BOROUGH PRESIDENT GALE A. BREWER
TESTIMONY TO THE COMMITTEE ON TECHNOLOGY AND THE COMMITTEE
ON GOVERNMENTAL OPERATIONS
ON THE CREATION OF A CENTRALIZED FOIL WEBSITE
JUNE 9, 2014

Thank you, Chairs Vacca and Kallos, for the opportunity to testify today regarding Intro 328, a bill that I am proud to co-sponsor with you. As you are aware, the proposed legislation calls for the City to create a centralized OpenFOIL web portal.

Many of you know that I am a strong supporter of Open Data. In 2012, I served as the prime sponsor of Local Law 11, the Open Data Law. The passage and implementation of that law places New York City at the forefront of a growing trend of government transparency. To date, over 1,500 datasets from more than 60 agencies are available on the city's Open Data Portal and Open Data Compliance Plan.

In the spirit of Open Data and complementary to the launch of the NYC Open Data portal in 2013 that brought the City's data and statistical records into the digital age, the creation of an OpenFOIL portal will increase both the transparency and response rate of Freedom of Information Law requests made to the City of New York.

Before I go into the anticipated benefits of the proposal, I want to recognize the members of the NYC transparency Working Group who have contributed countless hours to research and develop a framework for how to best implement an OpenFOIL portal for New York City. I'd like to particularly thank the working group's co-Chairs, John Kaehny of Reinvent Albany and Gene Russianoff of NYPIRG.

I believe an OpenFOIL portal will have many benefits, and I will highlight several of the most important ones:

Increased Efficiency. Just as 311 centralizes inquiries into City services and the current NYC Open Data website centralizes the publication of agency datasets, the OpenFOIL portal will centralize all FOIL requests. This means we will be able to avoid duplicate requests. More importantly, once a dataset has been produced via FOIL and made available through the portal, it will remain accessible in the NYC Open Data portal so people seeking the same information in the future will be able to obtain the same data without having to go through FOIL again.

Improved Response Rate and Consistency. In 2013, then-Public Advocate de Blasio's report, "Breaking Through Bureaucracy," highlighted that the City's agencies vary in capacity, response rate, and response time in meeting FOIL requests. Creating the OpenFOIL portal will

address each of the three discrepancies and elevate the City's process of responding to FOIL requests to one that will be prompt, transparent, and consistent across all agencies. For example, automated emails for receipt of requests will bring the initial acknowledgement rate to 100%. A record of each request will then be created for users to track their requests' progress at all times. Both of these functions take the burden away from agencies to use staff time for correspondence that can otherwise be handled by the centralized OpenFOIL system. This frees up capacity for quicker FOIL fulfillments, and where under-capacity had previously resulted in gaps in responding to FOIL requests, agencies will now have more staff time and resources to rectify these gaps.

Increased Cost Savings. The estimated cost for fulfilling a FOIL request is $300, and at roughly 50,000 requests per year, the City spends an estimated $15 million to fulfill FOIL requests, according to the NYC Transparency Working Group. The group also finds that, on average, $100 of this cost is expended on staff time spent on locating and gathering records. By funneling all FOIL requests through a single portal with the ability to automate request processing, avoid duplicate asks, and archive datasets that have already been produced to fulfill similar requests in the future, the OpenFOIL portal has the potential to save the City millions of dollars while delivering an improved level of services for fulfilling FOIL requests.

Consistent Enforcement of Privacy Protections. The OpenFOIL portal will keep intact all privacy protections under New York State law. This means the bill does not call for the disclosure of the requester's or the organization's identity when they submit a FOIL request via the portal. Additionally, FOIL requests will be summarized in a way that any private information will be redacted in compliance with federal and state privacy laws before they are made accessible to portal users.

With these anticipated improvements, I am confident that the City will be better equipped to respond efficiently and economically to the more than 50,000 FOIL requests made to agencies each year.

The creation of an OpenFOIL portal will not be without its technological and logistical challenges. The NYC Open Data portal required a one-time expenditure of $1.2 million in FY13 City funds to design the website; and subsequent annual operating costs are in the range of $400,000. Since its launch, the NYC Open Data website has become the example of transparency that many other municipalities now seek to emulate. Assuming similar web development and recurring operating costs, creating and maintaining an OpenFOIL website will bring about substantial savings from the current $15 million costs in the NYC Transparency Working Group's estimate. As for any technology issues, I believe that with adequate tech support and training, we will be able to overcome potential difficulties involved in establishing a new system.

Finally, I understand that the OpenFOIL portal will only be successful if there is sufficient capacity within individual city agencies to support the work required behind the face of the portal. To this end, I encourage the Mayor's Office of Operations and DoITT to train FOIL officers on how to use the OpenFOIL portal, how to interface with City agencies to provide support to different departments, and how to protect the privacy of individuals and organizations

when responding to requests. FOIL officers must also be trained on how to assist those without access to a computer to file and receive documents from their FOIL requests.

I am also committed to providing the necessary technical assistance to all of Manhattan's Community Boards so they too will have sufficient capacity to respond to FOIL requests. Through a partnership with CUNY Service Corps, each Community Board will be assigned two interns to support the Board's technology and data collection needs, a resource that will remain available after the OpenFOIL portal is up and operational.

Thank you again for the opportunity to testify today. I urge Council to pass Intro 328 and look forward to working with all of you to bring FOIL processing into the digital age.