

A Citizen's Perspective...

Introduction to Open Government & the Freedom of Information Act

Carol A. Lindstrom

"Press releases tell us when federal agencies do something right, but the Freedom of Information Act lets us know when they do not." Sen. Patrick Leahy, 1996

"A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both." Pres. James Madison, August 4, 1822

"Excessive administration secrecy... feeds conspiracy theories and reduces the public's confidence in government." Sen. John McCain, candidate for US president, 2008.

The very backbone of *open government* is *freedom of information*, the right of citizens to have access to information about how government operates. After all, elected officials are essentially "hired" by citizens to perform a job. The various government agencies exist in order to do the business of citizens public. Furthermore, all of those functions are carried out using the money provided by citizens.

Given this, how can anyone or group raise questions about such things as how taxpayer money is spent or if the issues being addressed by elected officials represent the best interest of citizens. Why would any elected official or agency wish to present a "shield of secrecy" to citizens. All that will serve to do is to give fertile ground for citizens to wonder what is being hidden.

The Internet has made it possible for government to present a more open face to citizens and, it has provided an opportunity for citizens to be more active participants in government.

Beware the Average Citizen

Who cares about open government? Well, just stop and look around, where ever you are, and you will see us. We are not everyone but we are there in the 'herd'. We are watching, talking with each other, asking questions, and looking for answers. We are representatives of all ages, sexes, races, ethnic groups, religious groups, socio-economic groups, and above all, we are all citizens that elected officials are supposed to be representing. We may be working individually or in groups, but we are all working towards a common goal. That goal is to see what is happening with our governments at all levels whether specific to a particular issue or related to general governance.

This is not a new phenomenon but it is a growing one. People are becoming more aware of how governments do business and the impact it has on citizens and community. No longer will the "you don't have to worry, we'll take care of everything for you" response work. We want to see the facts for ourselves and form our own opinions.

The 24-hour news cycle and the internet are great ways to get information out to the public. Unfortunately, that information is often slanted based upon the perspective of the source. Citizens who want to know what is actually happening want to know the full story and the facts. If you want to stir up citizens, simply put forth the effort to shroud your government in secrecy. Putting information before the people is government's best way to be sure that all of the facts are available.

For the citizen looking for information, do not expect to be spoon fed every little piece of information that might be relevant to your questions. You will have to learn the language and discover what resources are available to you. Important things to know are:

- What is the question? (Asking the RIGHT question will provide the RIGHT answer)

"When information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and - eventually - incapable of determining their own destinies." Pres. Richard Nixon, 1972

- Where to find your rights under the Federal and State Freedom of Information Acts
- How to gain access to the State and local jurisdiction's Codes (County/Parish, City, Town, etc.)
- How to gain access to Regulations that different agencies have which are applicable to the information desired
- Have other jurisdictions dealt with a similar issue(s), if so how and what was the outcome.

At both the Federal and State levels, in particular, it is important for information seekers to remember that the Codes/Laws frequently set out that something must be done. The actual "how-to" of getting the task accomplished is often buried within mounds of Regulations. Regulations, just like Codes/Laws, can be changed over time. This presents a real challenge when you are trying to find information on something that occurred several years ago. What happened at the time would have been controlled by the Codes/Laws and Regulations in place when the event occurred. In many instances, such things as land use activities could have been initiated and nothing done until years later. In some instances Local Codes have included language that require updates related to newer versions of Codes/Laws. Other situations are such that the land use activity would fall within the scope of the Codes/Laws at the time the process started and no newer restrictions from Codes/Laws would apply. In effect, one could start the paperwork process anticipating changes in Codes/Laws that would restrict the desired activity, then simply sit on the project for years making it such that the old standards would apply.

My Introduction to FOIA and Open Government

I want to start by prefacing my story. I am well beyond 50 and until a few short years ago, I knew virtually nothing about the Freedom of Information Act or about Open Government. In fact, like most citizens, I paid almost no attention to my local government beyond dropping off water bills, paying my business license fee, and getting a town sticker for my car's front windshield. Also, like most citizens, I didn't start paying attention until a local issue arose that had a direct impact on me. For the sake of this article, I will refer to the local jurisdiction as "Somewhere, America" because I can guarantee you that somewhere in America, if citizens will but look, they will find the same types of issues related to gaining access to documents. Granted, I did take my quest to rather extreme measures, but the results have been well worth my efforts.

