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Federation of
American Scientists

Gary Bass
Bauman Foundation

Tom Blanton
National Security
Archive

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American Library
Association

Danielle Brian*
Project on Government
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Kenneth Bunting
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Kevin Goldberg
American Society of
News Editors

Conrad Martin
Fund for Constitutional
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**Katherine McFate/
Sean Moulton**
OMB Watch

Michael Ostrolenk
Liberty Coalition

David Sobel
Electronic Frontier
Foundation

Anne Weismann
Citizens for
Responsibility & Ethics
in Washington

John Wonderlich
Sunlight Foundation

* Chair

Patrice McDermott
Executive Director

Amy Bennett
Assistant Director

Abby Paulson
Program Associate

Year-End Report - 2012

For the OpenTheGovernment.org coalition (OTG), 2012 marked a period of tremendous growth and progress for the larger the openness community. OTG added a third permanent staff member in June and employed two consultants during the year. The expanded labor power enabled OTG to take a substantial leadership role in several new initiatives, while continuing our ongoing work coordinating the community and raising awareness of openness issues.

As described below, our notable successes over the last year include:

- To protect the public’s right to know, we worked with congressionally allied to substantially narrow agency efforts to expand the scope of records that can be withheld under the Freedom of Information Act (FOIA).
- With direct engagement from the openness community, US OGP National Action Plan commitments, including those related to the coalition’s priorities, were carried out by the Administration.
- To protect press freedom, the rights of whistleblowers, and the public’s right to know, dangerous “anti-leaks” proposals in the Intelligence Authorization Act of 2013 were stripped out of the bill due to work with partners and allies .
- With the openness community, we developed a set of policy priorities and strategies to make the federal government more open and accountable.

The Difference OTG Makes

Delivering Results in the Open Government Partnership

The coalition has engaged in the Open Government Partnership (OGP) initiative as a great opportunity to expand OTG’s partnerships, raise the coalition’s profile, and continue to advise the Administration on our community’s goals and priorities in openness and accountability. Our highly visible work in this area has also produced greater exposure of the OpenTheGovernment.org coalition’s work to an expanded field of civil society organizations. In light of this work, the coalition’s Executive Director, Patrice McDermott, was recognized as a key leader in the US openness community by

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being chosen as the US civil society organization (CSO) representative for the Open Government Partnership's Annual Meeting on April 17-18, 2012 in Brasilia, Brazil.

In our last Year-End report, we described how OTG's work related to the [National Action Plan](#) resulted in the White House releasing a plan that is impressive in its breadth and scope, and includes items of high-priority to our coalition partners. We also noted that while the specific commitments included in the plan are a significant step, what will matter is their implementation. Over the last year, OTG has used a two-pronged strategy to pressure the Administration into executing the plan in a way that makes the greatest difference for openness and accountability: set high goals for successful implementation, and ensure sufficient sustained advocacy from the NGO community with agency personnel so that the departure of Administration personnel—and new issues and crises—do not divert attention from transparency priorities.

Setting High Standards — Shortly after the release of the National Action Plan, the coalition compiled a comprehensive [report](#) outlining recommendations for implementation from our partners and other allies. The suggested steps cover both what the Administration must do to meet its basic commitment and what it should do to meet its broader goals. In sharing this report with the Administration, we let them know that we would be coordinating a full evaluation of the plan's implementation in late 2012 for release in January 2013, and that the "stretch goals" included in our report would inform the creation our metrics.

On the anniversary of the release of the National Action Plan, September 20, OTG released a "[Progress Report](#)" on the National Action Plan. The report acts as a "snapshot" of how much work the Administration has done to implement the plan, and how much is left to be done in just a few months. The report has received international attention and praise.

Sustained Advocacy — With assistance from one of our consultants, OTG also created "teams" of advocates to work on each of the commitments in the National Action Plan. OTG acts as a liaison between the teams, the Administration, and other government officials involved in executing the plan. We maintain a website, opengovpartners.org, which allows our partners, the public, and CSOs in other countries to know what we are doing.

Team evaluations were completed and compiled in early December. The final evaluation will be released in late January 2013.



OTG is coordinating the civil society evaluation of execution of the US National Action plan.

