

# Access to information in the U.S. – transparency to strengthen our democracy



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# Statutory Foundations



- Freedom of Information Act – 1966
- Federal Advisory Committee Act – 1972
- Privacy Act – 1974
- Sunshine in Government Act - 1976

# Freedom of Information Act

## (5 U.S.C. §552)



- Establishes presumption of access to existing, unpublished agency records on any topic for ANY PERSON – corporate or individual – of any nationality
- Fees for search, review, or copying may be imposed, some requesters may be granted a fee waiver
- 1996 amendment provides for public access to electronic information
- 9 exemptions defined in §552(b)
- Disputes may be pursued in federal court.

# Federal Advisory Committee Act (5 U.S.C. App)



- From 1972, requires that meetings of all federal advisory committees serving executive branch entities be open to public observation.
- All committee records must be accessible to the public.
- Exceptions to these rules are identical to those found in the FOIA.
- Disputes may be pursued in federal court.

# Privacy Act

## 5 U.S.C. §552a)



- From 1974 – provides citizens access to personally identifiable files on themselves held by most federal agencies.
- Exceptions: statute specifies 7 types of info exempted from the rule of access.
- When an individual contends that information is inaccurate, he may request correction to the agency holding the record.
- Disputes may be pursued in federal court.

# Government in the Sunshine Act (5 U.S.C. §552b)



- From 1976, opens policymaking deliberations to public scrutiny.
- Agencies are required to publish advance notice of meetings and make them publicly available.
- 10 conditions under which meeting may be exempt.
- Disputes may be pursued in Federal Court.

# Open Government Initiative



- President Obama issued memorandum to agency heads in January 2009
- Directs the Director of the Office of Management and Budget (OMB) to develop a director for all executive branch departments and agencies
- Themes – Government should be transparent, participatory, and collaborative
- Emphasis: provide government info in forms that the public can readily find and use.

# Open Government Directive



- Targets implementation of the Executive Memorandum
- Established deadlines for action
- Emphasizes a “presumption of openness”
- Directs departments and agencies to publish government information online
- Information should be in an open format that can be “retrieved, downloaded, indexed, and searched by commonly used web search applications.”

# Open Government Directive



- Create an unprecedented and sustained level of openness and accountability
- Agencies shall create an Open Government Webpage located at [http://www.\[agency\].gov/open](http://www.[agency].gov/open)
- The Open Government website <http://www.whitehouse.gov/open/around#> provides an “Open Government Dashboard” to track agencies implementation of their plans – including a fact sheet with agency-by-agency information