

# The Transparency Effect

Citizens can keep an eye on government with easy-to-use websites, but are there downsides to transparency?

BY PAM GREENBERG

**A**mericans want to know what government is up to, and they want it to be easy to find.

Ninety percent of respondents to a 2008 poll by Harris Interactive believed they were entitled to know how the government generates and spends its money. But few Americans believe government is meeting those expectations, another survey conducted that same year found.

A new movement that uses technology to combine information and make it available in innovative ways may promote the accountability this group of engaged citizens is seeking. Some are concerned, however, that creating unprecedented access to government data could have unforeseen consequences.

Advocacy groups now pushing for greater access to information from all levels of government expect data to be easily accessible and searchable, updated in real time, and formatted in standardized, readable formats. The information can then be made more meaningful to citizens, on social media sites, for example, where they can comment on proposed legislation; or on interactive maps, so they can see how American Recovery and Reinvestment Act funds have been spent in their neighborhood; or on apps for mobile devices so they get information anywhere, anytime.

## WHERE IT STARTED

Back in 1993, California passed landmark legislation requiring the calendar, bill text and status, voting information, the constitution, all statutes, and more, to be available on the Internet for free. By 1997, every state had a website, and 76 percent contained budgeting-related documents, such as tax forms or revenue informa-

*Pam Greenberg tracks legislative information technology issues for NCSL.*

tion. By 2000, every state legislature also was online.

State websites added more kinds of information over the years, many evolving from a “Web 1.0” model of website development, characterized by static documents and one-way communication, to “Web 2.0,” or “Gov 2.0,” which focuses on more interactive exchanges between citizens and government and collaboration through user-friendly sites and social media tools.

Another landmark bill, passed in 2006, triggered a new push for budget transparency. The federal Funding Accountability and Transparency Act requires federal financial assistance and expenditures to be available through a single, searchable website. The federal legislation, along with an active advocacy campaign promoting transparency, set off a domino effect that resulted in many states creating one centralized website with detailed information about government spending.

Since 2006, lawmakers in at least 34 states have enacted legislation—often called Taxpayer Transparency Acts—requiring these statewide expenditure sites, and several other states have developed them without passing legislation.

At least 38 states also provide a campaign finance database, according to a March 2011 study by the National Institute on Money in State Politics. The institute believes states should provide a free online downloadable database containing all campaign finance information in searchable fields.

## WHAT THEY WANT

One of the groups calling for more government data online is Sunshine Review, a nonprofit dedicated to evaluating the transparency of state and local governments. It uses a “transparency checklist” when grading websites. It looks for current budget information; minutes of open meetings; elected officials’ voting records;

building permit and zoning information; audit reports; contracts for purchases over \$10,000; tax documents for all elected officials; agencies’ revenue sources; and more.

In “Following the Money 2011,” by U.S. PIRG, states were graded on the quality of their transparency sites. Only Arizona, Indiana, Kentucky, Louisiana and Texas received As for providing expenditures along with grants and economic development incentives awarded to companies and organizations, such as tax exemptions, deductions, deferrals and so forth, and complete copies of contracts. Other states did not fare as well; 21 received a D or F.

The Sunlight Foundation is a nonprofit focused on using “the power of the Internet to catalyze greater government openness and transparency.” It gathers, combines and pres-





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ents government information in ways it hopes helps the media, bloggers and citizens to understand and use it. Sunlight advocates for policies that encourage government databases that are searchable, sortable and machine readable.

The Pew Center on the States also recommends states provide citizens with data about all government expenditures, including contracts, grants and assistance. They promote sites that allow users to search by agency, spending category and vendors, along with other information such as economic development tax credits and state employee salaries. The center also urges states to create a transparency advisory board with members of the public, similar to Kansas’ Public Finance Transparency Board.

The costs of creating a transparency website have varied widely from state to state, according

to Sunshine Review. A few states spent little by using current personnel and resources. Startup costs in other states have varied from \$38,000 in Nebraska and \$75,000 in Colorado, to \$310,000 in Texas and \$456,850 in Pennsylvania. In Louisiana, an initial site was set up with existing resources, but \$1 million was appropriated for expansion in 2008, with estimated annual costs of \$100,000 thereafter. The Sunshine Review identified annual maintenance costs for two other states: \$25,000 in Colorado and \$100,000 in Washington.

#### **DATA MASHUPS**

A groundswell of groups—with the time, resources and technical expertise needed—are gathering government data from various sources and presenting it in new ways called “mashups.”

“People build things that will astonish you,” says Daniel Schuman, policy counsel for the Sunlight Foundation. “They can present data in ways the original data ‘authors’ would never have thought of and do things that government cannot afford to do.”

Sunlight’s Opengovernment.org, for example, takes information scraped from legislative websites. “You can search by bills, by issue or by campaign contributions,” says Schuman. “More powerfully, you’ll be able to search multiple states at a time and compare bills across states.” Opengovernment.org lists popular bills, legislators in the news, and hot issues in several states.

Schuman says the foundation trains thousands of journalists and citizens in how to use data and the Web for watchdog purposes. For example, Sunlight holds regular sessions at the National Press Club and for other organizations, where they train reporters, bloggers and others how to use the online tools Sunlight creates.

