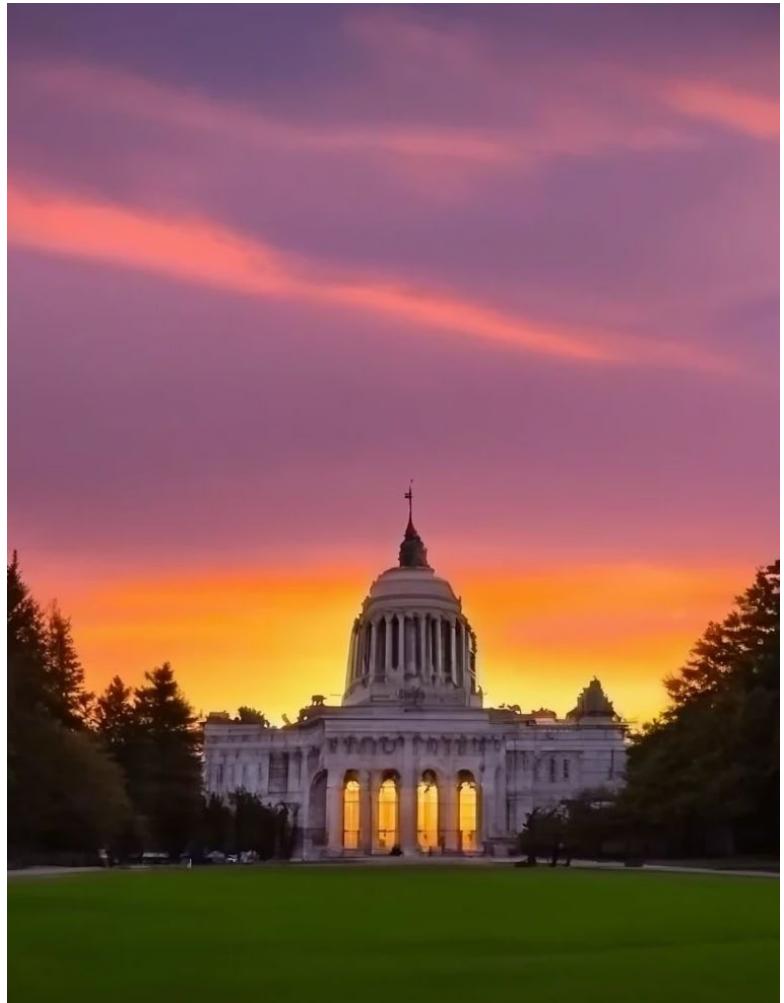




The Transparency Imperative



Washington Coalition for Open Government
U.S. General Services Administration

July 15, 2024

Dr. David Cuillier, Director
Joseph L. Brechner Freedom of Information Project
University of Florida
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**'Sunlight is said
to be the best of
disinfectants'**
- Louis Brandeis













Most Ferries Short Of Life Rafts -- Is It A Titanic Problem Or A Reasonable Cost-Control Measure?

Jan 11, 1998

Eric Nalder

Seattle Times Staff Reporter

There are far too few life rafts for the passengers, but the people in charge insist there's no need to worry: The vessel is virtually unsinkable.

The Titanic?

A Washington State Ferry.

The new film about the 1912 maritime disaster has some passengers wondering about safety measures aboard the state's fleet.

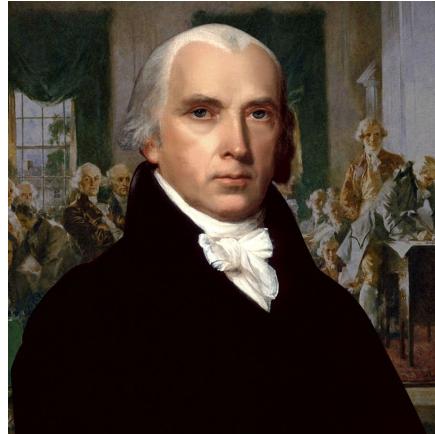
Others haven't thought to worry - until they learn the facts.

