February 24, 2014

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS & AGENCIES

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SUBJECT: 2014 Agency Open Government Plans

BACKGROUND

In December 2009, the Office of Management and Budget issued an Open Government Directive instructing executive departments and agencies to take specific actions to incorporate the principles of transparency, participation, and collaboration set forth in the President's January 21, 2009 Memorandum on Transparency and Open Government.

The Open Government Directive established deadlines for agencies to draft individual plans to advance their own open government initiatives and to document major actions taken by agencies to integrate a "presumption of openness" into their core missions. The Open Government Directive requires agencies to **update their Plans every two years**, at a minimum.

This memorandum provides guidance to agencies as they update their Open Government Plans for 2014.

PLAN OVERVIEW

Process & Timeline

The Open Government Directive instructs agencies to update their Open Government Plans every two years. Agencies should follow the below process:

- **April 1, 2014**: Provide a preliminary, interim Plan, consisting of a **two-page outline**. At a minimum, interim Plans must outline their new flagship initiative(s). Post this Plan on the Open Government Working Group's MAX website.

- **No later than June 1, 2014**: Post agency Plan on the Open Government Working Group's MAX website and on your agency's Open Government webpage in a format that enables the public to download, analyze, and visualize any information and data in the Plan.

Plans should include planned completion **dates** for initiatives that are not ongoing activities.

General Framework

Your agency's Open Government Plan serves as a public roadmap detailing agency progress in integrating the open government principles of transparency, participation, and collaboration into your agency's core mission, and how your agency will continue to support this goal in the future. The Plan should reflect input from: (a) senior policy, legal, and technology leadership in your agency; and (b) the general public and open government experts. It should detail the specific actions that your agency will undertake and the timeline on which it will do so.

The new Plans should: (a) provide highlights or an overview of achievements from your agency's 2012 Open Government Plan; (b) include status updates on major initiatives listed in preceding plans; (c) expand upon your agency's past open government efforts; (d) introduce bold, ambitious new open government initiatives for the coming two years; and (e) include links to additional relevant information on your agency's website. If you anticipate significant progress on or relevant developments in your agency's open government efforts will outpace the cycle of new open government plans, we recommend providing a summary of the static information in the report along with a link to a dynamic page on your website.

In line with the Open Government Directive, in the course of updating your Plan, agencies should directly solicit input from key stakeholders, through in-person meetings, teleconferences, and online platforms. Agencies should strive to incorporate this public input into the new Plans.

PLAN COMPONENTS

New and Expanded Initiatives

In December 2013, the Obama Administration released the second "Open Government National Action Plan for the United States of America," which included 23 new or expanded open-government commitments. Building upon this framework, agencies should incorporate the following subjects into their Open Government Plans.

   A. **Open Data.** Describe agency compliance with the May 9, 2013 Open Data Memorandum (OMB Memorandum M-13-13) and the related Project Open Data. As discussed in the Open Data Memorandum, agencies are required to develop and maintain an "enterprise data inventory" of **all data resources** across the agency, and publish a "public data listing." Your agency's public data listing should be a subset of your agency's enterprise data inventory and should contain a list of all data assets that are public *or could be* made public.

   Your Plan should include descriptions of the following:

        1. Your agency's process for systematically inventorying data assets, including those that are public, non-public, and restricted;
        2. Ways in which your agency is making public data assets available for download and/or use through an application programming interface (API);

3. Steps your agency has taken to encourage public use of already released datasets, in order to promote public knowledge and foster innovation; and

4. How your agency identifies data assets not yet publicly available and establishes specific timelines for online publication in open formats.

Further, your Plan should include a description of how your agency is using data and information resources to increase agency accountability and responsiveness; improve public knowledge about your agency; further your agency's core mission; create economic opportunity; and respond to feedback received through public consultation.

B. **Proactive Disclosures.** Describe agency plans to proactively disclose information to advance transparency, accountability, and the presumption of openness. This should include information about how your agency identifies records or record categories for proactive disclosure and ensure that those records or record categories provide the public with key information about the operations and activities of the agency or are highly sought-after by the public. Examples include implementing a regular process for agency program offices to proactively identify records of public interest as they are created, consulting with the public to identify particular categories of records of significant public interest, and reviewing other available resources such as agency press releases, official calendars, and FOIA logs.

C. **Privacy.** Per existing OMB guidance and other requirements, agencies are required to prepare various privacy compliance reports, including the Senior Agency Official for Privacy reporting required under the Federal Information Security Management Act; the Federal Agency Data Mining Report; and the biennial computer matching activity report. Your agency Plan should provide a list of all required privacy compliance reports, as applicable to your agency, and you should submit that list to privacy-oira@omb.eop.gov. A privacy compliance report is any agency report (not including intra-agency reports) that shows how agencies meet privacy requirements. The list must include the recipient(s) of the report and, if applicable, the URL of the webpage where the public can access these reports.

D. **Whistleblower Protection.** The head of each agency is required by 5 U.S.C. § 2302(c) to ensure, in consultation with the U.S. Office of Special Counsel (OSC), that employees are informed of their rights and remedies under the prohibited personnel practices and whistleblower retaliation protection provisions of Title 5. The Administration's second Open Government National Action Plan requires all agencies to participate in OSC's Whistleblower Protection Act certification program. Agency Plans should include agency strategies for achieving OSC certification — if your agency is not already certified — and should discuss the agency's progress toward ensuring that employees are informed of their rights and remedies.

E. **Websites.** Provide a link to your agency's Digital Strategy webpage and an assessment of the usability and ease of navigation of the agency's website, explaining how you evaluate the public's ability to find relevant information and achieve their desired results. Provide specific examples of commonly sought-after information and how your agency has taken

steps to be more accessible to the public. Provide a description of upcoming efforts to make the website even more effective for the public.