Protecting the Freedom of Information Act (FOIA)

The OTG coalition played an important role in successful efforts to tighten provisions in proposed statutes that would have cut off public access to critical information. These included a Food and Drug Administration reauthorization bill that, as introduced, would have cut off all public access to a broad swath of drug and safety information, and sweeping provisions in Cybersecurity bills. Thanks to advocacy efforts by the coalition and our partners, our allies on Capitol Hill were able to replace the former provision with much narrower language. The new provision limits the scope of drug and safety information that can be withheld while addressing the FDA's concern to assure some foreign agencies and to encourage information sharing that appropriate information will be kept confidential. In the case of the cybersecurity bills, more than 40 organizations joined OpenTheGovernment.org in [several letters](#) opposing the proposed exemptions.

In the fall, OTG staff launched an effort to compare the FOIA request experience across agencies. The project's many surprises, confusions, and successes were chronicled on our blog [Managing FOIA](#).

Reducing Secrecy

OpenTheGovernment.org and its partners successfully mobilized response to dangerous proposed anti-leaks measures in the Intelligence Authorization Act of 2013. [The provisions](#) cut off access to officials for members of the media and threatened whistleblowers with loss of their pensions and security clearances. OTG staff arranged meetings with Senate Intelligence Committee staff to communicate the openness community's concerns. On December 21st, the Senate Intelligence Committee stripped these provisions from the bill.

Setting Priorities, Executing Strategy

OTG has been deeply involved in an effort to develop a shared strategy for making the federal government more open and accountable. This work includes input from staff of OTG, members of our Steering Committee, and other organizations that are interested in improving government accountability.

OTG brought together partners and other key allies to discuss the community's priorities in the coming year, and to develop policy recommendations.

OpenTheGovernment.org consulted with a wide-range of subject-matter experts on particular issues and took in a large amount of feedback and suggestions. The final document will be a key part of our strategy for making progress on our agenda for



Executive Director Patrice McDermott speaks at the 7th annual Sunshine Week event.

openness. Additionally, we and our partners worked with OMB Watch to develop the community's minimum standards document, which outlines simple steps for the administration to take in pursuit of their goal of "unprecedented openness." Members of the coalition were able to share and discuss these documents in meetings with the White House.

As 2012 drew to a close, OTG convened community meetings to set strategic priorities for the coming year and connect directly coalition partners and collaborators to help coordinate efforts and planning between them.

In January 2013, OpenTheGovernment.org will publish an open letter to President Obama, laying out an achievable 100-day agenda for the administration to work towards fulfilling its promise of "unprecedented openness."

Among the items in the community's strategy for which OTG has taken responsibility is building out our coalition in coordination with libertarian and center-right organizations for whom transparency and openness in government are a concern. We have engaged in a project with Michael Ostrolenk (Liberty Coalition and Steering Committee member) to explore the possibilities and are having ongoing discussions. We also worked with our partners to develop and publicize a list of questions about open government issues that the public can ask candidates for federal office, and have been involved in efforts to develop lists of local reporters in key states that understand and write about open government issues.

Ongoing Programmatic Work

Our [7th annual Sunshine Week event](#) highlighted the importance of whistleblowers for accountable government and the apparently impervious bubble shielding the national security establishment from the Administration's openness initiatives. This year's event was a part of the Freedom Forum's Nation Freedom of Information Day Conference at the Newseum. The new venue and our association with the Freedom Forum exposed the event to a new audience. The first of



Panelists discuss national security secrecy at OpenTheGovernment.org's Sunshine Week panel

OTG's panels featured experts from whistleblower, government, journalism, and journalism advocacy fields. The participants were Gary J. Aguirre, former investigator with the Securities and Exchange Commission (SEC) and whistleblower, who currently represents other SEC whistleblowers; Tom Bowman, National Public Radio (NPR) National Desk reporter covering the Pentagon; Mark Cohen, Deputy Special Counsel, Office of Special

Counsel, and former Executive Director of the Government Accountability Project (GAP); Lucy Dalglish, Executive Director, Reporters Committee for Freedom of the Press (RCFP); Matthew Miller, former Director of the Office Public Affairs for the Department of Justice. The panel was moderated by Abbe Lowell, who has defended several high profile defendants charged with violating the Espionage Act by trafficking in government secrets.

