

Using Open Internet Standards to Provide Greater Access in a Post-9/11 World

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ABSTRACT

Access to government information has declined since the events of September 11, 2001, reversing a trend of increased access that began with the Freedom of Information Act (FOIA) in 1966. The number of declassified documents has fallen as federal policy has shifted to non-release of information when there is uncertainty about whether a document falls under one of the FOIA exemptions. The exception to this trend has been the E-Government Act of 2002 and information that has become increasingly accessible in electronic form. This paper begins with a look at FOIA and access to government information pre-9/11 before addressing the reversal in access that has taken place since 2001. Following a look at recent legislative efforts to counter the changes of the last few years, the paper concludes with suggestions on how to improve access to federal information via better and more efficient information management systems as well as open internet standards.

I. INTRODUCTION

Prior to the tragic events of 9/11, access to government information was steadily increasing. Since the passage of the Freedom of Information Act (FOIA) in 1966, efforts to make government information available to the public had only increased. These efforts quickened in the 1980's with the implementation of Office of Management and Budget (OMB) guidance to make more information available and grew faster still between 1993 and 2001 with the creation of federal government agency websites and the passage and implementation of the E-FOIA Amendments.

While there have been a few gains in access to government information, most notably the E-Government Act, federal government policy since the terrorist attacks of September 11, 2001 has generally moved in the opposite direction. These changes offer a bleaker picture for the future. The greatest concern is that policymakers and regulators have strayed from the positive course of the past. We have seen a climate that promotes secrecy at the expense of better information management that necessarily comes from policies that improve security, privacy and access to information simultaneously.

Consistent with the policy of the last 40 years, the federal government should be promoting the use of open Internet standards for the dissemination and management of information. The United States

can do a better job of securing particularly sensitive data while still providing access to more government information. Fortunately, there are some signs that the government is heading in this direction.

II. ACCESS TO GOVERNMENT INFORMATION WAS INCREASING PRIOR TO 9/11

Although the importance of “the people’s right to know” has long been understood, it was not statutorily enforced until 1966 with the passage of the Freedom of Information Act (FOIA).¹ Through this Act, every citizen of the United States gained the right to access information held by the government. It was enacted to ensure an informed citizenry, as a check against corruption and to hold the governors accountable to the governed. FOIA affirmed the public’s right-to-know as a central principle of our democratic government.

FOIA is viewed by journalists, public interest organizations, and citizens as an important tool in opening federal agency policies and practices to public scrutiny. The congressional findings accompanying the 1996 amendments to the Act state that FOIA “has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government” and “has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards.”²

Under FOIA, federal entities are required to disclose records upon the written request of a citizen, unless the records fall within one of the nine exemptions to the Act. Records may be withheld from the public if they are:³

- Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, and are classified as such;
- Related solely to the internal personnel rules and practices of any agency;

¹ Freedom of Information Act (FOIA), Pub. L. No. 89-554, 80 Stat. 383 (codified as amended at 5 U.S.C. § 552 (2000)).

² Electronic Freedom of Information Act (E-FOIA) of 1996, Pub. L. No. 104-231, 110 Stat. 3084, §2(a)(3)-(4) (codified as amended at 5 U.S.C. §552 (2000)).

³ 5 U.S.C. §552(b) (2000).

- Specifically exempted from disclosure by statute;
- Trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than a party in litigation with the agency;
- Personnel or medical files;
- Compiled for law enforcement purposes;
- Contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; or
- Geological and geophysical information and data.

A. IMPROVEMENTS TO FOIA OVER TIME AND THE “REQUESTERS PARADOX”

The passage of FOIA marked a watershed in the history of modern government. For the first time the government “for the people” could truly be held directly accountable “by the people” because anyone could request information about the government’s workings and receive it. Over the last 40 years, FOIA has become a part of doing government business.

