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MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: TONY SCOTT
               U.S. CHIEF INFORMATION OFFICER

               MEGAN SMITH
               U.S. CHIEF TECHNOLOGY OFFICER

SUBJECT: 2016 Agency Open Government Plans

BACKGROUND

In December 2009, the Office of Management and Budget issued an Open Government Directive (M-10-06) 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.

This memorandum follows the February 24, 2014 Memorandum for the Heads of Executive Departments and Agencies from the U.S. Chief Technology Officer that provided additional recommendations to agencies to better inform their Open Government Plans for 2014. This memorandum includes supplemental best practices and information to assist agencies in updating their Open Government Plans.

PLAN OVERVIEW

Process & Timeline

The Open Government Directive instructs agencies to update their Open Government Plans every two years. By September 15, 2016, agencies should post their Open Government Plans on their Open Government webpages (www.[agency].gov/open) in a format that enables the public to download, review, and analyze any information and data in the plan.

Consistent with the Open Government Directive, in the course of updating agency plans, agencies should directly solicit input from key stakeholders. As a best practice, agencies should prepare a short outline or summary of changes document for their 2016 Open Government Plans to use as they solicit   stakeholder input and feedback on the agency's Open Government Plan, before finalizing their   2016 plans. Where appropriate, agencies should strive to incorporate this public input and feedback into the updated plans.

Consistent with the Administration's commitment in the third Open Government National Action Plan, agencies must publish progress reports describing implementation progress of their previous and current Open Government Plans at least annually on their Open Government webpages (www.[agency].gov/open).

General Framework

Your agency's Open Government Plan details 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, including open government experts. It should detail the specific actions and commitments that your agency will undertake and timelines for completion.

Some of the open government topics included in agency plans are already part of other public-facing reports. Agencies should link to existing public information wherever possible.

The updated plans should: (a) provide highlights or an overview of achievements from your agency's 2014 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 new open government initiatives for the next two years; and (e) include links to additional relevant information on your agency's website. Plans should include anticipated completion dates for initiatives that are not ongoing activities.

Your agency's Open Government Plan should include the information described in the provisions below, as applicable, but may also include additional categories of information. 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. As required by the Open Government Directive, your agency should regularly respond to public feedback.

PLAN COMPONENTS

Plans should describe concrete, measurable steps the agency will take to conduct its work more openly and to publish information online, including where appropriate any proposed changes to transparency-related internal management and administrative policies. Additionally, your agency plan 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 report on the ongoing initiatives required by the 2009 Open Government Directive and also include new or expanded initiatives such as those identified in this guidance.

New and Expanded Initiatives

A. **Open Data**. Describe how your agency will use open data to: (1) further your agency's core mission; (2) increase agency accountability and responsiveness; (3) increase agency effectiveness and efficiency; (4) spur innovation and collaboration; and (5) create economic opportunity. Your plan should include major initiatives or specific tactics that

your agency plans to undertake such as holding events, releasing new datasets and application programming interfaces, and increasing user engagement with open data. This information should be based on your agency's current strategic plan and the Administration's Cross Agency Priority goal on open data, as well as existing OMB policy and guidance.

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, which will provide the public with key information about the operations and activities of the agency or are frequently requested by the public. Your plan should include links to any pages where that information is made available, such as a FOIA Library or public affairs webpage. Examples include implementing a regular process for agency program offices to proactively identify final records of significant public interest, 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. Additionally, your plan should describe any efforts your agency is undertaking that will make this information easier for the public to discover, for example by posting information in open formats and tagging it to increase the ability to search for information.

C. Privacy. Per existing OMB guidance and other requirements, agencies are required to provide the public with notice and information regarding their privacy programs and various privacy compliance documentation. Describe how your agency provides the public with access to information regarding your agency's privacy program, generally: Privacy Act systems of records; privacy impact assessments; required privacy compliance reports; and privacy regulations, especially with regard to how an individual requests access to and amendment of Privacy Act records. Where applicable, include the URL of the webpage where the information is available to the public.

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 covered agencies to participate in OSC's Whistleblower Protection Act certification program. Agency plans should include agency strategies or plans 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. Please note that OSC tracks agency registrations and certifications on its website.

E. Websites. Provide a link to your agency's digital governance plan. The *Digital Government Strategy* provides guidance and recommendations for every agency to follow in the development of their plan for governing their digital services, including websites and data. As a best practice, agencies should also consider explaining how they will work with experts from within their agency or elsewhere in government. Each agency should publicly post its governance plan on its Digital Strategy page at www.[agency].gov/digitalstrategy/. Additionally, agencies should describe how they are

participating in Analytics.USA.gov.

F. **Open Innovation Methods**. Open innovation practices include prizes and challenges as well as citizen science and crowdsourcing. Plans should describe current and forward-looking agency activity and policy related to increasing the strategic use of open innovation and plans for specific open innovation projects in the next two years. For example, plans should describe any agency-wide strategy, policy, guidance, or training for agency employees to increase their capacity to design high-impact open innovation initiatives. Plans should also describe any contracting practices to streamline procuring services to administer these projects, any internal or external communications tools used in relation to open innovation projects, and whether your agency has a dedicated prize lead, citizen science coordinator, or point of contact for open innovation methods. Plans should also describe specific examples of current or planned open innovation projects or spaces that are designed to develop ideas, technologies, products, or services or engage people, organizations, and communities in the private sector, nonprofit, and academic communities.