I reside in and am part owner of a business in "Somewhere, America". The property is located in a flood plain, yet there has never been a history of flooding in that area prior to the last few years. I listened to people talk about a new housing development that was proposed to come into that area of "Somewhere" and suddenly, I put two and two together, realizing that impervious surfaces = increased runoff = increased water into low lying areas = increased potential for flooding. Since I am located in the lowest portion of that area, I pretty quickly realized that I needed to either pay better attention to what was happening, or I needed to invest in personal flotation devices.

I started trying to find out more information about the proposed project and what would/could be done to minimize the impact of all of that runoff. That was the beginning of a process that has consumed much of my time and energy over the last 3 plus years. My first stop was the Internet where I found a website for "Somewhere, America" that contained almost no information. Other than a nice photograph of the Mayor and a listing of various baseball tournaments and other Recreation Department activities, the website was essentially a void. Talking to other people and

Online Resources

[Dreamweaver](#).
Adobe Systems
Web design
software.

[Dreamhost](#). Web
hosting server
site.

[WordPress](#).
Blogging
software.

asking a few questions at the government center resulted in the information that the website was originally put up 10 years before and there had not been the staff or other resources to make any changes or updates.

Because the information I needed was not available on the Internet, I started going into the government center and asking for documents. Initially, I pretty much hit a brick wall when it came to obtaining documents. I felt like I was being ignored, so, like most anyone else, I grumbled about the whole thing to different friends. One of those people mentioned something called "FOIA". Again, I went on the Internet and using that handy Google search, I found and read everything I could on "FOIA – the Freedom of Information Act".

I learned that I had the right to request documents, and the jurisdiction had a responsibility to provide those documents within a certain time frame. I started my requests for information, but provided a formal written FOIA request to the administration of "Somewhere, America" which clearly noted the State Codes conveying the rights and responsibilities and the time constraints for responsibility. The first request was delayed. I did a bit more research to find a copy of the form to submit to get a Court Order for the release of those records. I notified the jurisdiction that it was my intent to file this "Writ of Mandamus" and suddenly the barricades fell. I got the information that I requested, at least in part.

The delays and the walls led to frustration. I contacted other jurisdictions and asked them what documents I should expect to receive and what they should look like. Much of this I could find by going to the other jurisdictions' websites and find copies of documents posted on line for comparison. This is where I discovered that I was only getting some of the documents and information that should have been provided. I decided it was time to apply one of the cardinal rules I used when working as a Child Abuse Investigator, "Strive to never ask a question to which you do not already know the answer".

I began a collection of documents and started discussing what I was finding with other citizens. It quickly became apparent that other people wanted the same types of information for other issues. Since I was having difficulty getting my jurisdiction to begin using their website as a way to provide information to citizens, I decided to help. After a few phone calls and a few more Google searches, I decided it was time to teach myself how to set up a website. Using my partner's antique version of Dreamweaver and about a gazillion Google searches, I began constructing <http://myvaresources.com/> Shortly after, I started obtaining documents that citizens might find useful, including a copy of the Jurisdiction's Code, Comprehensive Plan, and Minutes from Public Meetings. I bought myself a \$39 refurbished scanner (without any bells and whistles) and learned the fine art of scanning documents for storage on the Internet.

I quickly discovered that all of that work was pretty much useless without some place to put the information and website. Enter Dreamhost. Dreamhost provided the perfect solution for me. It allowed me to host and control my newly built (very amateurish) website and provided me with more than adequate space for documents and anything else that might arise (more on that "anything else" later). I focused on keeping the website as simple and easy to use as possible but it grew quite rapidly. I added links to websites that I had found helpful, trying to encourage people to do their own research. I uploaded all of the documents that I had scanned (by then the total spend on FOIA requests exceeded \$2000.00 which is why I had to get a refurbished scanner) and announced my presence to the world.

While all of that was going on, I started doing something called 'blogging'. It was another one of those things that I had never heard of before, much less done. I started with a free blog as <http://depotdazed.com> but as the blog became bigger and I wanted to have more information on it, I discovered that Dreamhost worked quite well with something called WordPress. WordPress is a great tool for bloggers. There

Online Resources:

[DepotDazed.](#)

Carol Lindstrom's revamped blog.