As Toni Booker talked to a reporter aboard a ferry bound for Bainbridge Island from Seattle last week, images from the film flowed freely - and frighteningly:

<https://archive.seattletimes.com/archive/?date=19980111&slug=2728093>







**'Despotism can
only exist in
darkness'**

- James Madison

Clouds forming



U.S. FOIA rank in the world

	Country data ▾	Methodology & Rating ▾	International and Subnational		Historical	News & Reports		Constitutional Guarantees	
70	Guinea	2021	4	18	20	18	18	5	85
71	Italy	1990	4	22	21	18	9	4	85
72	Romania	2001	5	29	17	13	6	6	85
73	Zambia	2023	3	21	13	15	17	5	85
74	Cyprus	2017	0	27	15	14	18	4	84
75	Honduras	2006	2	24	13	12	18	2	84
76	Hungary	1992	1	29	13	12	20	0	84
77	Netherlands	1978	4	21	22	15	14	4	82
78	United States	1966	2	18	15	17	14	4	82
79	Iceland	1998	4	23	20	15	10	4	80

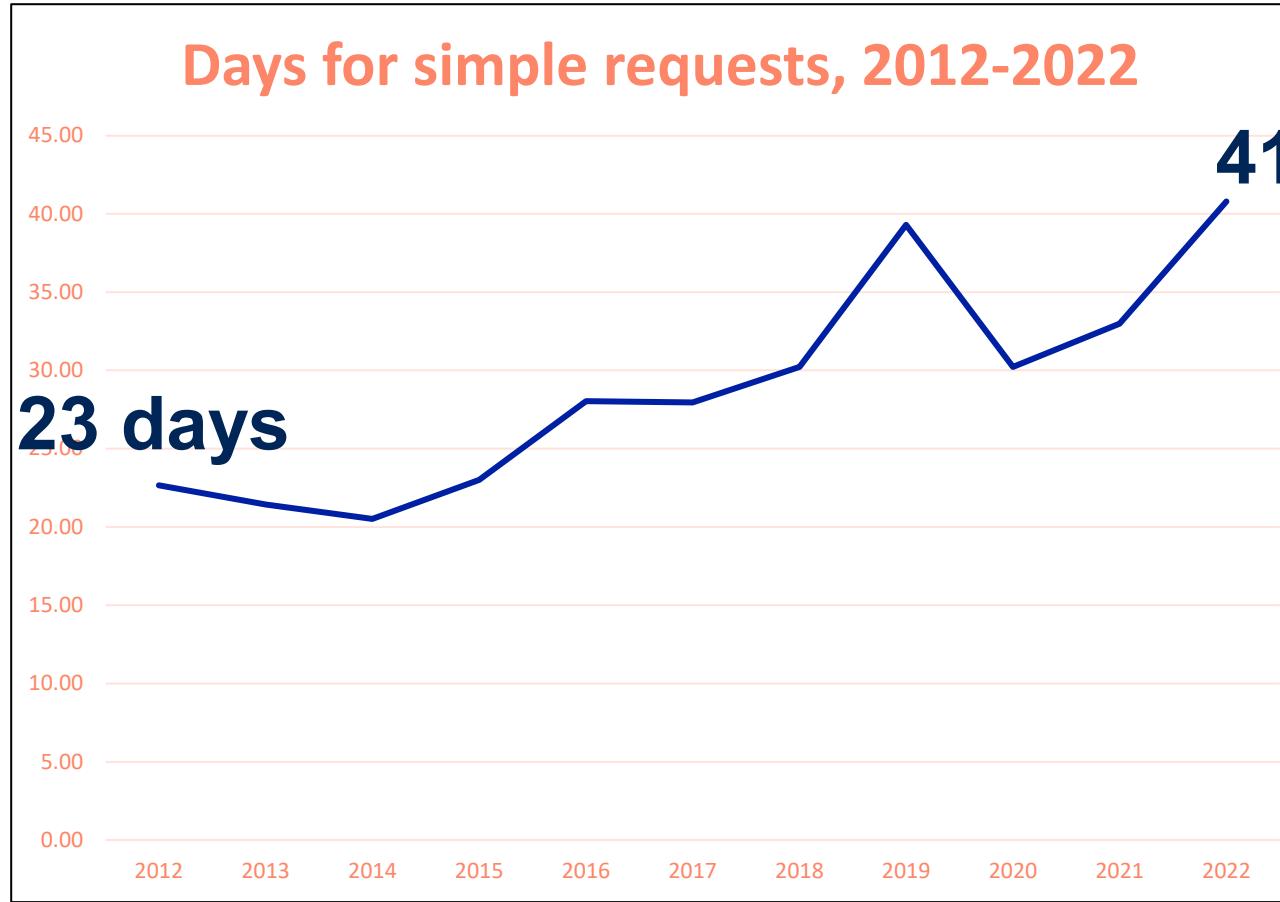
Out of 140 nations: <https://www.rti-rating.org/country-data/>