G. **Access to Scientific Data and Publications**. In 2013, the Office of Science and Technology Policy (OSTP) directed Federal agencies that spend more than $100 million per year on research and development to develop plans to support increased access to the results of research funded by the Federal Government. Such results include digital data and scholarly publications that directly arise from Federal research (intramural and extramural). Federal agencies subject to the OSTP directive must publish their plans on their agency Open Government webpages (www.[agency].gov/open) and should also link to them in their Open Government Plan.

H. **Open Source Software**. Using and contributing back to open source software can fuel innovation, lower costs, and benefit the public. This is consistent with the draft Federal Source Code Policy. The Policy is designed to support improved access to custom software code developed for the Federal government. Furthermore, open source software can support the Digital Government Strategy's "Shared Platform" approach, which enables Federal employees to work together—both within and across agencies—to reduce costs, streamline development,   apply uniform standards, and ensure consistency in creating and delivering information. Please describe any open source software policies or projects that exist in your agency, including (1) which code is releasable to the public; (2) the location where code is released to the public; and (3) which code is made broadly available for Federal Government reuse.

I. **Spending Information.** The Digital Accountability and Transparency Act of 2014 (DATA Act) requires agencies to report additional financial information to USAspending.gov in 2017. Implementation of the DATA Act will not only expand the data available to the public on USAspending.gov, but will also give agencies access to this information for use in management and decision making. Pursuant to the OMB Memorandum on Increasing Transparency in Federal Spending, your agency should have already submitted a DATA Act implementation plan to OMB as a part of your FY2017 budget submission. In your Open Government Plan, please include information about how DATA Act implementation fits more broadly into your agency's open government work and a description of how your agency plans to use

these data in internal management and decision-making processes.

Ongoing Initiatives

A. **Participation in Transparency Initiatives**. Describe how your agency is participating in transparency initiatives such as Data.gov, eRulemaking, IT Dashboard, Grants.gov, CFDA.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 should 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. 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, 2016 plans should detail more recent records management requirements, including your agency's plans and actions to manage all email records electronically by the end of 2016 (doing away with print-to-paper recordkeeping), and how your agency plans to manage all permanent electronic records electronically by 2019. These requirements serve as the foundation for your agency's records management program.

D. **Freedom of Information Act (FOIA) Requests**. The Open Government Directive states that agencies should provide a link to a website that includes an assessment of its capacity to process and respond to FOIA requests in a timely manner. Recognizing that all agencies can improve their FOIA performance, 2016 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. If your agency has a significant backlog, your plan should detail how your agency will reduce its backlog by at least 10 percent each year. Finally, your plan should link to your agency's FOIA webpage. At a minimum, your agency's FOIA webpage should include: (1) a description of your staffing and organizational structure for FOIA, including your agency's Chief FOIA Officer, as well as specific contact information for your agency FOIA Requester Service Center(s), FOIA Public Liaison(s), and other public points of contact; (2) your agency's process for responding to FOIA requests; (3) links to your agency's FOIA reports in an electronic format including the Annual FOIA Report and Chief FOIA Officer Report; (4) a link to your agency's FOIA regulation; and (5) an explanation for how requesters can check on the status of a request.

E. **Congressional Requests**. The Open Government Directive states that agencies' plans should include a description or link to a webpage that describes your agency's staffing, organizational structure, and process for analyzing and responding to

Congressional requests for information.

F. **Declassification**. The Open Government Directive states that agencies should maintain and update a webpage where the public can learn about your agency's declassification programs, including what materials have been recently declassified, how to access declassified materials, and how they can provide input about what types of information should be prioritized for declassification, as appropriate.

G. **Public 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. Additionally, the third Open Government National Action Plan includes a commitment to encourage public participation in policymaking. Specifically, plans should 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, such as Regulations.gov, or engage with agency information such as through USA.gov/developer.

2. Proposals for new public feedback mechanisms, including innovative tools and practices that create new and easier methods for public engagement. Agencies should work to close the loop so that information that is collected is used to drive improvement.

3. Information such as notices or announcements about stakeholder engagement including meetings, roundtables, town halls, or other opportunities for citizen participation.

4. Examples of how your agency is utilizing the Public Participation Playbook, if applicable.

5. Explain agency efforts to include public participation in policymaking, such as by soliciting informal public comments on proposed policies, describing specific examples of past activity and plans for future efforts.

6. Descriptions of how the agency is measuring performance and customer satisfaction, including any tools used.

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 cooperate with other Federal and non-Federal governmental agencies, the 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.

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, including any external agency partners with whom you directly collaborate on the initiative. This engagement should specifically seek to answer:

   a. How does the agency know what citizens want?

   b. How does the agency know if citizens are satisfied with the quality of services provided?

   c. What processes does the agency have in place to change either the type or quality of services provided?

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

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

OPEN GOVERNMENT WEB PAGES

The Open Government Directive requires agencies to maintain an Open Government web page at www.[agency].gov/open. Agencies should update those web pages in conjunction with publishing their 2016 Open Government Plans and include, at a minimum, links to open government topics, reports, and projects described in the plans.

ANNUAL OPEN GOVERNMENT PROGRESS REPORTS

Agencies should publish progress reports describing implementation progress annually by September 15, 2016 on their Open Government web pages.