[AVS4You.](#) Video conversion software

is a version where they actually host the blog for you that is very simple and easy to use. Then there is the version which you can load on your server which, while also simple and easy to use, allows for greater flexibility in design. Never known for being someone to take the easiest route, I went with having my own on my Dreamhost server.

The blog provided something that the website alone could not provide. It gave a medium through which other citizens and even some government officials could interact. I will insert a quick warning here that it takes a “thick skin” to blog because someone out there will always disagree with you and they will let you know about it. I will also note that another blogger gave my name as a blogger on her site and when she got sued by a local developer, my name got included in that law suite. It only took \$9000.00 to get my name dropped from the lawsuit. Rather than distract me from my goal, that event served to make me all the more determined that Open Government was going to happen one way or the other. It find it highly ironic that I got sued by someone I did not know, for something I did not write, about a piece of property that I had never seen.

The next thing thing I decided to do was to be very, very accurate in my blog articles, so I did not get myself in another situation. I went to Staples, and bought a handheld recorder. Staples has a nice line of digital handheld recorders. I went with a fairly plain and inexpensive version provided by Sony, a Sony ICD-P520. Under the auspices of the Virginia FOIA, any citizen has the right to record public meetings. In my blog, I had tried to limit personal opinion and focused on the facts. The Sony recorder provided me with accurate recordings to play back in order to verify my notes. A short time later, I discovered that I could upload the audio files to my website. By doing so, the actual discussions were recorded and anyone who agreed or disagreed with what I had written was free to listen to the discussion to check my accuracy.

Despite the fact that the audio recordings were being used by citizens and officials alike, the act of recording led to some controversy. At a public meeting, it was alleged that I was only recording those meetings in order to try to force decisions in the direction that I wanted. Okay! Let's analyze that rationale a bit. By recording exactly what is said and posting it online for the world to access, I was using the recorder as a tool to manipulate how decisions are made by government? After a great deal of pondering, the only way I could make sense of such an allegation would be if the person was concerned that by having voice only, the listeners would not be able to determine exactly who made a statement. My solution to the dilemma, a Sony DCR-SR45. The DCR-SR45 is a hand held video recorder with a built in hard disk, which allows me to record up to 10 hours of video.

Of course, by this time, as I was purchasing the camcorder, I was already looking for was to load my videos online. AVS4You provided me with an economical option that did everything I needed to convert my video recordings into a form that I could post to my website. Thus began a new era in life of attending virtually every meeting, recording the meeting, processing the video, and uploading. The videos made it far easier to see exactly what transpired and the speakers were more clearly identified.

The Results? Open Government

The most important thing in all of this was the response by “Somewhere, America” to all of my activities. Although it took a while to get the motion started, they now have a very good website that is full of information for citizens. They have started video recording their own meetings and posting them online for citizens to view and are working on getting coverage through a local public service television channel as well. Although there is one Department that is still having a bit of trouble understanding FOIA, the vast majority of FOIA requests are responded to fully,

efficiently, and in a timely manner. Encouraging citizen participation has become standard procedure. The jurisdiction is also now using a blog and facebook to keep citizens informed. The number of public meetings have grown and the standards that are being set by the jurisdiction are leading the way for other jurisdictions to follow.

Along with FOIA and Open Government, the jurisdiction learned about the power of citizen referendums to precipitate change citizens want in government. There have been some new positions created, especially the Information Officer, showing a commitment to Open Government that had not existed previously.

I cannot say that what I did created any of these changes in local government. It is certainly possible that all of these changes would have come about anyway. They are certainly changes which were discussed in public meetings well before I started attending those meetings (see minutes of meetings for verification). It seems that the will of elected officials could not quite make it to the drawing board. If anything I did contributed to making some of those changes happen, then it is important to remember that I am just one individual. I would be willing to bet that there are more of us out there who can do the same things I have done.

Understanding Citizen Rights Under FOIA (Freedom of Information Act)

First, you must know your FOIA law in order to effectively exercise your rights. Then begin your FOIA request by determining the specific question(s) that you wish to have answered. Before you submit your FOIA request, take the time to explore the jurisdiction's web site (if they have one). Many jurisdictions have found that it is cheaper, less demanding of staff time, and good customer service to simply post documents online for ease of access. Sometimes you will find the information you require right there. In other instances, you may find information that helps you to make the wording of your request as clear and concise as possible, insuring that you are actually requesting the documents that will provide the information that you hope to find. Listening to any public meetings that are posted online or presented on television can help you identify the names of specific documents.

