



November 20, 2015

Mr. Tony Scott
Office of the Federal Chief Information Officer
Office of Management and Budget
1650 Pennsylvania Avenue NW
Eisenhower Executive Office Building
Washington, DC 20503

Dear Mr. Scott,

On behalf of the Center for Data Innovation (datainnovation.org), we are pleased to submit these comments in response to the Office of Management and Budget's (OMB) request for public comment on the proposed revisions to OMB Circular No. A-130, Managing Information as a Strategic Resource.¹

The Center for Data Innovation is a non-profit, non-partisan think tank focusing on the impact of the increased use of information on the economy and society. The Center formulates and promotes pragmatic public policies designed to enable data-driven innovation in the public and private sectors, create new economic opportunities, and improve quality of life. The Center is affiliated with the Information Technology and Innovation Foundation (ITIF).

OMB's decision to revise Circular A-130, which governs how the federal government manages information resources, is a welcome and necessary step towards creating a more responsive, transparent, efficient, and accountable government. In addition, in the 15 years since OMB last revised Circular A-130, information technology (IT) has advanced dramatically, enabling government information to play a fundamentally different and more valuable role in the economy and society. OMB's 2013 memorandum to make government data open and machine readable by default (M-13-13) was an important effort to take advantage of this opportunity, and it has transformed how members of the public and private sectors interact with the federal government.² With these requirements, federal agencies can better share and analyze their data internally and with each other to improve decision-making throughout government, the public can gain unprecedented insights into government operations quickly and easily, and the private sector can build and improve products and services based on government data, thus contributing to an estimated \$1.1 trillion a

¹ Office of Management and Budget, "Proposed A-130 for Public Comment," October 21, 2015, <https://ombegov.github.io/a130/Proposed%20A-130%20for%20Public%20Comment.pdf>.

² Sylvia M. Burwell et al., "M-13-13," Office of Management and Budget, May 9, 2013, <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2013/m-13-13.pdf>.



year in value to the U.S. economy.³ The revision of Circular A-130 provides a valuable opportunity to further these requirements and better secure the benefits of open government data to the public and private sectors.

In this request for public comment, OMB seeks input on the numerous proposed revisions to Circular A-130 that focus on improving how the federal government acquires and deploys trustworthy and resilient IT systems and services capable of supporting government mission delivery. These revisions are comprehensive and would serve to substantially improve how federal agencies manage government information. There are several opportunities for OMB to include additional requirements in its revisions that would maximize the benefits of government information. These include ensuring that federal agencies continue to generate and publish critically important data assets related to the protection of human life and property in the event of a government shutdown, and directing agencies to implement several procedures that would maximize the accessibility and usability of open government data.

BUSINESS CONTINUITY PLANNING

The Business Continuity and Planning section requires federal agencies to develop a Business Continuity Plan to ensure that an agency can continue or quickly resume operations in the event of a service disruption.⁴ OMB should specify that these plans should include the identification of data assets that play important roles in ensuring the safety of human life or the protection of property.⁵ Government operations that serve these functions are considered excepted activities under the Antideficiency Act.⁶ As such, in the event of a service disruption related to a government shutdown, agencies would have to take the necessary provisions to ensure that they continue generating and publishing this data. During the October 2013 government shutdown, many government websites went offline and crucially important data assets were temporarily unavailable.⁷ This meant that public health officials were unable to access flu data from the Centers for Disease Control right at the beginning of flu season, and drivers could not get car recall notices from the National Highway Traffic Safety Administration.⁸ By requiring agencies to proactively identify which of their data assets

³ James Manyika et al., "Open data: Unlocking innovation and performance with liquid information," McKinsey Global Institute, October 2013, http://www.mckinsey.com/insights/business_technology/open_data_unlocking_innovation_and_performance_with_liquid_information.

⁴ See line 310 of Office of Management and Budget, "Proposed A-130 for Public Comment."

⁵ Joshua New, "Don't let open data go dark," *The Hill*, August 11, 2015, <http://thehill.com/blogs/congress-blog/technology/250775-dont-let-open-data-go-dark>.

⁶ 31 U.S.C. § 1342

⁷ Joshua New, "Don't let open data go dark."

⁸ *Ibid.*



relate to excepted activities, OMB can ensure that the federal government complies with the Antideficiency Act and avoids unnecessary losses of life and economic value.

INFORMATION MANAGEMENT AND ACCESS

The Information Management and Access section includes requirements for agencies to ensure that the public can easily access and offer feedback on open government data as well as unreleased data.⁹ To help the public locate agency information, agencies are required to develop aids such as site maps and catalogs of this information.¹⁰ OMB should expand this requirement to specifically require agencies to develop publicly accessible data inventories that catalog agency data assets, both public and nonpublic. M-13-13 required agencies to create publicly accessible catalogs of only publicly accessible data assets, but after a civil society organization filed a Freedom of Information Act request for a catalog of all government data, OMB agreed that agencies should have to publish catalogs that inventory all government data assets, both public and nonpublic.¹¹ However, thus far, many agencies have failed to do so.¹²

This section should also include requirements for agencies to continuously evaluate and improve practices related to information management and access to respond to user needs. Specifically, agencies should be required to create and update biannually plans that define strategies to consistently improve the timeliness, completeness, and accuracy of open data, to maximize its value. Also, OMB should work with agencies to develop clear channels of communication for open data users to provide feedback to agencies about their information management and access practices. This would allow for agencies to better understand the needs of the businesses and members of the public that rely on government data and to expediently address any concerns that might arise. Additionally, agencies should develop methods to collect and publish information about how users within and outside government are using open data, which would allow for agency officials to gain a better understanding of the value of agency data. And finally, agencies should engage the public in the use of open data, such as by convening hackathons, issuing challenges, and supporting civil society groups working to expand the use of open data.

⁹ See line 663 of OMB, "Proposed A-130 for Public Comment," Office of Management and Budget, October 21, 2015, <https://ombegov.github.io/a130/Proposed%20A-130%20for%20Public%20Comment.pdf>.

¹⁰ See line 667 of OMB, "Proposed A-130 for Public Comment," Office of Management and Budget, October 21, 2015, <https://ombegov.github.io/a130/Proposed%20A-130%20for%20Public%20Comment.pdf>.

¹¹ Matthew Rumsey, Sean Vitka, and John Wonderlich, "After Sunlight FOIA, comprehensive data indexes arrive on Data.gov," Sunlight Foundation, March 6, 2015, <http://sunlightfoundation.com/blog/2015/03/02/after-sunlight-foia-comprehensive-data-indexes-arrive-on-data-gov/>.

¹² "Project Open Data Dashboard," Data.gov, <http://labs.data.gov/dashboard/offices>.



CONCLUSION

OMB has an important opportunity to maximize the value of government information by building on the success of M-13-13 and expanding policies governing how agencies make their data available to the public. In addition to OMB's proposed revisions to Circular A-130, OMB should also stipulate that agency Business Continuity Plans ensure agencies fully comply with the Antideficiency Act by identifying highly valuable data assets for continued publication during a government shutdown; direct agencies to create publicly accessible data inventories of all of their data assets, both public and nonpublic; and require that agencies undertake several activities that promote continuous improvement of open data management practices.

Sincerely,

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