

December 8, 2009

M-10-06

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Peter R. Orszag
Director

SUBJECT: Open Government Directive

In the Memorandum on Transparency and Open Government, issued on January 21, 2009, the President instructed the Director of the Office of Management and Budget (OMB) to issue an Open Government Directive. Responding to that instruction, this memorandum is intended to direct executive departments and agencies to take specific actions to implement the principles of transparency, participation, and collaboration set forth in the President's Memorandum. This Directive was informed by recommendations from the Federal Chief Technology Officer, who solicited public comment through the White House Open Government Initiative.

The three principles of transparency, participation, and collaboration form the cornerstone of an open government. Transparency promotes accountability by providing the public with information about what the Government is doing. Participation allows members of the public to contribute ideas and expertise so that their government can make policies with the benefit of information that is widely dispersed in society. Collaboration improves the effectiveness of Government by encouraging partnerships and cooperation within the Federal Government, across levels of government, and between the Government and private institutions.

This Open Government Directive establishes deadlines for action. But because of the presumption of openness that the President has endorsed, agencies are encouraged to advance their open government initiatives well ahead of those deadlines. In addition to the steps delineated in this memorandum, Attorney General Eric Holder earlier this year issued new guidelines¹ for agencies with regard to the Freedom of Information Act (FOIA). With those guidelines, the Attorney General reinforced the principle that openness is the Federal Government's default position for FOIA issues.

¹ <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>

This memorandum requires executive departments and agencies to take the following steps toward the goal of creating a more open government:

1. Publish Government Information Online

To increase accountability, promote informed participation by the public, and create economic opportunity, each agency shall take prompt steps to expand access to information by making it available online in open formats.² With respect to information, the presumption shall be in favor of openness (to the extent permitted by law and subject to valid privacy, confidentiality, security, or other restrictions).

- a. Agencies shall respect the presumption of openness by publishing information online (in addition to any other planned or mandated publication methods) and by preserving and maintaining electronic information, consistent with the Federal Records Act and other applicable law and policy. Timely publication of information is an essential component of transparency. Delays should not be viewed as an inevitable and insurmountable consequence of high demand.
- b. To the extent practicable and subject to valid restrictions, agencies should publish information online in an open format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications. An open format is one that is platform independent, machine readable, and made available to the public without restrictions that would impede the re-use of that information.
- c. To the extent practical and subject to valid restrictions, agencies should proactively use modern technology to disseminate useful information, rather than waiting for specific requests under FOIA.
- d. Within 45 days, each agency shall identify and publish online in an open format at least three high-value data sets (see attachment section 3.a.i) and register those data sets via Data.gov. These must be data sets not previously available online or in a downloadable format.
- e. Within 60 days, each agency shall create an Open Government Webpage located at [http://www.\[agency\].gov/open](http://www.[agency].gov/open) to serve as the gateway for agency activities related to the Open Government Directive and shall maintain and update that webpage in a timely fashion.

- f. Each Open Government Webpage shall incorporate a mechanism for the public to:
 - i. G

through such public venues as USAspending.gov or other similar websites.

Additional details on the required content of this plan are attached. Each agency's plan shall be updated every two years.

- b. Within 60 days, the Federal Chief Information Officer and the Federal Chief Technology Officer shall create an Open Government Dashboard on

- a. Within 120 days, the Administrator of the Office of Information and Regulatory Affairs (OIRA), in consultation with the Federal Chief Information Officer and the Federal Chief Technology Officer, will review existing OMB policies, such as Paperwork Reduction Act guidance and privacy guidance, to identify impediments to open government and to the use of new technologies and, where necessary, issue clarifying guidance and/or propose revisions to such policies, to promote greater openness in government.

Nothing in this Directive shall be construed to supersede existing requirements for review and clearance of pre-decisional information by the Director of the Office of Management and Budget relating to legislative, budgetary, administrative, and regulatory materials. Moreover, nothing in this Directive shall be construed to suggest that the presumption of openness precludes the legitimate protection of information whose release would threaten national security, invade personal privacy, breach confidentiality, or damage other genuinely compelling interests.

If you have any questions regarding this memorandum, please direct them to opengov@omb.eop.gov or call Nicholas Fraser, Information Policy Branch, Office of Information and Regulatory Affairs, Office of Management and Budget at (202) 395-3785.

Open Government Plan

1. **Formulating the Plan:** Your agency's Open Government Plan is the public roadmap that details how your agency will incorporate the principles of the President's January 21, 2009, Memorandum on Transparency and Open Government into the core mission objectives of your agency. The Plan should reflect the input of (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.
2. **Publishing the Plan:** Consistent with the deadlines set forth in this Directive, the Plan should be published online on the agency's Open Government Webpage in an open format that enables the public to download, analyze, and visualize any information and data in the Plan.
3. **Components of the Plan:**
 - a. **Transparency:** Your agency's Open Government Plan should explain in detail how your agency will improve transparency. It should describe steps the agency will take to conduct its work more openly and publish its information online, including any proposed changes to internal management and administrative policies to improve transparency. Specifically, as part of your Plan to enhance information dissemination, your agency should describe how it is currently meeting its legal information dissemination obligations,⁶ and how it plans to improve its existing information dissemination practices by providing:
 - i. A strategic action plan for transparency that (1) inventories agency high-value information currently available for download; (2) fosters the public's use of this information to increase public knowledge and promote public scrutiny of agency services; and (3) identifies high value information not yet available and establishes a reasonable timeline for publication online in open formats with specific target dates. High-value information is information that can be used to increase agency accountability and responsiveness; improve public knowledge of the agency and its operations; further the core mission of

⁶ Paperwork Reduction Act, Pub L. No. 104-13, section 3506(d).

together with proposed changes, technological resources, or reforms that your agency determines are needed to strengthen your response processes; and (3) if your agency has a significant backlog, milestones that detail how your agency will reduce its pending backlog of outstanding FOIA requests by at least ten percent each year. Providing prompt responses to FOIA requests keeps the public apprised of specific informational matters they seek.

- vii. A description or link to a webpage that describes your staffing,

will take to revise its current practices to further cooperation 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.

- i. The Plan should include proposals to use technology platforms to improve collaboration among people within and outside your agency.
- ii. The Plan should include descriptions of and links to appropriate websites where the public can learn about existing collaboration efforts of your agency.
- iii. The Plan should include innovative methods, such as prizes and competitions, to obtain ideas from and to increase collaboration with those in the private sector, non-profit, and academic communities.

d. Flagship Initiative:

attachment. Extensive public and employee engagement should take place during the formation of this plan, which should lead to the incorporation of relevant and useful ideas developed in that dialogue. Public engagement should continue to be part of your agency's periodic review and modification of its plan. Your agency should respond to public feedback on a regular basis.