The next step is to convey your request in as clear and concise a manner as possible to the party/entity that is likely to have control of the documents required or to a person designated by the government to handle FOIA requests.

If your jurisdiction does not have a website, there is a good likelihood that another area in your state does have. Taking the time to look at some of those websites can provide you with invaluable information as to they types of documents that can be available and what information those documents should contain. I will discuss another source for discovering what documents might be available to you in another section.

Federal FOIA

In 1966, despite opposition by then president Lyndon B. Johnson, a federal FOIA (Freedom of Information Act) was passed. This law mandates that federal agencies must provide the information requested or prove that those documents (or parts of the document) are legally exempt from release. As a result, a citizen request for information must be answered to with the document or with an explanation of why the materials cannot be provided due to an existing law. FOIA is not written in granite, it has changed multiple times over the years, becoming either more or less restrictive. In fact, it frequently changes based upon the political party in "power" at any given time.

One thing to keep in mind is that what should apply to a citizen request is the law at the time the request was submitted. However, on December 29, 2009, President

Online Resources

Barack Obama.
[Executive Order 13526](#). 29
December 2009.

[National Security Archive](#). George Washington University.

The Reporters Committee for Freedom of Information.
[Open Government Guide](#).

National Freedom of Information Coalition. [State FOIA Laws](#).

FOIA Advocates [State Public Record Laws](#).

Sunshine Review. [State Sunshine Laws](#).

Society of Professional Journalists: [State FOIA Laws](#)

David Brancaccio. [State Freedom of Information Act Map](#). National Public Radio.

Obama signed Executive Order 13526 which allows an agency to change the classification of a document to become inaccessible if it is believed that the original classification is believed to be detrimental to national security. If you are requesting documents from federal agencies, you should use the federal version of the Freedom of Information Act. George Washington University's "The National Security Archive" web page provides a wonderful resource for those wishing to know more about the Federal FOIA.

State FOIA

Each of the 50 states have adopted FOIA laws of their own. These laws are not identical to the Federal laws and can vary significantly from state to state. In order to use FOIA in your specific state or local jurisdiction, you must know the specifics of your state's FOIA. The Reporters Committee for Freedom of Information provides a great resource which can help to show the differences in FOIA laws across the states. Their "Open Government Guide" gives citizens a way to look at each state's FOIA in an easy to understand format. It also provides a way to search for a specific topic in FOIA across all 50 states. One section that I have found to be very helpful is the tool that allows you to compare 2 or more states on a specific FOIA topic. For instance, using the drop down menu provided on the webpage and selecting "Who can request records?" topic, you will find that some states require that the party requesting documents must be a resident of the state. Fortunately, those states are in the minority; most states allowing anyone to access records.

The specific requirement of your State FOIA are important because they dictate how you can use FOIA and in some cases, what you are allowed to do with the information you receive. Most restrictions concerning use are related to commercial use of the data obtained, such as using a list of names for a mailing list. State FOIA regulations establish requirements on how the FOIA request must be presented and to whom the FOIA request must be submitted. You will also find information on the types of information excluded from public access, and what, if any costs you may incur in requesting copies of documents.

The fees related to FOIA vary from state to state. In Virginia, the fees are limited to cost. One thing that I have learned to watch for is where the law give latitude for the costs of copying to jurisdictions. There have been times when I paid for high level professional staff to do the chore of standing at a xerox machine to make copies. This ploy can be used to deter someone from requesting information. Reasonable fees for copying might be consistent with the wages for a clerk or secretary, but certainly not for a Planner, Department Head, Engineer, etc. Some, but not all states allow for a citizen to request a cost estimate before processing the request.

Knowing your FOIA laws will also make sure that you understand the time frames within which your jurisdiction must operate (these can vary significantly from state to state). They will also give you guidelines as to what steps you can take in order to deal with those who are in violation of those time frames.

Getting Help in Understand Your FOIA Rights and Responsibilities

Only three states (Nebraska, New Hampshire, and North Dakota) do not have information about some sort of group to assist citizens with FOIA questions and processes. While this certainly does not mean that those types of groups do not exist in these states, it simply means that a fairly thorough search of the internet did not provide any information. Another eight states had contact information but no website presence (Alabama, Alaska, Arkansas, Kentucky, Michigan, Montana, Vermont, and Wyoming). All other states have such organizations that maintain a web presence and can be found with various search engines. Nine states have more

CD Resources

A Guide to State-Level FOIA and Open Government Organizations.

