



**Testimony of Ellen S. Miller, Executive Director of the Sunlight Foundation  
Before the Senate Committee on Homeland Security and Governmental Affairs Subcommittee on Federal  
Financial Management, Government Information, Federal Services, and International Security**

March 18, 2010

Chairman Carper, Ranking Member McCain, and members of the Committee, thank you for the invitation to appear before you today.

My name is Ellen Miller and I am the co-founder and executive director of the Sunlight Foundation. The Sunlight Foundation is a non-partisan non-profit dedicated to using power of the Internet to catalyze greater government openness and transparency. We take inspiration from Justice Brandeis' famous adage "Sunlight is said to be the best of disinfectants."

We are committed to improving access to government information by making as much as possible of it available online, indeed we believe it is important to redefine "public" – as in the phrase "public information" – as meaning online. We focus on creating databases and new tools and websites to enable citizens to get the information they need to be informed participants in our democracy.

We believe that transparency and openness are essential foundations for public trust; without the former the latter cannot survive. The Internet is making increased transparency cheaper, more effective, and in more demand every day as Americans come to expect instantaneous and constant access to all kinds of information.

Given the rapid technological advances in how information can be captured, stored, analyzed and shared, this is the time for all of government to rethink how it makes information available.

There are three core principles for establishing an open and transparent government.

- **Transparency is Government's Responsibility:** Transparency must first and foremost be understood as government's responsibility, private/nonprofit responses can reach only so far. Accordingly, both Congress and the federal branch must make broad changes in their information and technology policies to establish online, real time public access as a priority for virtually all the operations of the federal government.
- **Public Means Online:** Whenever the government has committed to making information public, the standard for "public" should include "freely accessible online." Information cannot be considered public if it is available only inside a government building, during limited hours or for a fee. In the 21st century, information is properly described as "public" only if it is available online, for free, in some kind of reasonably parse-able format. Almost our entire public sphere is now online, and our public information should be there, too.
- **Data Quality and Presentation Matter:** The Internet has redefined effective communications and publishing. It is an around-the-clock open medium, in which nowstandard practices include continuous, contemporaneous dissemination, permanent searchability and reusability, among other key features.

All information and data that the government has decided or hereafter decides should be public must be (i) posted online promptly, (ii) complete and accurate, (iii) searchable and manipulable and (iv) permanently preserved and accessible. Among these four, timeliness is particularly vital for information concerning any ongoing decision making process, such as legislation or regulation. Disclosure should move at the same pace as influence over such decisions; thus arbitrary periodic filing requirements (e.g., annual, quarterly or monthly) violate this standard and render postings less useful to facilitate public trust and participation. Fortunately, the Internet enables inexpensive real-time publishing, such as real-time updates we have come to expect for news and stock market transactions. These standards of contemporaneous disclosure are particularly important when it comes to disclosure of lobbying contacts, consideration of legislation, promulgation of regulations or awarding of grants and contracts. Asking the public to wait three months or more to find out about these kinds of disclosures is like telling a policeman investigating a robbery at a bank that they can't look at the ATM machine video tapes until three months after the crime.

Why are these improvements in transparency so important? Let me offer several interrelated reasons.

First, transparency is the basis for informed participation in self-government. In an age of Facebook and smartphones, where more and more people are connected and go online to find out what is going on around them, the citizenry has rising expectations of greatly expanded access to governmental information, so that they may play a fuller role in understanding, evaluating and participating in the workings of their government.

Our role as citizens is only as strong as our government is open. This idea is not an abstract, distant kind of public good. The actions that make up our civic lives – informed voting, active participation, analyzing – all depend on access to public information. Feeling connected to public business as it is conducted in your name is integral to full citizenship. Without that connection, citizens are left disconnected and dispirited, and substance and dialog are replaced with apathy and divisiveness.

Second, online transparency can create more accountable and efficient spending, something that governmental bodies in cities and states and here in Washington are all discovering. Texas, for example, found millions of dollars in savings through their online spending portal, by eliminating redundant or inefficient expenses. Similar sites like those from Delaware, Missouri, or the federal government's USASpending.gov represent a new norm for spending accountability.

Third, when government makes data public, it can foster whole new businesses or industries. President Obama's Open Government Directive recognizes this potential, noting that information that may "create economic opportunity" should be given special priority. While not every government dataset will have as broad an economic impact as weather information or GPS data, we should never miss such an economic opportunity out of neglect.

Fourth, and perhaps most important, open and transparent government is accountable government. When government lies to its citizens or hides information, it breeds distrust. Open information allows us to check what government is doing with our tax dollars and in our names.

Often, the mere fact of having to make information public tends to make authorities more accountable. For example, the EPA's Toxics Release Inventory has helped change the behavior of corporate polluters. The amount of information that airlines, aircraft manufacturers, pilots and others routinely provide about their daily operations to the Federal Aviation Administration helps keep the nation's air transit system the safest in the world.

By contrast, the lessons of what happens when we lack transparency are legion. Though Medicare requires hospitals to provide information to Health and Human Services about the quality of care they deliver – which can be a matter of life and death – that information is not made available to patients in any meaningful form. Patients are in the dark

about the quality of the hospital they depend on. Yet, as the Florida Times-Union reported in March of this year, a lack of transparency in how the Department of Health and Human Services grades hospitals prevents patients from comparing them.

It is widely believed that a lack of real transparency – retrievable, comprehensible information – led to the financial crisis. Consumers borrowed far more for homes than they could afford because mortgage disclosures didn't tell them what would happen when interest rates went up. Investors bought hundreds of billions, if not trillions, of assets based on those bad mortgages, which they believed were sure bets.

Our vision is one of a rich, vital public sphere, where politics is driven by dialog and fact, and merit drives decision-making in government.

In that spirit, Sunlight is pleased to help shape the new policies and technology that will allow all of us to benefit from a stronger democracy – creating new platforms and databases to inform and engage citizens, empowering journalists, lawmakers and public officials, investing in our social infrastructure to demand and make use of government information, and advancing the bold, responsible policies that will open our government. Let me repeat, our role as citizens is only as strong as our government is open. This isn't an abstract, distant kind of public good, but a concrete responsibility.