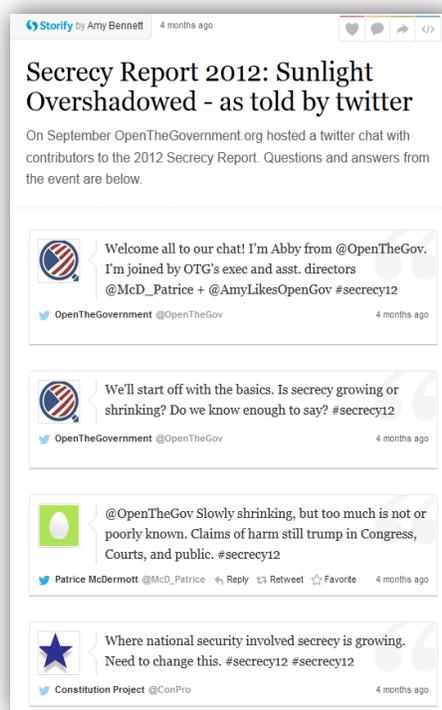
The second coalition panel (pictured above) featured experts from the legal, journalism, intelligence, and government oversight fields. The participants were J. William Leonard, the former Director of the Information Security and Oversight Office (ISOO), Dana Priest, an investigative journalist at the *Washington Post*, Jeffery H. Smith, former General Counsel to the Central Intelligence Agency, Liza Goitein, Co-Director of the Brennan Center for Justice's Liberty and National Security Program, and Alex Abdo, ACLU National Security Project Staff Attorney. The panel was moderated by Danielle Brian, OpenTheGovernment.org's steering committee chairman and Executive Director of the Project on Government Oversight.

We issued our eighth annual [Secrecy Report](#) in September. The report chronicles the mixed trends and emerging issues across the spectrum of government secrecy and transparency. This year the report featured the expertise of several Steering Committee members, providing context and analysis of the compiled statistics and trends. A special section of the report highlighted the difficulties of

The zooming infographic supplement to the 2012 Secrecy Report



OpenTheGovernment.org hosted a Twitter chat about the 2012 Secrecy Report



accurately measuring government secrecy given the extent of what the public does not know.

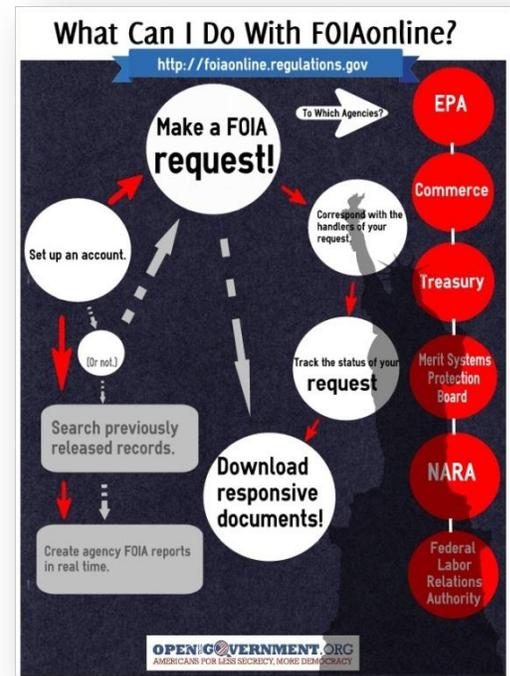
The staff of OTG continues to pursue opportunities to work with new media to educate them on openness and secrecy and to learn how to convey our message to and through them. These efforts have included creating a zooming [graphic](#) supplement to the Secrecy Report, hosting a [Twitter chat](#) following the report's release, launching #LunchtimeListen on

Twitter to spotlight open government voices each Friday on Twitter, and designing an [infographic](#) illustrating the functionalities of the new FOIA portal. We recently formed a partnership with American Forum to further develop our communications strategy and editorial reach in new and traditional media.

Following collaboration and consultation with OpenTheGovernment.org and many of its partners and others, the Public Interest Declassification Board (PIDB) sent recommendations to the President on the pressing need to address overclassification and the flaws in the outdated classification system. The coalition will continue to push for the administration to implement concrete changes in the national security classification system.

Years of reports and audits from OpenTheGovernment.org and our coalition partners have driven home to policy makers that the federal government must have an effective and efficient system to handle electronic records, including email. This year OpenTheGovernment.org met frequently with staff at the National Archives to exchange thoughts and information during the development of the Records Management directive. Though imperfect, the directive reflected the input of the open government community and laid groundwork for future productive communication with the government community. We will continue to play a leadership role on this issue, furthering our work with the National Archives and Records Administration (NARA), the Office of Management and Budget (OMB), and with Congress as needed to ensure the directive is carried out with the public's interest in mind.

Our work is made possible by funding from the Bauman Foundation, CS Fund, the Open Society Foundations, and Rockefeller Brothers Fund.