Online Resources

[The Reporter's Committee for Freedom of the Press](#)

Library of Virginia.

[Document Retention Schedule](#)

[Records retention & Disposition Schedule: County & Municipal Governments](#)

than one organization of this type (California, Connecticut, Florida, Hawaii, Illinois, Kansas, Louisiana, Virginia, and Washington).

Many of these organizations offer resources, including:

- answering your specific FOIA related questions
- links to State FOIA codes
- updates to FOIA
- pending state legislation that will affect FOIA
- guide to writing a FOIA request
- discussions of recent and historical cases where FOIA has been in the court system

If you need some clarification as to your rights under FOIA, these agencies could well be your best source. I have used the resources of Virginia's Virginia Coalition for Open Government and the Virginia Freedom of Information Advisory Council fairly extensively over the last few years. The information I obtained from them saved me a lot of time and money, not to mention stress and many extra hours searching for information.

I keep a copy of the most recent version of the Virginia Freedom of Information Act downloaded on my computer for quick access. The Reporters Committee for Freedom of the Press, Virginia Coalition for Open Government and Virginia Freedom of Information Advisory Council websites are bookmarked on my browser. Between those four sources of information, I have been able to get most of my FOIA questions answered except for questions pertaining to exactly where to look for information. For those questions, I have a different process.

Determining what documents to request

It is certainly easy enough to just call someone within the government entity to ask what information is available and what might be relevant. However, I like to know as much about a topic as I can before I ask questions. One of my favorite ways of doing this is to go to the Library of Virginia Retention Schedules website

There are set criteria established for the retention of public records and all 50 states have similar departments. These agencies can vary significantly as to what/how much information is available via the internet, but most have fairly thorough guidelines listed including the name of documents and basic information contained within the document. There are separate sections of Retention Schedules for State and Local Governments.

For an example of how to use this resource, I will take the Local Governments section and select County, City and Town Administration Records. This 5 page document provides a list of the Records Series and the Description of what the documents generally cover. Looking at the Records Series of "Citizen Complaint Files" a description is provided noting that these documents concern the receipt, investigation, findings, background material, and responses to citizen complaints. In the column on the right hand side is information about how long the document is required to be retained. Citizen complaints are required to be kept for one year after the last action and then destroyed.

A further check of this Retention Schedule shows that under Virginia Law (several different sections):

- Citizen petitions are required to be retained permanently.
- Correspondence/Subject Files for Boards/Councils-Chairpersons

CD Resources

A Guide to Document Retention Schedules, State-by-State

(including all letters, memoranda, faxes, notes, attachments “in any physical format including, but not limited to, paper and e-mail.” These are only required to be kept locally for five (5) years, then they must be transferred to the Archives of the Library of Virginia for permanent retention.

- Correspondence/Subject Files for a jurisdictions Manager/Administrator are required to be retained permanently in the locality, these include all of the formats noted for Council-Chairpersons above.
- Adopted Budget Files are required to be kept permanently. Budget Working Files must be kept 3 year or until audit, whichever is greater, then destroyed.

This is just a small sampling of the information available. You can save yourself a great deal of extra work by simply taking the time to find out the local retention requirements. To see the resources available in your state, look at A Guide to Document Retention Schedules.

Perhaps the single most common information that citizens want to find pertains to how much money government collects from what sources and how those monies are spent. In such cases, I have found the State Auditor's Office a good place to start.

Although each state has its own auditor web site, what is offered to citizens on those web sites varies significantly. Some provide the reports submitted by the jurisdictions and citizens can either download or view those files. The level of detail contained in these online reports is highly variable. Others provide only state level information , and some of those only provide audit information for certain select agencies (see Alaska for example). Both Washington and Virginia State Audit Departments. go into fairly in-depth detail in their online offerings. You will have to look at the specific site for your state to see if it will be a useful tool for you.