Best in the world

Ranking	Country	Date	Right of Access	Scope	Requesting Procedure	Exceptions & Refusals	Appeals	Sanctions & Protections	Promotional Measures
1	Afghanistan	2014	5	30	28	30	26	6	14
2	Mexico	2002	6	30	28	28	26	4	14
3	Serbia	2003	5	30	22	26	29	7	16
4	Sri Lanka	2016	5	28	26	23	29	4	16
5	Gambia	2021	2	30	24	23	28	7	14
6	Slovenia	2003	2	30	26	25	28	4	13
7	Albania	1999	6	29	26	27	23	6	10

Out of 140 nations: <https://www.rti-rating.org/country-data/>

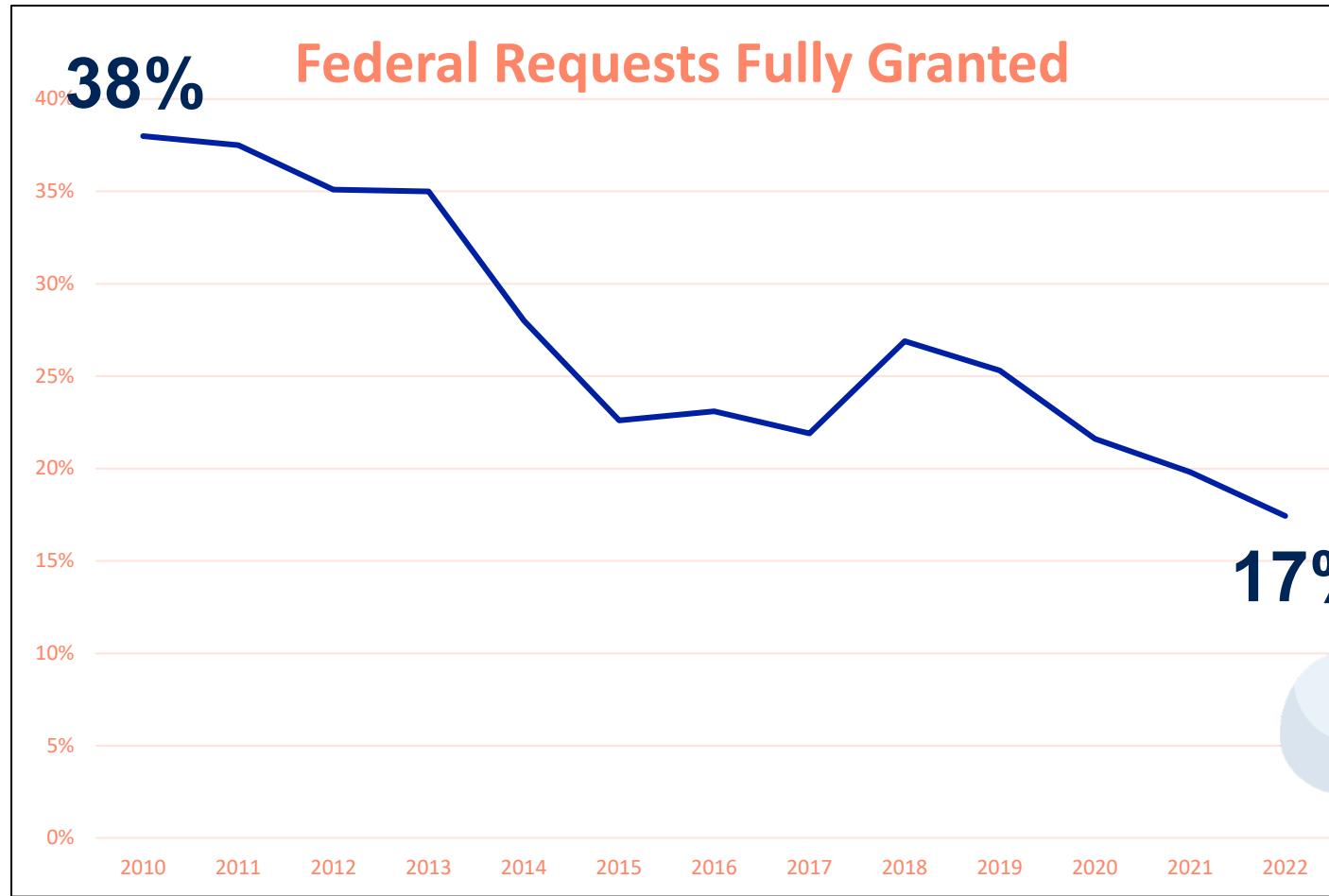
Increasing delays in U.S. FOIA



41 days

Cuillier, 2024
OIP (DOJ) data
2012-2022

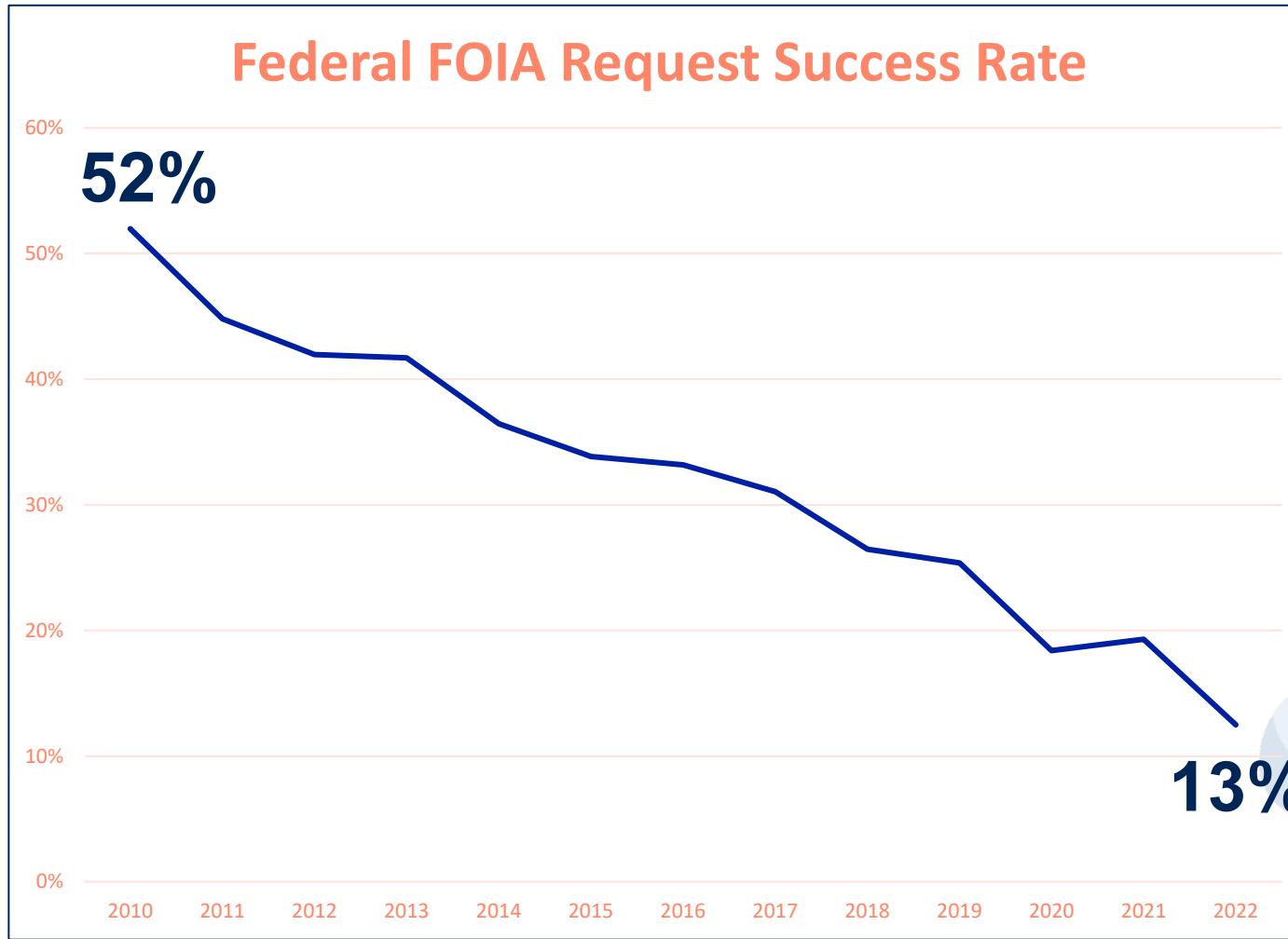
Decline in providing records



17%

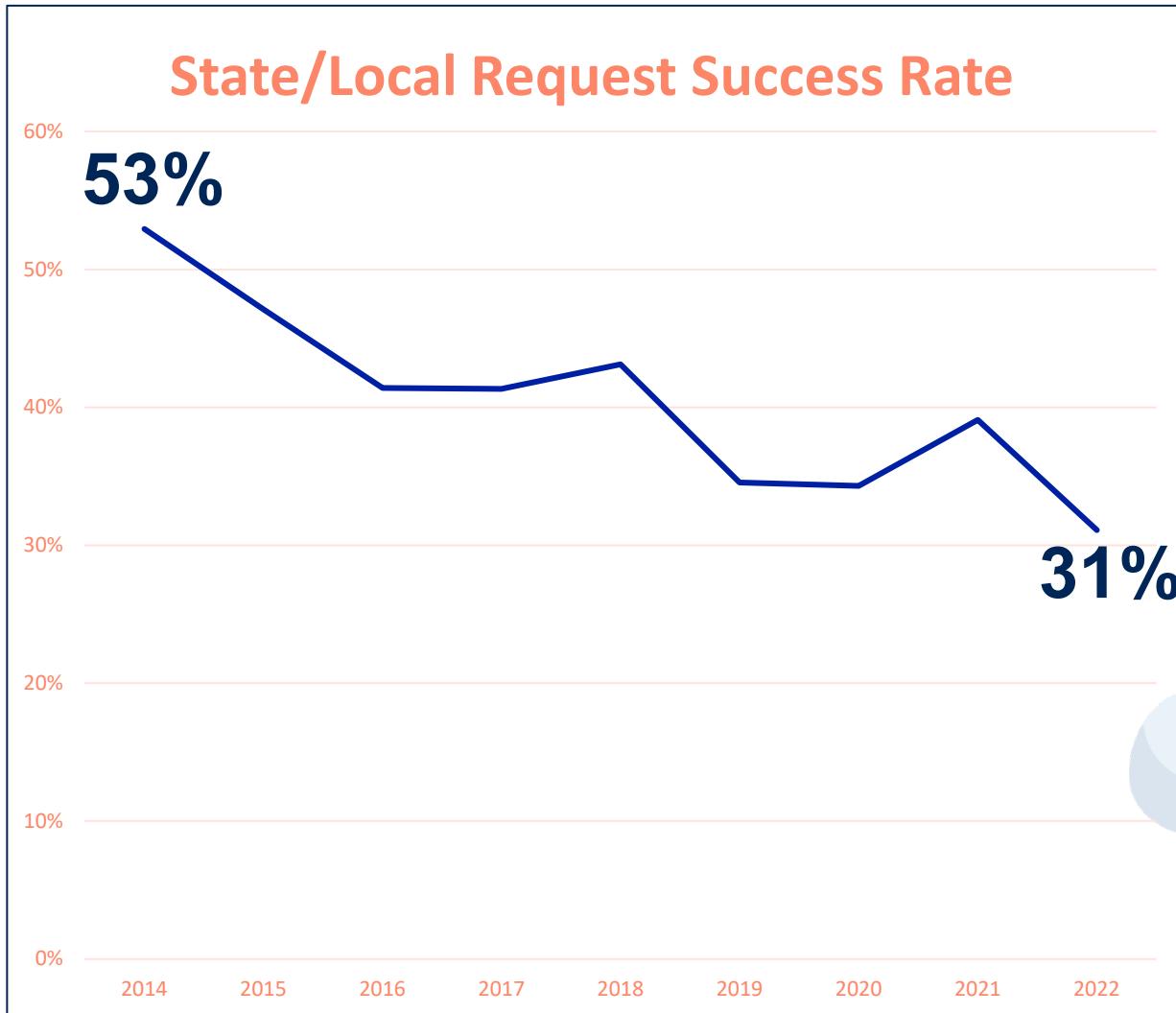
Cuillier, 2024
OIP (DOJ) data
2010-2022

Public interest requests stymied



Cuillier, 2023,
MuckRock data,
2010-2022

And drop in the states, as well



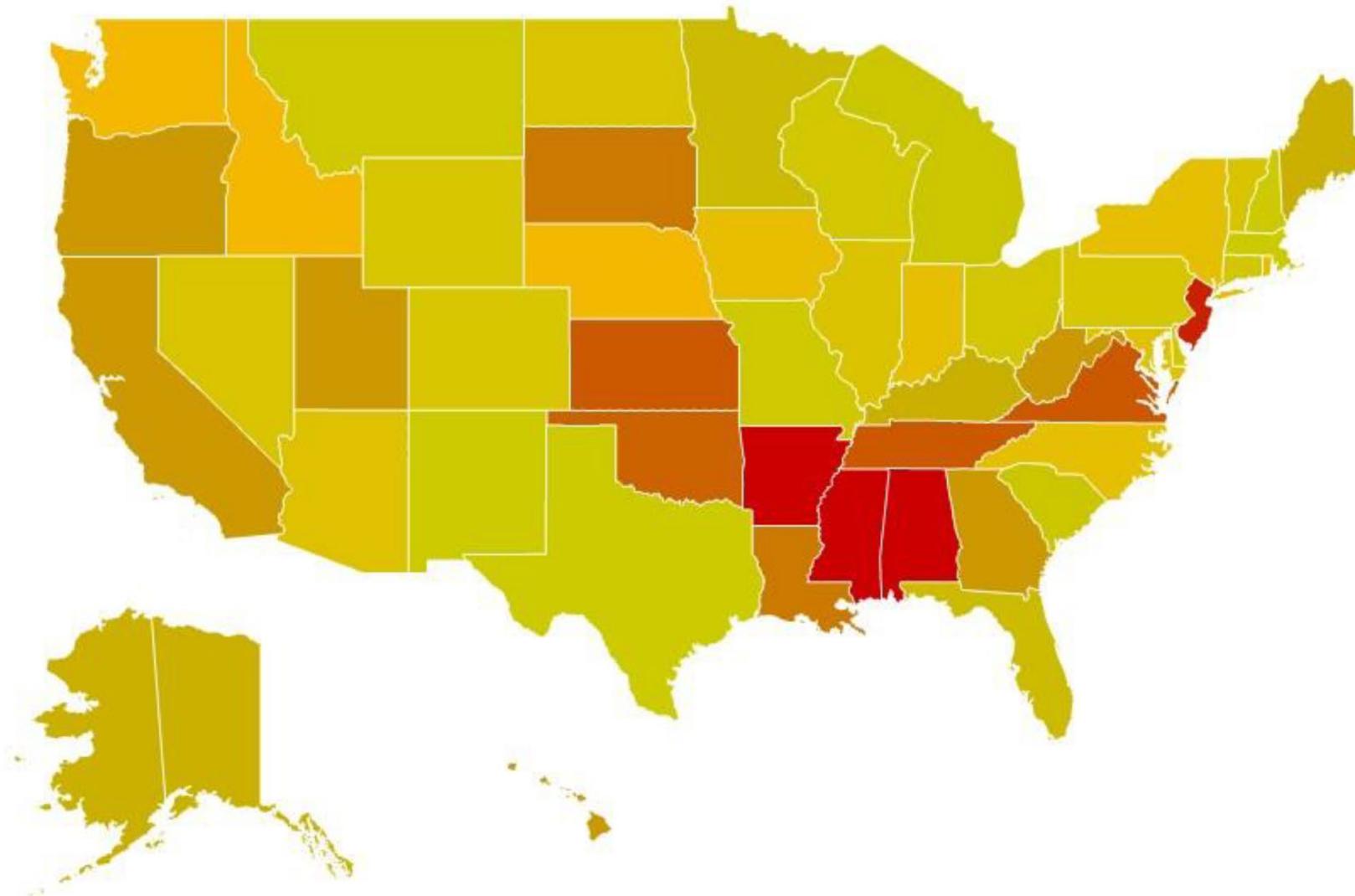
Cuillier, 2023,
MuckRock data,
