay. And then do you think my idea--I'm really interested in getting these Environmental Impact Statements online. I don't know if you've ever seen one but they are chock full of information. And is that something that you think are--would be helpful? It is a document that is submitted, I assume, officially to the New York City Department of City Planning. And I assume it's something that should be included.

MS. FAUSS: Absolutely. That's definitely something that should be included, especially since, you know, it's got a lot of information that's important. I think it would fall under one of those categories of documents that might not be included but should be. So we'd--

CHAIRPERSON BREWER: [Interposing]

Okay.

MS. FAUSS: --definitely support that.

CHAIRPERSON BREWER: All right. Thank you all very much. Really very helpful.

MR. BREITBART: Thank you.

CHAIRPERSON BREWER: Jolie Macfie, you're next Sir.

[Pause]

CHAIRPERSON BREWER: First you have to introduce yourself Sir.

[Off mic]

[Pause]

CHAIRPERSON BREWER: Press the button Jolie, I guess--I thought you did. Go ahead. Press it again. It's--

MR. JOLIE MACFIE: Yes?

CHAIRPERSON BREWER: Yeah. That's fine. Then just bring it closer--

MR. MACFIE: [Interposing] Okay.

CHAIRPERSON BREWER: --to your-- where you're--

MR. MACFIE: [Interposing] Okay. I'm the--my name is Jolie Macfie, I'm the Secretary of the Internet Society of New York. I

1
2 was hoping that Lou was going to speak, so we know
3 we had it this week where he was looking for the
4 dime--we were looking for the Diamond Report, and,
5 you know, we couldn't find it. And somehow he
6 managed to turn it up, you know. That was
7 something that was, you know, vital and there's
8 no--it's not indexed at all.

9 CHAIRPERSON BREWER: I can tell you
10 why. It's not official yet Jolie, that's the
11 problem.

12 MR. MACFIE: That's--that was.

13 CHAIRPERSON BREWER: That's the
14 problem.

15 MR. MACFIE: That was my--

16 CHAIRPERSON BREWER: [Interposing]
17 And it's an Economic Development Corporation,
18 which is one of those agencies, it's a quasi-City
19 agency. So we're going to work on the suggestions
20 made for things like IDE, EDC, Industrial
21 Development Agency, IDA, Economic Development
22 Corporation and the Board of Elections which are
23 not considered in the same way a City agency is,
24 Housing Preservation Development, etcetera. So
25 those are the two issues with EDC. That's why the

Diamond Report is not there.

MR. MACFIE: And it kind of goes to Chris' point about there being someone accountable, you know, that we could ask, you know, where the thing is, you know. You said in the hearing, it's going to be available but I mean we know, you know, to get onto to Canal [phonetic] but there is officially no one you can contact.

And it, you know, and when I was listening to the Commissioner's Report and he says well she, you know, the Librarian gets onto the agencies. And it's not clear who in the agencies is actually responsible. So maybe there could be something about someone being that liaison officially designated that designated liaison that's publicly known so that if you have a problem getting a document about something or a report you can--there's someone that it's--you can go and look on the site at least who you could contact to get that report. So I think that's missing right now. And so, yes, official liaisons.

And then, just so I've got a few comments while I was listening to, you know, your

questions about categories. I think the key word there is taxonomy.

CHAIRPERSON BREWER: Um-hum. Yes, it is a keyword, you're right.

MR. MACFIE: Okay.

CHAIRPERSON BREWER: The question is what's the taxonomy of other entities so that we're emulating--

MR. MACFIE: [Interposing] Yeah.

CHAIRPERSON BREWER: --not doing something that's--

MR. MACFIE: [Interposing] Yeah.

CHAIRPERSON BREWER: --different.

MR. MACFIE: As far as them finding out, you know, what's around there, maybe they, you know, just as a practical matter, they could actually have some kind of standing Google search or search within their own system that would do it so that every time a PDF or a DOC or an X--you know, is actually posted, you know, it pops up, you can do that kind of thing. You can just set a standard search so that they could alert themselves and so if someone posts a PDF anywhere on the site, you know, it pops up.

When they talked about the fact that it's not searchable on their site but not on the other people--when the people have the independent sites and that's obviously a case, you know, for keywords. So if people are notifying them that stuff's on another site, then there should be a standard method of keywords being entered into their search system so that, so that you'll find that stuff.

Then I would go to Joshua's point about RSS. I mean this is standard practice now. If you go, you know, a good example would be if you go to the New York Times, you know, you'll have a list of RSS feeds on every different thing. And so I mean at the minimum, I mean, you know, one is almost amazed that they haven't got to that yet.

And what most people are now, you know, augmenting that in the modern day and age with Twitter, you know, with, you know, you can go to the New York Times and get a Twitter feed on any different topic.

And that's all I have to day.

CHAIRPERSON BREWER: As usual, it's

very helpful. Thank you very much. What we're going to do is with your excellent suggestions is to compile them all; send a letter to the Commissioner; meet with him; change legislation, wherever it's appropriate; and try to have a hearing in a relatively short period of time indicating where we're at with all these different suggestions. They are excellent--

MR. MACFIE: [Interposing] I--

CHAIRPERSON BREWER: --go ahead.

MR. MACFIE: --I think, the last thing, an informal working group--

CHAIRPERSON BREWER: [Interposing]
Yes.

MR. MACFIE: --you know, with sort of, you know, we'd be very happy, the Internet Society to partake in something where we just sit down informally with, you know, with Vladimir and, you know, nitpick.

CHAIRPERSON BREWER: That sounds great. I'm sure he'd like it. Thank you very much Jolie. Thank you very much for all your testimony. And we're very serious about following up. And I appreciate the input. This is a small

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group that's interested in public information.
And I feel very please that there are some of us
who feel so strongly about it and are willing to
work at it. So thank you very much and this
hearing is now concluded.

[Gavel banging]

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in dark ink on a light-colored background.

Signature Laura L. Springate

Date March 5, 2009