In the years following FOIA’s initial passage, some weaknesses in the law became evident. Of course, the exemptions provisions, contained in § 552(b) of the Act, have been the subject of heated battles.⁴ However, it is now generally settled that the nine exemptions that exist today are the right exemptions and most of the issues are with when or how these exemptions are invoked. Other problems

⁴ It comes as no surprise to those who work on FOIA that the current FOIA Guide devotes well over half of its pages to the exemptions (525 of 884 pages) which make up less than 1/10th of the actual text of the law. See Office of Info. and Privacy, U.S. Dep’t of Justice, Freedom of Information Act Guide (May 2004), available at <http://www.usdoj.gov/oip/foi-act.htm>.

encountered were long wait times, uneven implementation, and the inability to receive electronic documents. Another concern was the “requester’s paradox”: how can I know to request a specific document, when I don’t even know that the document exists?

B. RENO FOIA MEMO

On October 4, 1993, then Attorney General Janet Reno issued a memorandum to all federal agencies “to take steps to ensure it is in compliance with both the letter and the spirit of the Freedom of Information Act.” The memo made clear that the policy of the government was the “maximum responsible disclosure of government information.” It stated that the Justice Department would not defend an agency for withholding information under a FOIA exemption “only in those cases where the agency reasonably foresees that disclosure would be harmful to an interest protected by that exemption. Where an item of information might technically or arguably fall within an exemption, it ought not to be withheld from a FOIA requester unless it need be.”⁵

This move to openness was not so much a seismic shift in policy as a clear implementation of FOIA. To address remaining problems with the act, Congress turned to a new legislative vehicle: E-FOIA.

C. E-FOIA AMENDMENTS OF 1996

In 1996, the “Electronic Freedom of Information Act” (E-FOIA) amended FOIA to address these problems.⁶ The amendments lengthened allowable agency response times⁷ (previously almost universally ignored), but limited the types of circumstances in which extensions could be granted.⁸ This cuts down on the use of boilerplate language to extend almost every FOIA request.

E-FOIA required agencies to provide records “in any form or format requested by the person if the record is readily reproducible by

⁵ Memorandum from Janet Reno, Att’y Gen., to the Heads of Departments and Agencies, (Oct. 4, 1993), *available at* http://www.usdoj.gov/oip/foia_updates/Vol_XIV_3/page3.htm.

⁶ Electronic Freedom of Information Act (E-FOIA) of 1996, Pub. L. No. 104-231, 110 Stat. 3084 (codified as amended at 5 U.S.C. §552 (2000)).

⁷ *See id.* at §8.

⁸ *See id.* at §7.

the agency in that form or format” in order to allow requesters to request information in a usable electronic format.⁹

To address the “requester’s paradox,” Congress pushed agencies to make more information directly available to the public. E-FOIA required agencies to index and post online documents that are likely to be the subject of frequent requests,¹⁰ including copies of administration opinions, policy statements, and staff manuals. These indexes are now often referred to as “Electronic Reading Rooms” and appear on agency websites. The amendments also required agencies to create indexes and description of all major information systems. This inventory allows requesters to see the types of information that may be available for request.

D. OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-130

In 1980, OMB developed basic principles and guidelines for dissemination of information by federal agencies. Entitled Circular A-130, this document has been updated four times to become the seminal policy statement for the delivery of government information for every President since Ronald Reagan. It establishes the active dissemination of information as a critical goal for agencies. I have included the “Basic Considerations and Assumptions” from the May 2000 transmittal of the document as an appendix because it continues to provide the underpinnings of decisions made on federal government information policy.

To accomplish the goals set forth in A-130, OMB specifically advises agencies that tagging information in advance and creating “an information dissemination management system which can ensure the routine performance of certain functions” are essential.¹¹

⁹ See *id.* at §5.

¹⁰ The Department of Justice advises agencies that they are “required to determine whether [records] have been the subject of multiple FOIA requests (i.e., two or more additional ones) or, in the agency’s best judgment based upon the nature of the records and the types of requests regularly received, are likely to be the subject of multiple requests in the future.” FOIA Reading Rooms, OFFICE OF INFO. AND PRIVACY, *available at* <http://www.usdoj.gov/oip/Reading/Rooms.wpd>.

¹¹ Memorandum from Alice M. Rivlin, Director, Office of Management and Budget, to the Heads of Executive Departments and Establishments (Feb. 8, 1996), *available at* <http://www.whitehouse.gov/omb/circulars/a130/a130.html>.