2014-2022

Varies by state

Rank	State	Success Rate	Rank	State	Success Rate	Rank	State	Success Rate
1	Washington state	70%	18	Wisconsin	56%	35	Utah	43%
2	Connecticut	65%	19	New Jersey	55%	36	Alaska	43%
3	Illinois	63%	20	Colorado	55%	37	Minnesota	42%
4	New Hampshire	63%	21	New Mexico	54%	38	Kentucky	42%
5	Wyoming	63%	22	Nevada	54%	39	Hawaii	41%
6	Ohio	62%	23	Georgia	53%	40	Oregon	41%
7	Florida	61%	24	Michigan	53%	41	Louisiana	40%
8	Idaho	60%	25	Virginia	53%	42	Pennsylvania	39%
9	Rhode Island	59%	26	Maine	51%	43	New York	39%
10	Arizona	59%	27	Indiana	51%	44	West Virginia	36%
11	Massachusetts	59%	28	Missouri	51%	45	Mississippi	33%
12	Nebraska	59%	29	North Dakota	50%	46	Tennessee	33%
13	Iowa	59%	30	Maryland	47%	47	Arkansas	31%
14	Vermont	59%	31	Oklahoma	46%	48	South Dakota	31%
15	California	59%	32	Kansas	45%	49	Delaware	26%
16	North Carolina	58%	33	South Carolina	44%	50	Alabama	13%
17	Texas	57%	34	Montana	43%			