Ongoing Initiatives

As discussed in the 2009 Open Government Directive, agency Open Government Plans should explain how the agency will further transparency. It should describe concrete, measurable steps the agency will take to conduct its work more openly and to publish information online, including any proposed changes to transparency-related internal management and administrative policies. Specifically, as part of your agency Open Government Plan, your agency should describe how it is currently meeting its legal information dissemination obligations, and how it plans to improve its existing information dissemination practices. Agency Plans should expand upon the ongoing initiatives required by the Open Government Directive, as described below:

A. **Participation in Transparency Initiatives.** Describe how your agency is participating in transparency initiatives such as Data.gov, eRulemaking, IT Dashboard, Recovery.gov, Grants.gov, CFDA.gov, SAM.gov, FSRS.gov and USAspending.gov. If your agency is not fully participating in an initiative, the agency should detail steps it is taking toward more active participation, and the timing to meet each initiative's requirements.

B. **Public Notice.** Under the Open Government Directive, Plans must include details of your agency's proposed actions, including clear milestones, to inform the public about significant agency activities and business, such as through public meetings, stakeholder meetings, briefings, online press conferences, and periodic national town hall meetings. In addition, 2014 Plans should discuss how the agency will use its public website to share this information, such as through upcoming event calendars.

C. **Records Management.** The Open Government Directive requires a short summary of your agency's compliance with existing records management requirements and a link to the explanation on your agency's records webpage. In addition, 2014 Plans should address more recent records management requirements, including the President's November 28, 2011 Memorandum on Managing Government Records and the accompanying August 24, 2012 Managing Government Records Directive. These requirements serve as the foundation for your agency's records management program, including such activities as identifying and scheduling agency records for disposition.

D. **Freedom of Information Act (FOIA) Requests.** The Open Government Directive requires an assessment of your agency's capacity to analyze, coordinate, and respond to FOIA requests in a timely manner. If your agency has a significant backlog, your Plan must detail how your agency will reduce its pending backlog of outstanding FOIA requests by at least ten percent each year. Recognizing that all agencies can improve their FOIA performance, 2014 Plans should also include agency goals to further integrate a "presumption of openness" through proposed changes, technological resources, or reforms that your agency determines are needed to strengthen your response processes and improve customer service. In addition, your Plan should incorporate a link to a webpage that

4

includes: (1) a description of your staffing and organizational structure for FOIA with specific contact information for the agency Chief FOIA Officer, FOIA Public Liaison(s), and other public points of contact; (2) the process for responding to FOIA requests; and (3) links to agency FOIA reports including the Annual FOIA Report and Chief FOIA Officer Report.

E. **Congressional Requests.** The Open Government Directive requires Plans to include a description or link to a webpage that describes your agency's staffing, organizational structure, and administrative process for analyzing and responding to Congressional requests for information.

F. **Declassification.** The Open Government Directive requires agency Plans to provide a link to a webpage where the public can learn about your agency's declassification programs, learn how to access declassified materials, and provide input about what types of information should be prioritized for declassification, as appropriate.

G. **Participation.** As discussed in the Open Government Directive, the Federal Government should promote opportunities for public participation in decision-making processes. The Open Government Directive requires agency Plans to explain how your agency will further such public participation, including actions your agency will take to increase opportunities for public feedback. Specifically, Plans are required to provide proposed changes to internal management and administrative policies to improve participation, including:

   1. Descriptions of, and links to, websites or platforms where the public can engage in existing agency participatory processes.

   2. Proposals for new public feedback mechanisms, including innovative tools and practices that create new and easier methods for public engagement.

In addition, 2014 Plans should include information about public meetings, whether general stakeholder meetings, or meetings specific to particular agency projects or objectives.

H. **Collaboration.** Your agency's Open Government Plan should explain in detail how your agency will improve collaboration, including steps your agency will take to revise current practices to further cooperation with other Federal and non-Federal governmental agencies, the general public, and non-profit and private entities in fulfilling the agency's core mission activities. The specific details should include proposed changes to internal management and administrative policies to improve collaboration. The Plan should include:

   1. Proposals to use technology platforms to improve collaboration among people within and outside your agency.

   2. Descriptions of and links to appropriate websites where the public can learn about existing collaboration efforts of your agency.

3. Open innovation methods — such as incentive prizes on Challenge.gov, citizen science programs, and other crowdsourcing approaches — designed to obtain ideas from and to increase collaboration with those in the private sector, non-profit, and academic communities.

I. **Flagship Initiative.** Each agency's Open Government Plan should include at least one specific new transparency, participation, or collaboration initiative that your agency is currently implementing (or that will be implemented before the next update of the Open Government Plan). That description should include:

1. An overview of the initiative, how it addresses one or more of the three openness principles, and how it aims to improve agency operations.

2. An explanation of how your agency engages or plans to engage the public and maintain dialogue with interested stakeholders who could contribute innovative ideas to the initiative.

3. If appropriate, identification of any external agency partners with whom you directly collaborate on the initiative.

4. An account of how your agency plans to measure improved transparency, participation, and/or collaboration through this initiative.

5. An explanation of the steps your agency is taking to make the initiative sustainable and allow for continued improvement.

J. **Public and Agency Ideas.** Your agency's Open Government Plan should include, but not be limited to, the requirements set forth in this Guidance. Extensive public and employee engagement should inform your agency Plan as well as be part of your agency's periodic review and modification of its plan. In line with the Open Government Directive, your agency should respond to public feedback on a regular basis.

NEXT STEPS

The Office of Science and Technology Policy, the Office of Management and Budget, and the White House Counsel's Office will continue to work with agencies as they update and implement their Open Government Plans