

Platte Chat

*An ongoing conversation about how to best preserve free enterprise,
personal responsibility and limited government in Nebraska*



For All To See- Expanding Proactive Disclosure of Government Information

As the world's leading democracy, the United States has a strong tradition of providing public access to information held by federal, state, and local governments. The 1966 Freedom of Information Act (FOIA) codified the practice of requiring federal agencies to respond to requests for information from any member of the public. Under FOIA, if the information requested exists and is not covered by any of the several important exemptions from disclosure, it must be provided to the requestor. State open records acts followed suit, applying similar requirements to a wide variety of state agencies and local governments.

For all their benefits, FOIA and its progeny are nevertheless essentially reactive. They generally don't require the agency to disclose information unless the information is requested by someone. And, even if the information requested is ultimately disclosed, this reactive framework grows to be increasingly flawed and outdated. Delays in processing the vast number of records requests received by agencies, multiple responses to similar requests and, in some cases, overly broad interpretations of disclosure exemptions that are only resolved through lengthy litigation have all helped undermine the effectiveness of these long-standing disclosure laws.

Change is already happening, however. With an evergrowing reliance on the powerful information delivery aspects of the Web, as well as the use of sophisticated online data management and mapping technologies, more and more government agencies are proactively disclosing information that can be of enormous value and interest to the public. These actions—some of which have been mandated by law and others resulting from voluntary initiatives—respond to growing public demand and a desire to provide opportunities for more efficient citizen access to government services. The proactive disclosure examples reviewed in this paper provide only a small slice of the innovation and potential associated with this extremely important trend.

Nevertheless, movement from reactive to proactive disclosure has been spotty and even a bit chaotic, as governments at all levels rush to respond to increasing demands for easy-to-access and easy-to-use information.

Moreover, proactive disclosure approaches are not immune from the conflicts that plague the reactive models of information disclosure, especially those involving privacy, agency decision-making, national security exemptions, and trade secrets. Theoreticians and practitioners alike are just beginning to develop standard principles for proactive disclosure systems and their implementation. Issues include the types of information held by government agencies that are most suitable for proactive disclosure, how to progressively move from reactive to proactive frameworks, resource needs, monitoring of agency compliance with proactive disclosure mandates, and keeping online information relevant and up-to-date.

You may download a full copy of the study [HERE](#).

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