III. THE MOVE TO OPENNESS HAS REVERSED COURSE SINCE 9/11

The attitude of the federal government toward access to information has clearly changed since September 11, 2001. While the foundations of FOIA and government openness remain, the gradual continuous move to greater access to government information has ended. Instead both the executive and legislative branches have mainly taken large steps backwards.

A. ASHCROFT FOIA MEMO

On October 12, 2001, then Attorney General John Ashcroft distributed a memorandum to all federal agencies altering the government's policy on FOIA by suggesting that agencies should not release information if there is uncertainty about whether the information falls under one of the main FOIA exemptions.¹² This memo reverses the policy put in place eight years earlier in the Reno memo and raises questions for agencies in some of the assumptions from the more recent revisions to OMB Circular A-130.

B. GROWTH IN (B)(3) AMENDMENTS INCLUDING CRITICAL INFRASTRUCTURE INFORMATION EXEMPTION

Also of concern is the recent increase in so called "(b)(3) exemptions." This section allows Congress to designate any category of records as exempt from FOIA for any reason. Recently, there have been several such blanket exemptions adopted and others introduced. In most cases, the information seems to be covered by existing exemptions for national security, law enforcement and/or confidential business information, but Congressional exemption under (b)(3) essentially insulates agency decisions from judicial review.

Some critics, including Senator John Cornyn (R-TX) and Senator Patrick Leahy (D-VT) have also raised the issue that (b)(3) exemptions often do not even refer to FOIA nor make clear that they are intended to fall under this broad category.¹³ These, so called "stealth exemptions" are difficult to implement effectively and almost impossible to track.

¹² Memorandum from John Ashcroft Att'y Gen., to the Heads of All Federal Departments and Agencies, (Oct. 12, 2001), *available at* <http://www.usdoj.gov/04foia/011012.htm>.

¹³ 151 Cong. Rec. S6159-61 (daily ed. June 7, 2005) (statement of Sen. Cornyn).

One major example of a (b)(3) exemption that raises concerns is the new category of Critical Infrastructure Information (CII) created in Section 214 of Homeland Security Act of 2002. This exemption stops the Department of Homeland Security from sharing information voluntarily submitted by the private sector. The provision was intended to make the private sector feel more comfortable that sharing information with the department would not expose it to public relations issues. However, there is little evidence that the private sector is sharing more information.¹⁴ Meanwhile, advocates are not able to track the information that has been held from the public under this law because it is, by its nature, secret.

C. THE NUMBER OF CLASSIFIED DOCUMENTS HAS RISEN DRAMATICALLY SINCE 9/11

The OpenTheGovernment.org Coalition has done an excellent job tracking many of the indicators of how the government has become more secretive over the past four years. The 2005 Secrecy Report Card shows a clear pattern of many secrecy trends. In particular, their table showing the classification of government documents offers a striking view of the changes:

Table 1: Classification of Government Documents

| Year | New Classified Documents | Number of Pages Declassified |
|-------------|---------------------------------|-------------------------------------|
| 1995 | 3,579,505 | 69,000,000 |
| 1996 | 5,790,625 | 196,058,274 |
| 1997 | 6,520,154 | 204,050,369 |
| 1998 | 7,294,768 | 193,155,807 |
| 1999 | 8,038,592 | 126,809,769 |
| 2000 | 11,150,869 | 75,000,000 |
| 2001 | 8,650,735 | 100,104,990 |
| 2002 | 11,271,618 | 44,365,711 |

¹⁴ There have been several reports on companies that are still experiencing major vulnerabilities without sharing them; most recently, Internet infrastructure giant Cisco had a major software security flaw that it did not share. See Justin Rood, *Cisco Failed to Alert DHS, Other Agencies About Software Security Flaw*, CONG. Q., Aug. 3, 2005, at 15, available at <http://www.interesting-people.org/archives/interesting-people/200508/msg00019.html>.

| | | |
|------|------------|--------------------------|
| 2003 | 14,228,020 | 43,093,233 |
| 2004 | 15,645,237 | 28,413,690 ¹⁵ |

While the classification of documents has continued at generally the same rate as prior to 9/11, the declassification has greatly decreased.¹⁶ After a strong trend of increasing declassification, the number of declassified pages has dwindled to just over a quarter of its peak.