There is a tremendous amount of information available on the Auditor of Public Accounts for Virginia website. A citizen can find audit reports from 1988 through the most recently completed fiscal year. You can look at state or local audit reports for those time periods allowing an opportunity to see trends in revenue and expenses. One of the problems is simply inherent in the process. As reporting procedures change so do the data found in the reports. A report from 1988 will not look exactly the same as a 1999 report, and it will not necessarily have the exact same information. Despite that drawback, it provides a nice starting place.

Having the ability to see expenses and revenues at multiple governmental levels for matching areas gives the added benefit of being able to quickly see how state money is distributed and where jurisdictions may share some responsibility for services, what percentage of the overall expense for that service is paid for by each of the sharing jurisdictions. If the level of detail provided allows, it is also possible to separate out the different types of expenses incurred by a specific department (capital improvements, overhead, personnel, etc.)

Many of these Auditor sites also provide a means for reporting what you may believe to be fraud or misuse of funds. A special section for “whistleblowers” to submit information can also be found on some sites.

Open Government and the Internet

A discussion of open government, FOIA, and local governments would not be complete without a short discussion of local government websites. The internet offers local jurisdictions an excellent opportunity to shift towards greater openness at a fraction of the cost. Despite the opportunities, many jurisdictions are still missing the boat or creating sites that provide only minimal information.

A Guide to Auditors of Public Accounts, by State.

Where is the website?

There is no excuse for any jurisdiction not to have a website, yet many smaller jurisdictions have a void on the internet. The technology has become so easy to use that it only takes a short time and very little in the way of money to design, upload, and maintain a website that provides basic information to citizens and to those who may be considering moving to the jurisdiction.

Personally, I think it would be possible for a state to maintain server space for all jurisdictions with the state to host a website. This would also mean that a standardized website could be established for all jurisdictions, while leaving them some pages where information can be personalized for that area's special events, promoting tourism, etc. Standardization of the basic website would mean that no matter where someone lived in the state, the individual would be able to go to a "familiar looking" source for information.

This would not take away from the local area's ability to self-promote. As I noted previously, this could be done on web pages within their site that would be specific for them. Larger jurisdictions may have needs for more space and have the resources to host an additional site of their own that is specifically providing other information such as major tourism, recreational, and cultural activities. Alternately, several small jurisdictions could work together to accomplish the same goal. Sharing resources for developing and maintaining the website would provide a very inexpensive approach.

You do not need some big, fancy commercial package to meet the general needs of the jurisdiction and its citizens. Keeping it simple is often the best way to go because it means that people with limited computer skills, using older operating systems and equipment, or having to use dial-up access could still have access to the site.

Is there any information on the website?

Over the last few years, as I have done some research, I have looked at thousands of websites for government entities at the Federal, State, County, City, and Town levels. I have also looked at a few that were for Villages. One thing rapidly became crystal clear. Not all websites are created equal.

State websites usually provide some basic information concerning the various departments of government. Most often, the entrance page to those websites is one big advertising campaign. That is not necessarily a bad thing. States want people and businesses to move to their jurisdiction. Where I have a problem is that there is seldom an area designated clearly as "public document" that leads to a webpage with links to the websites of various departments. Sure, the links to those Departments exist and they go to a front page that is often dedicated to telling you all about the head of that department and how wonderful he/she is and what a wonderful job the department is doing under his/he guidance. There may be a lot of links to a lot of other components of that department but no where does it say "public documents". Wouldn't it be nice if the phrase "public documents" was included on every website? Wouldn't it be nice if those links took you to a page with links to the "public documents" section of each department or subgroup of that department? Why heck! That webpage could even have a search function on it that allowed you to look for public documents by department or category. When I am looking for specific information, I really don't care about seeing all of the entry pages that I have seen a hundred times before. I want to find the documents I need.

Local jurisdictions, Counties/Parishes, Cities, and Towns are even worse.

In larger jurisdictions they usually have about the same problems as noted on the State websites. Some of those actually present with a better "Open Government" persona than their State's websites. Then, there is the other side of the coin. Smaller jurisdictions often use their website almost exclusively for tourism promotion. These sites are lacking even the most basic of documents such as their Codes, Comprehensive Plans, Fees structure, Budget information, or even how to contact different government departments. It would seem that the very thought of posting meeting agendas and minutes, much less audio or video recordings of those meetings, has never crossed their "government mind".

How difficult is it to find information on the website?