Varies by state

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10	Arizona	59%	27	Indiana	51%	44	West Virginia	36%
11	Massachusetts	59%	28	Missouri	51%	45	Mississippi	33%
12	Nebraska	59%	29	North Dakota	50%	46	Tennessee	33%
13	Iowa	59%	30	Maryland	47%	47	Arkansas	31%
14	Vermont	59%	31	Oklahoma	46%	48	South Dakota	31%
15	California	59%	32	Kansas	45%	49	Delaware	26%
16	North Carolina	58%	33	South Carolina	44%	50	Alabama	13%
17	Texas	57%	34	Montana	43%			



Evergreen State varies in national studies

- 1st Ballotpedia legislative transparency, 2013 (tied with two other states)
- 10th Sunshine Week, 2009 (government website proactivity)
- 13th Brechner, 2008 (strength of statute)
- 18th Better Government Association/NFOIC, 2007 (strength of law)
- 23rd Good Jobs First, 2007 (online transparency)
- 23rd Center for Public Integrity, 2007 (financial transparency)
- 32nd Center for Public Integrity, 2015 (strength of law, expert assessment)
- 32nd USPIRG, 2018 (spending transparency)

Our recent experience: 1 out of 7

Requested seven different types of records from state agencies
(November-February):

- | | |
|----------------------------------|---------------------------|
| • Educator suspended licenses | No response |
| • Fishing and hunting licenses | No response |
| • Suspended medical licenses | No response |
| • Police complaints | No response |
| • Contractors blacklisted by DOT | “No responsive documents” |
| • Prisoners who died in custody | Partial compliance |
| • Suspended voter registration | Complete |

What is going on?

