

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON GOVERNMENT OPERATIONS**



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**COUNCIL OF THE DISTRICT OF COLUMBIA**

**PUBLIC HEARINGS**

**AGENCY PERFORMANCE OVERSIGHT HEARINGS**

**FISCAL YEAR 2013-2014**

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**Testimony of Traci L. Hughes**  
**Director, Office of Open Government**  
**Board of Ethics and Government Accountability**

**Monday, February 5, 2014**  
**10:00 A.M.**  
**1350 Pennsylvania Avenue NW**  
**Room 500**  
**Washington, D.C. 20004**

Good morning, Chairperson McDuffie and members of the Committee. I am Traci Hughes, Director of the Office of Open Government – an independent office under the Board of Ethics and Government Accountability (BEGA). I am pleased to be here today to update the Committee and the public on the operations of the Office of Open Government.

It is the mission of the Office of Open Government to ensure that government operations at every level are transparent, open to the public and promote civic engagement. Specifically, my office is charged with the oversight of all public bodies, officials and employees to ensure compliance with the Open Meetings Act. Additionally, the Office of Open government ensures agency compliance with the Freedom of Information Act, and recommends policies and procedures to agencies and the Executive with the aim of promoting greater transparency and ease of access to information regarding government operations.

Since taking over as the inaugural director of the Office in April of last year, the Board of Ethics and Government Accountability has made great strides in ensuring compliance with both measures. I am pleased to highlight for the Committee the accomplishments of the Office thus far.

The first order of business for the Office of Open government was to put procedures in place to ensure boards and commissions are complying with the Open Meetings Act. I found that although agencies and their respective board and commission members are aware of the law, many are not well versed on the procedural requirements of the act. To remedy this, I have conducted 22 Open Meetings Act trainings of public bodies, and will arrange larger trainings in the coming months to include approximately 2,600 board and commission members who must be aware of the Open Meeting Act.

In June, I held the first meeting with District FOIA officers to inform them of the role of the Office of Open Government to ensure compliance and to assist agencies in streamlining FOIA processing to eliminate backlogs and to create greater consistency among agencies in the application of the statute.

In preparation, I issued a Google survey of all FOIA officers inquiring about the types of document management software and redaction software used by agencies; the number of FOIA requests received to date; the number of pending requests beyond the 15 business day deadline;

the estimated percentage of requests from the media and the general public; whether the majority of agency searches were of electronic documents, hard copies or both; and what agencies are charging for staff review of documents and copies of documents. Although the survey was not mandatory, there was a 50% response rate.

After polling the FOIA officers and reviewing agency FOIA disclosure reports submitted to the Council, I reviewed several FOIA processing best practices of jurisdictions of similar size to the District, and federal agencies which have significantly reduced backlogs with the aid of a centralized system. I am pleased that the Mayor concurred with my recommendation to implement a citywide FOIA tracking system with FOIAXpress. FOIA officers have recently undergone training, and I anticipate the FOIAXpress system will be in full use in the coming weeks. If utilized properly, the system will significantly reduce litigation and personnel costs specifically attributed to FOIA. In FY 2013 alone, the city spent \$1.4M processing requests. Litigation costs were in excess of \$170,000.

In October, I conducted a citywide training of all FOIA Officers, which included presentations by the Office of Healthcare Privacy and Confidentiality on the overlap of HIPPA requirements and the FOIA privacy exemption; and from Brian Flowers, the General Counsel to the Mayor to review the FOIA appeals process.

That same month, I testified before this Committee in support of a limited amendment to FOIA to exempt from FOIA critical infrastructure information from companies regulated by the Public Service Commission. It was very much a collaborative effort with the PSC, and one that came to a relatively quick resolution. I am pleased the Council has agreed to the amended language as offered in the *Critical Infrastructure Freedom of Information Emergency Declaration Resolution of 2013*.

Technology has been another big push of the Office of Open Government. I firmly believe that more efficient uses of technology are key, and have established a more robust technological infrastructure for BEGA, which includes a new website and a state of the art hearing room.

In addition to containing all BEGA advisory opinions, dispositions, trainings, meeting dates and minutes, the site serves as a one-stop-shop for a listing of all boards and commissions meeting dates, agendas and minutes.

To improve ease of access to public body agendas and meeting minutes, boards and commissions now have the ability to enter profile information, and all documents relevant to public meetings. It is important to note that having the information in a central location affords the Office of Open Government the ability to more effectively monitor compliance and offer immediate assistance to those public bodies that are having difficulty meeting the requirements of the Open Meetings Act.

Work on the BEGA hearing room at Judiciary Square will soon be underway. OCTO will wire the room for video, audio and Internet capability. The public will be able to view in real-time meetings over the Internet, and to actively participate in those meetings. Once completed, BEGA will offer the room to other boards and commissions for their use.

Finally, in December, the Office of Open Government offered for the first time to the Council and the Mayor its recommendations on best practices to improve government transparency and making available to the public agency-generated data in open formats. My thanks to members of the public who attended the BEGA Best Practices Symposium in October, as many of the recommendations in the report were made as a result the input the board received at that gathering.

I am pleased to notify the Committee that the Executive has made clear that it is taking the Office of Open Government's recommendations regarding transparency best practices and data seriously, and is keeping me informed of progress on the Mayor's Open Government and Transparency Initiative. I have established lines of communication with organizations such as the Sunlight Foundation, Code of DC and the Open Government Coalition to aid the city in meeting its open government and transparency objectives.

The Office of Open Government has accomplished much over the past ten months, and I look forward to working with the Council, the Executive and agencies to make certain we are meeting the policy goal of the District to provide to the public full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.

Thank you for the opportunity to testify. I welcome any questions you may have about the Office of Open Government.