The FOIAonline Infographic

Examples of our Work in our Focus Areas

Letters to the Administration and Congress

Improving Access

[Agencies Missing the Tools for Transparency](#) (December 4, 2012)

[FOIAonline Explained](#) (September 27, 2012)

[DOJ Guidance Brings Measure of Accountability to FOIA Responses](#) (September 18, 2012)

[OGIS and Improving FOIA](#) (August 13, 2012)

[No Complete Record of FOIA Processing Available Until 2014](#) (July 19, 2012)

["New" McCain Cybersecurity Bill Just as Bad on FOIA as Old Version](#) (July 3, 2012)

[Oh, the Places FOIA'll Go - Freedom of Information Law Turns 46](#) (June 26, 2012)

[Who In Congress Decides What You Can Know? Not the Experts](#) (June 5, 2012)

[FOIA Preserved in FDA Safety and Innovation Act](#) (May 24, 2012)

[Dear Senate: Pass Cybersecurity Bills that Promote Openness and Accountability](#) (May 14, 2012)

[The Public Needs a FOIA Portal](#) (March 27, 2012)

[Cybersecurity Bills Threaten Public Access to Information, Accountability](#) (March 13, 2012)

[Senate Sunshine Week Hearing Examines Public's Right to Know](#) (March 13, 2012)

[Groups Oppose Bill That Threatens to Cut Off Access to Taxpayer-Funded Research](#) (February 9, 2012)

[FOIA.gov Fails to "Shine a Light"](#) (January 17, 2012)

Opening Government

[Evaluating What Difference a Year Makes: US Participation in the Open Government Partnership](#) (November 30, 2012)

[Progress Report Marks 1 Year Anniversary of Open Government Partnership US National Plan](#) (September 20, 2012)

[5 Issues Congress Should Seriously Consider](#) (September 14, 2012)

[Get Involved: 10 Open Government Questions for 2012](#) (August 27, 2012)

[Are Agencies' Social Media Actually Furthering Openness?](#) (August 22, 2012)

[Reps Launch New Effort to Free CRS Reports](#) (July 11, 2012)

[Fulfilling GAO.gov's Potential](#) (June 26, 2012)

[Where is the Department of Labor's Open Government Plan 2.0?](#) (May 15, 2012)

[Coming Soon to an Agency Near You: Open Gov Plan 2.0](#) (March 23, 2012)

[10 Months In, Agencies Still Not Meeting Administration's Sunshine Week Commitments](#) (February 1, 2012)

Reducing Secrecy

[OUT with Secrecy, IN With Sunshine](#) (December 29, 2012)

[Time to Take Advantage of the PIDB's Potential](#) (October 2, 2012)

[Read the 2012 Secrecy Report Twitter Chat](#) (September 19, 2012)

[Explore the 2012 Secrecy Report](#) (September 11, 2012)

[Q&A: Congress' Controversial "Anti-Leaks" Proposal](#) (August 8, 2012)

[Language in Senate Intell Bill Threatens Accountability of Security Clearance System](#) (July 31, 2012)

[Groups Oppose Senate Intell Committee Proposal](#) (July 30, 2012)

[4.8 Million Security Clearances: A Symptom of Excessive Secrecy](#) (July 27, 2012)

[Intell Committees' Leak Proposal Ignores the Source](#) (July 26, 2012)

[The More Things Change the More They Stay the Same? State Secrets](#) (June 22, 2012)

[Rushing Leaks Legislation through Congress Threatens Openness and Accountability](#) (June 13, 2012)

[Sunshine Week 2012 Discussion - Secrecy, Disclosure and the Risks for Security and Accountability](#) (March 29, 2012)

[Groups to Obama: Reject "Unprecedented Level of Secrecy" in Trade Negotiation](#) (February 27, 2012)

[Groups Protest CIA's Covert Attack on Public Access](#) (February 23, 2012)

[Sign On to Restore Accountability to CIA's Secrecy System](#) (February 15, 2012)

[CIA Changes the Rules Allowing the Public to Challenge Secrecy](#) (February 10, 2012)

[OpenTheGov, POGO, and Allies Ask for Full Release of Crucial Information Regarding Camp Lejeune](#) (January 24, 2012)

Preserving Records

[New Step Toward Making Sure the Government Can Find and Share E-Records](#) (August 27, 2012)

[Why Did Rodriguez Get Away with Destroying the Torture Tapes – and What Happened to the Rule of Law?](#) (May 4, 2012)