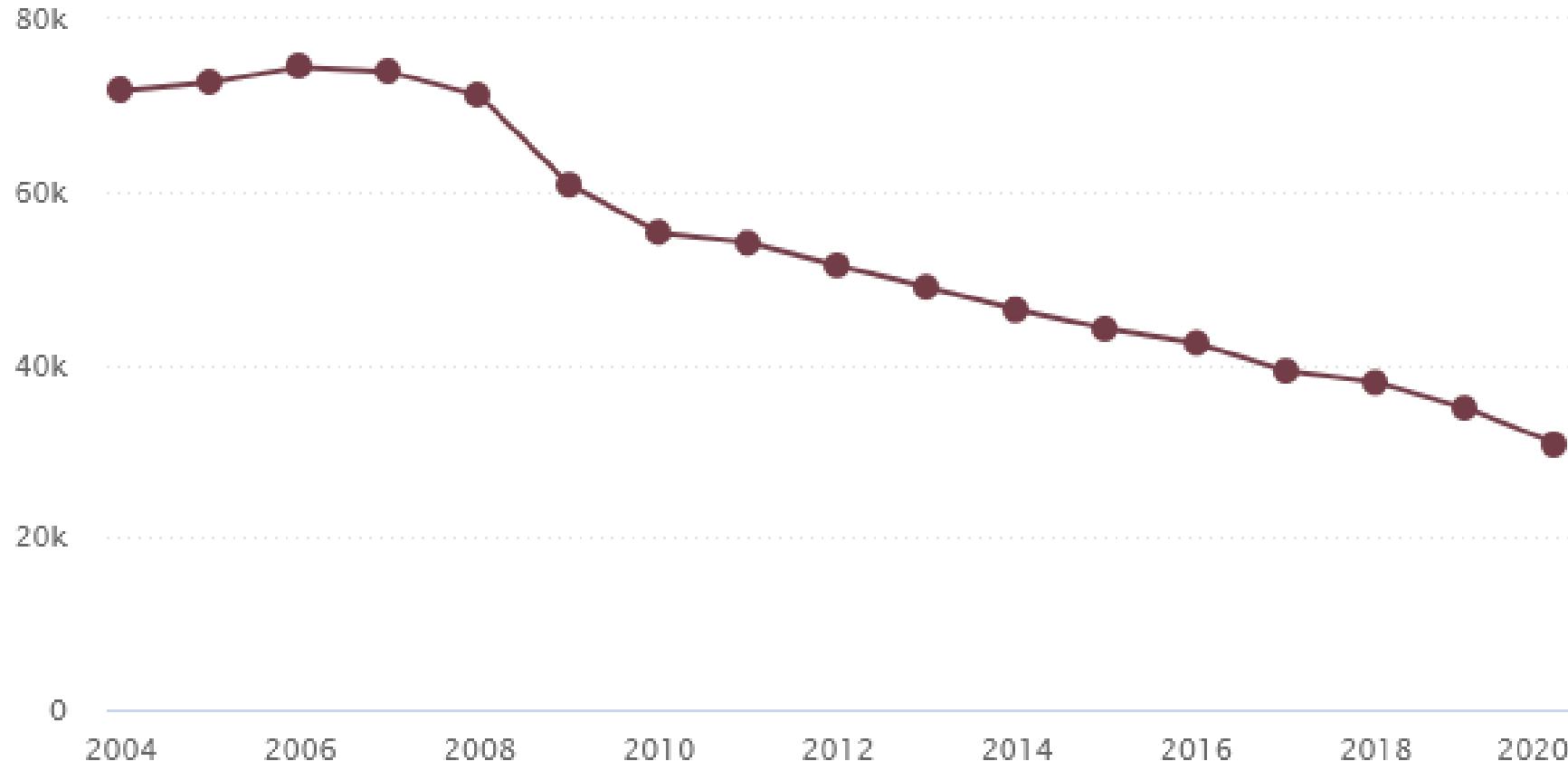


Digital overload



Fewer journalists

Total number of newsroom employees in the newspaper sector



Knight Foundation (2018). In defense of the First Amendment: U.S. news leaders feel less able to confront issues in court in the digital age.
<https://knightfoundation.org/reports/defense-first-amendment/>

Pew Research Center, 2021

Fewer advocates



Statutory erosion



All is not lost!



Better tech and records management



Stern, A. (2018). Cities can save time on records requests by doing open data right. *Sunlight Foundation*, <https://sunlightfoundation.com/2018/10/09/research-cities-save-time-on-records-requests-by-doing-open-data-right/>

Hall, C., Perez, K., Azarmi, P. D., & Manriquez, R. (2024). Open by default: A best practices analysis for meaningful transparency in the City of Oakland. Berkeley Public Policy.

Strong coalitions



Washington Coalition for Open Government

WashCOG advocates for the people's right to access government information

Wagner, A.J. (2021). Inherent frictions and deliberate frustrations: Examining the legal variables of state FOI law administration *Journal of Civic Information*, 32), 29-49.

Strong journalism



Posner-Ferdman, B., & Cuillier, D. (2024, May 15). Dark deserts: Newspaper decline and its relation to subnational compliance with public record laws. Presented at the Global Conference on Transparency Research, Brussels, Belgium.

Strong laws

The Front

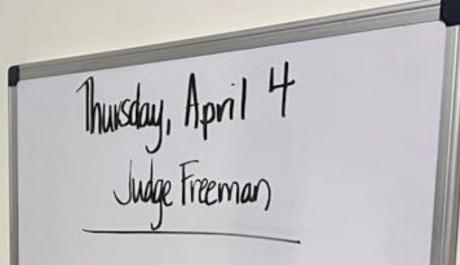
Campus

Western alumni awarded \$111K in lawsuit against the university

Former journalism students sued Western for redacting the names of students found responsible for sexual misconduct and harassment

By Seddie LeBlanc and Jemma Alexander

May 20, 2024 | 12:20pm PDT



Cuillier, D. (2019). Bigger stick, better compliance? Testing strength of public record statutes on agency transparency in the United States. Presented at the Global Conference on Transparency Research, Rio de Janeiro, Brazil.

Mandatory training

 **Washington State**
Office of the Attorney General

Attorney General
Bob Ferguson

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Open Government Training

Welcome to the Open Government Training web page of the Office of the Attorney General.

General Information & Instructions

Click on the dropdown boxes below for "General Information and Instructions." To take online training, scroll down to "[Open Government Training Curriculum & Resources](#)." For sample documentation, scroll down to "[Last Step: Training Documentation](#)."



State Laws [click to expand/contract]

Training is Required by the Open Government Trainings Act - Q & A [click to expand/contract]

Kimball, M. B. (2011). Mandated state-level open government training programs, *Government Information Quarterly*, 28, 474; Michener, G., & Nicther, S. (2022). Local compliance with national transparency legislation. *Government Information Quarterly*, 39, 1.

**Working together,
from Washington to Washington,
to improve government transparency
toward a better world!**

