

## Guidelines for Internet Access to Public Information: A Proposal for an Online Policy Forum

A project of The Association of Public Sector Web Professionals and ActionForum.com

### Background: Public Records and the Internet

The law recognizes “Public” and “non-Public” information and basically treats all public information the same. Prior to the advent of the Internet the span of accessibility for public documents ran from the relatively rare printed volume of government data to the file cabinet or warehouse. The span of accessibility now ranges from the dusty warehouse to an on-line searchable relational database. Practically speaking this is the difference between public ignorance and public knowledge.

To date, there has been little development in the law recognizing the distinction between readily available and, for practical purposes, unavailable material. Furthermore, in our discussions with web professionals throughout the country we have yet to find significant policies, guidelines, regulation or procedures that fully address the issue of what public information we should be putting up on the internet. Recent policy trends related to online privacy provide some limits to online data but do begin to answer the question of what existing public information should be accessible.

The answer to the critical question: “How shall citizen access to public information – and consequently citizen relation to government - be changed as a consequence of technical changes of the past decade?” is a resounding silence. While academics and activists consider the issue at the macro scale the real-life transformation of this relationship is occurring through the micro-behavior of thousands of public employees, each operating in isolation from a broader discussion, any legislative intent, and each other. Nonetheless, these public employees are making the daily decisions that are shaping a new government/citizen relationship. Meanwhile, elected officials, have yet to seriously engage the issue.

### Project Description.

The Association of Public Sector Web Professionals is a California non-profit organization that has entered into an agreement with ActionForum.com to sponsor an online, open and public forum to address this issue. Initial expenses of \$2,500.00 have yet to be raised. Despite the lack of funding, the forum is set to begin before the end of March 2001. Contributions are welcome. ActionForum.com is a small partnership dedicated to the research and development of online tools for e-democracy.

The sponsoring organizations will establish an online “ActionForum” under the general heading of “What Public Information Should Be Made Readily Available to the Public?” Outreach efforts will strive to include all public sector employees involved in web development and policy, academics, policy makers and members of the public concerned

with issues of e-democracy. The forum will encourage both practitioners and the general public to share experience, discuss right-to-know issues, and provide a context for clearer, more consistent public policy and best practices. Links to reference material such as existing or draft policies, suggested model legislation and guidelines will be maintained on the PSWP web site with links to and from ActionForum as well as links to larger reference materials on the Internet.

Specific features of the forum will include separate topic areas for:

- a. Stories – an opportunity for both practitioners and the general public to share experiences on this topic. This will be an important area for providing a dialogue context (e.g. I might relate the development of our online crime mapping site where I unilaterally enabled point and click access to data regarding thousands of crimes in a city but disallowed access to spousal abuse and cases involving minors – which had the same legal standing.)
- b. Policies – this would principally be a series of summaries pointing to the larger reference materials on the PSWP pages – if the policies or guidelines were brief then the complete text would be included in the ActionForum.
- c. Municipal (a forum dedicated specifically to exchanges of opinion at the municipal level)
- d. County
- e. State
- f. Special Districts/Agencies
- g. Federal
- h. International
- i. The pilot project will have a dedicated discussion for law enforcement.

It is our sincere hope that this online discussion will raise the level of discourse on this important topic. No particular outcome is sought and all points of view are welcomed.

#### ActionForum and the E-Democracy Approach:

We believe that an E-Democracy approach to a more informed and democratic basis for policy formulation would be an on-line forum that is open, transparent, representative, fair, and fosters consensus.

- By open we mean that any and all are welcome to participate. That said, we don't expect it to be easy to persuade a lot of people to participate. The subject is technical and while important, it is not generally recognized as such. Also, the type of forum is new and does require learning. We hope to blend a bottom-up approach with the top-down approach to get the expertise and attention to detail from the field and the big picture view of policy makers, all tempered by public input.

- By transparent we mean that the workings of the forum are not hidden and that all participants receive the same information. The forum is self-moderating so that it doesn't reflect the decisions of a single moderator.
- Representative does not mean that it reflects the views of the public at large. While that is a worthy goal, it is very difficult to achieve in any group. Here representative means that participants' opinions are known. This is accomplished by not only allowing people to make comments, but by also allowing people to rate all comments in the forum. Without a rating system, policy input could be formed that very few participants actually agree with. While this still might be the case, at least the policy makers will feel obliged to explain themselves and why they differ.
- Fair is a difficult term. For online forums it has as much to do with the culture that evolves around the forum as it does the technology. If rants, off subject comments, and repetitions drive people away by wasting their time then the forum will degenerate into a self-selected club and be of very little value. It is important that forums be designed to discourage such behavior and that participants do not tolerate it. In a system that is fair, the bad does not drive out the good.
- Consensus is something to be strived for and to the extent possible should be fostered by the design of the forum. Dialogue helps create an atmosphere where new paths can be explored in a non-combative way. A dialogue can be fostered by having a place for people to tell their experiences and for others to comment on it. The forum should provide and encourage this in a space separate from discussion. People must also be able to change their minds. They should be allowed to withdraw their comments as well as change the ratings they have given to comments and the forum should make the results immediately known to all.

## Current Status

We expect that the pilot application of the public records/internet online discussion will be launched by the end of March. We are currently developing reference materials and an outreach plan. If you know of groups or individuals who should be invited to participate in this forum please contact one of the individuals listed below or simply direct them to the [actionforum.com](http://actionforum.com) or [pswp.org](http://pswp.org) websites.

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