[NARA Survey Shows Continued Govt-wide Records Mis-Management](#) (May 2, 2012)

OpenTheGovernment.org In the News

[Agencies Lag on Transparency, Report Says](#)

[The Washington Post, December 4, 2012]

[Lawmakers, watchdogs question 20-year seal on wartime contracting records](#)

[The Hill, November 7, 2012]

[Justice rethinks planned changes to FOIA policy](#)

[Government Executive, November 7, 2012]

[Government Could Hide Existence of Records under FOIA Rule Proposal](#)

[ProPublica, October 24, 2012]

[Datagov Expands Federal Communities global impact](#)

[AOLGov, September 26, 2012]

[One Year Later, Delivering on the Commitments of the Open Government Partnership](#)

[OMB Watch, September 20, 2012]

[The state of government secrecy: An hour, a day and 2 McDonald's burgers](#)

[Examiner, September 14, 2012]

[Dim Spots in Obama's Promise of Sunshine](#)

[Courthouse News Service, September 14, 2012]

[Report Reveals Some Open Gov Progress, but Also Increasing National Security Secrecy](#)

[POGO Blog, September 12, 2012]

[New Report Reviews Obama Administration Progress on Open Government](#)

[OMB Watch, September 12, 2012]

[Limited Data Make Secrecy Harder to Measure, Manage](#)

[Secrecy News, September 12, 2012]

[Lawmakers May Start Issuing Subpoenas Over National Security Leaks](#)

[US News & World Report, July 11, 2012]

[Intel Boss To Leakers: We Won't Let Up](#)

[US News & World Report, June 25, 2012]

[White House threatens polygraphs for leakers](#)

[The Hill, June 25, 2012]

[Amid D.C. Uproar Intel Chief Quietly Cracks Down on Leaks](#)

[US News & World Report, June 20, 2012]

[Government transparency groups ask Labor Dept to restore info scrubbed from website](#)

[ScienceBlogs: Pumphandle, June 8, 2012]

[Concern Over National Security Leaks Has a Bipartisan Flavor](#)

[US News & World Report, June 8, 2012]

[Bill in Congress Could Limit Access to Drug Safety Information](#)

[PR Watch, May 29, 2012]

[Critics raise FOIA worries with cyber bills](#)

[Politico Pro, May 14, 2012]

[Whistleblower protection bill clears Senate](#)

[Government Executive, May 9, 2012]

[Your Right to Know: National convo brings together government transparency advocates](#)

[The Cap Times [WI], May 6, 2012]

[Internet Groups Launch Anti-CISPA Protest](#)

[PC Magazine, April 16, 2012]

[Transparency groups call for THOMAS bulk downloads](#)

[FierceGovernmentIT, April 11, 2012]

[Open government plans 2.0 a mixed bag: News analysis](#)

[Federal Computer Week, April 10, 2012]

[Transparency groups call for THOMAS bulk downloads](#)

[FierceGovernmentIT, April 10, 2012]

[Government accountability: Keeping an eye on the big picture](#)

[Federal Computer Week, April 10, 2012]

[Justice accused of hindering multi-agency FOIA website](#)

[Federal Computer Week, March 26, 2012]

[After Sunshine Week Moving FOIA into 21st century](#)

[POGO Blog, March 20, 2012]

[Technology changes landscape for would be whistleblowers](#)

[First Amendment Forum, March 16, 2012]

[Agencies struggle with transparency compliance](#)

[Federal Computer Week, March 14, 2012]

[Cybersecurity bill's FOIA provision under fire](#)

[Politico Pro, March 12, 2012]

[How to open up the Obama administration](#)

[The Week, March 12, 2012]

[President Obama's Muddy Transparency Record](#)

[Politico, March 5, 2012]

[Lawsuit Takes Aim at CIA](#)

[Truthout, February 27, 2012]

[Open government advocates protest CIA's \\$72 per hour fee](#)

[Federal Times, February 23, 2012]

[SPIN METER: Candidates Use Transparency As A Club | Fox News](#)

[Fox News, January 25, 2012]

[EDITORIAL: Transparency effort swallows tail](#)

[FierceGovernment, January 24, 2012]

[Report - FOIA exemption use increases, processing time decreases](#)

[FierceGovernment, January 24, 2012]

[FOIA panelists say Obama has far to go in transparency](#)

[Reporters Committee for Freedom of the Press, January 23, 2012]

[HHS DOT start open government plan refresh](#)

[FierceGovernment, January 23, 2012]