Whether by accident or by intent, most of the websites I have viewed for various jurisdictions at all levels of government make it difficult for average citizens to find information. Where search features are provided, you have to know the right "keywords" and/or "catchy phrases" in order to find the general area much less a specific document. This brings up a whole different issue that I will not address right now, but it is the "If you want to be an open government, then try writing things in plain text." I do not believe it is truly open if I have to hire an attorney, or engineer, or other professional in order to understand what the document says. Open Government means more than simply have access, it means having document provided in a manner whereby the document is comprehensible.

Software engineers tend to design these websites and they do a great job of understanding how a software engineer would use such a site. However, since the majority of the population are not software engineers, where does that leave the public? Often, it leaves the public frustrated, angry, or feeling like things are being intentionally hidden from them. Website design for government entities should be based on the lowest common denominator for the people that they serve. In this case, that would be those citizens who have some computer access (either at home or at some other location), and limited experience on computers and/or the Internet. Whenever possible, involve the public in the process of designing government websites. Local school staff, particularly those at Junior High and High School levels could be of particular help. This also serves the purpose of helping to make sure that those students who will be studying Civics will have a site that is easy to use and understandable to them. In fact, why not go all out and have a local Civics class preview your site and provide comments. (Of course, the down side to that is that many of those students already know a great deal more about computer use and the Internet than those of us for whom High School is but a vague memory.)

Start using "plain text" in documents and keep a dictionary of terms that can be quickly accessed from any page for those times when "plain text" just does not get the job done" on your website.

I may not be as dumb as you think I am!

Whether by intent or by accident, jurisdictions often have documents on their websites that are in a form that meet the "letter" but not the "spirit of the law". I have often found that jurisdictions have taken documents, scanned them, and loaded them onto their website in a form that makes it more difficult for citizens to use. PDF files are particularly troublesome when jurisdictions take the document, scan it as a graphic, then convert it to a PDF

file that is graphic based. This means that your multi-page documents, for instance a 300 page Code, becomes a document that you have to read through one page at a time. It makes it impossible to use a pdf reader's search/find functions to quickly locate specific topics. I have found this to be particularly true with items such as the minutes of public meetings and reports presented to governing bodies for decision-making issues.

If you are going to use Videos on your website, then take the time to know your audience. Those living in highly urbanized areas are certainly more likely to have high speed internet access than those in more rural areas. For urban areas, large video files may work fine. More rural areas do not always have access to the high speed internet access and often there are citizens who use dial-up. When I do videos, of public meetings, I break them into 'chunks' of 10 to 20 minute pieces which are easier to view on dial up and even if someone does have high speed internet, fewer of the computer resources are tied up in watching the video, making it possible for the person to be watching/listening to a video while still handling other tasks. It also minimizes the aggravation of the stopping of the video every few seconds for another bit of the video to download.

Make sure that your web pages are designed in such a way as to allow for a wide range of browsers to access them. If you hear from people or know of potential problem related to settings that a person may have on their browser, why not take the time to add some notes on how to correct the problem? The odds are good that some of those same High School students noted above have already dealt with and mastered most of those problems. Focus on making the user's experience as trouble-free and productive as possible.

While I am at least partially on the topic of school students, why not check with those teachers and find out what types of information they would like to see on a special website for those students. Why not set up a special web page for information that is of specific interest to those students? Help them learn how government works. After all, one of the key roles of good government is building the future today. Decisions made by government today will affect the lives of those in the future. Furthermore, if there is a perception by citizens that government is being secretive, it will eventually have an impact. That impact may be through actions such as I have taken, or they may be the work of reporters, or they may simply be expressed in the voting booth come next election day.

Avoiding any perception of secrecy serves to encourage an effective working partnership between government and the citizens it represents. Helping people understand how and why decisions are made can create dialogs which promote the acceptance of less palatable decisions as being for the betterment of the community or the lesser of two evils. Opening the door for citizens also allows government to make use of the huge resources of a community. It could well be that there are citizens who can provide alternatives that have not been considered and whole new ways of doing government business can evolve.



Carol Lindstrom is a community activist and blogger. In 2009, Carol won the Virginia Coalition for Open Government's Lawrence E. Richardson Award Freedom of Information Award. When she is not blogging about open government and volunteering with the League of Women Voters, Carol, a Louisiana native, works with local citizen groups and local governments to establish open government programs and assesses local government websites for openness. Carol can be reached through her DepotDazed blog and website.