Some online news sites are masters at using new software to combine and repurpose government information for their readers. The Texas Tribune website, for example, has interactive applications and graphics that allow visitors to search by name, specific agency or job title to find a public employee’s salary, or research how much a lobbyist is spending, or view a map on how population shifts will affect political districts. There’s an app that shows which lawmakers—by political party or chamber—have filed the most bills and which topics are the most popular. Citizens can even decide how to close the state’s budget gap using an interactive app.

The Sacramento Bee has similar offerings, including a site to look up the voting record of California legislators and an interactive map that shows how often each state legislator voted on certain bills compared with his or her party.

MAPLight.org has created user-friendly Web

applications using government data from California and Wisconsin. By combining three databases—campaign contributions, legislative votes, and interest group support and opposition—the group presents correlations between gifts and votes in the two legislatures, asserting that they are “revealing money’s influence” on politics.

SeeThroughNY.org is similar, allowing citizens to search and correlate government payrolls, pensions, contracts and expenditures.

#### WHO WANTS TO KNOW?

Journalists, advocacy groups and watchdogs are not the only ones using this newly expanded and available government data.

Average citizens are showing interest, too, according to the Pew Internet & American Life Project. It found 40 percent of Internet users went online in late 2009 to look for information about who contributes to elected officials and where federal stimulus dollars went. They also went online to download or read the text of certain bills.

The Pew study found these online services are most appealing to wealthy, highly educated white males who have high-speed Internet at home and are prolific users of online technologies, such as mobile devices and social networking sites. But almost everyone online, including women, Latinos and African Americans, uses tools like blogs, social networking sites and online video to keep up with government, the study found.

Has this new online quest for government data affected the nation’s trust in government? Not surprising, the Pew study found that although it has improved citizens’ attitudes toward the federal government’s openness and accountability, it has not engendered greater trust in government overall. A person’s previous political attitudes were not changed by the availability and use of government data. Internet users, when seeking political and election news, gravitate toward news that shares their own point of view, another recent Pew survey found.

#### A CHILLING EFFECT?

Everyone appears to support more government transparency. Legislation often passes with overwhelming support from both sides of the aisle, private industry and nonprofits.

Some people, however, are concerned.

Lawrence Lessig, a Harvard professor and member of the Advisory Board of the Sunlight Foundation, believes there’s a need to think critically about transparency. In “Against Transpar-

ency: The Perils of Openness in Government” in The New Republic this year, he questions whether members of Congress should be required to post their daily calendars on the Web. State lawmakers in California and Florida faced similar calls for their calendars this year.

There can be legitimate reasons not to make that information available to anyone on the Internet, he says. He also warns that our technical capability to document every contribution or financial interest and link it to a troubling influence “might not inspire change; it could simply push any faith in our political system over the cliff.”

Costs of open government initiatives also are a concern. Texas Senator Jeff Wentworth



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TEXAS

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notes that citizen expectations have created new demands on local government and court officials. Wentworth chairs the Senate’s new Select Committee on Open Government.

“Some individuals who are disgruntled and unhappy with government have abused the Open Government Act,” says Wentworth. “They want to see a whole raft of information which takes many, many hours to accumulate.”

Wentworth believes the records belong to and should be made available to the taxpaying public, but they should pay government the actual cost of providing them.

“Records shouldn’t be a profit center for government, but we shouldn’t be subsidizing the requesters. We should charge for the time it takes to accumulate the data.”

New Hampshire Representative Lucy Weber agrees. “I do see that there’s a need to balance the public’s right to know with the ability of government and elected officials to do their job.” Those seeking the records often

do so to make sure government is spending wisely, but when it comes to government spending time and money to retrieve records, says Weber, “the sky’s the limit.”

On the other hand, Wentworth notes that various groups and even government agencies have called for more data to be posted on websites, which he believes can help cut down on the cost of responding to individual requests.

Some caretakers of government information are concerned that posted data could have errors introduced into it or that data could be misrepresented or misinterpreted. But even data reported by government have been found to have errors. Shuman notes that a Sunlight Foundation project, Clearspending.org, compared the federal government’s own numbers against each other and uncovered discrepancies that agencies are now trying to reconcile.

The cry for more transparency could create the unintended consequence of keeping government officials from documenting activities and correspondence to avoid having the data become public.

“It’s clear government officials are writing less down,” says Robert Horton, Minnesota state archivist.

Horton heads a project that aims to preserve and improve access to legislative records. At the same time, however, governments are now producing an overwhelming volume of electronic documents, many in formats that are very difficult to make available to the public.

“There will be a dearth of information in future years as we move to another cycle of technology,” Horton says.

Technology has increased concerns about transparency and privacy, Horton says. “Each side has a persuasive argument to make. I am arguing for more attention to the nuts and bolts, to allow us to preserve, dispose of, provide and protect access to government records.”

New technologies and social media sites have created an atmosphere of unprecedented openness, and not just for government. The transparency movement has made its mark, and there’s no turning back.



REPRESENTATIVE  
LUCY WEBER  
NEW HAMPSHIRE

#### SL ONLINE

Find out more about government transparency websites at [www.ncsl.org/magazine](http://www.ncsl.org/magazine).