D. E-GOVERNMENT ACT

The one area of growth in access to information has been in the implementation of the E-Government Act of 2002. The E-government Act, originally introduced by Senator Joseph Lieberman (D-CT) and Senator Conrad Burns (R-MT) required all regulatory agencies to accept filings online and compel them to issue electronic dockets where practical. This provision led to the regulations.gov website, a major step towards increasing the efficiency of government transactions. Regulatory agencies are a major consumer and generator of paperwork—efforts to decrease this burden on companies are positive. But electronic filing does not just benefit companies, by making the filings more accessible to advocacy workers and the media, they expose firms to scrutiny and help to keep them accountable to their shareholders, their customers and the public at large. Regulations.gov has effectively moved many regulatory agencies from the paper world to the Internet without sacrificing existing means to comment.

The E-Government Act also required a committee of relevant government agencies to develop recommendations for open standards to enable the organization and categorization of government information. This will be the first time that the government develops a cross-agency taxonomy of information so that different terms that are used to mean the same thing can be mapped within and across agencies, allowing for better searching and retrieval of information. These recommendations are due from OMB in December 2005.

¹⁵ OpentheGovernment.org, Secrecy Report Card 2005: Quantitative Indicators of Secrecy in the Federal Government, (2005) available at <http://www.openthegovernment.org/otg/SRC2005.pdf>.

¹⁶ There is an implicit assumption in putting these two columns in the same table that the number of pages in individual classified documents has remained the same, but I've never seen this verified. The information would also be significant simply as two separate tables.

This taxonomy will help take advantage of the Web's unique decentralized structure that allows information to be sorted in ways beyond traditional hierarchical stovepipes. Some of these changes are already in place, in part thanks to other changes in the E-Government Act encouraging cross-agency partnerships. For example, the U.S. Park Service (part of the Department of Interior) and the US Forest Service (part of the U.S. Department of Agriculture) both administer public lands on which camping is permitted. In the past, to find information about campgrounds in a National Park or National Forest, an individual needed to know which agency administered the land. Today, an individual can use recreation.gov to quickly plan a trip across the country, stopping at parks and forests without needing to know the agency involved.

E. MOVES AWAY FROM OPEN STANDARDS

While the E-Government Act and legislative proposals now in front of Congress are signs that there is still a desire to move government access forward, other trends continue to point to a push away from greater dissemination and openness. Recently there have been two troubling developments in the government push for open standards to lead to greater access to public information.

In August 2005, the U.S. Copyright Office released a Supplemental Notice of Proposed Rulemaking informing the public that it would only be accepting copyright claims online on the Microsoft Internet Explorer browser when the law requiring submission went into effect. "Support for Netscape 7.2, Firefox 1.0.3, and Mozilla 1.7.7 is planned but will not be available when pre-registration goes into effect."¹⁷ The Copyright Office was writing to proprietary implementations of the HTML standard rather than the standard itself.¹⁸

In that same month, it became public knowledge that FEMA's website had forms that were written to the Microsoft implementation

¹⁷ Preregistration of Certain Unpublished Copyright Claims, 70 Fed. Reg. 44 878 (proposed Aug. 4, 2005), *available at* <http://www.copyright.gov/fedreg/2005/70fr44878.html>.

¹⁸ CDT submitted full comments on the rule. *See* Ari Schwartz, Assoc. Dir., Center of Democracy and Technology, Comments on Supplemental Notice of Proposed Rulemaking 2005-9 (Aug. 22, 2005) *available at* <http://www.cdt.org/righttoknow/20050826cdtcopyrightoffice.php>.

as well.¹⁹ Later it was revealed that FEMA had also not been keeping up the internal links on the site.²⁰ These incidents are symptomatic of a larger move away from openness and compatibility of government websites. If this were an environment where agencies were committed to the principles laid out in Circular A-130, continued problems of non-compatibility and insufficient design would not arise.

IV. CURRENT LEGISLATIVE SUGGESTIONS

In March of this year, Senators John Cornyn (R-TX) and Patrick Leahy (D-VT) and Representatives Lamar Smith (R-TX) and Brad Sherman (D-CA) introduced the OPEN Government Act of 2005 and the Faster FOIA Act of 2005, legislation that would close many loopholes left open by FOIA.²¹

A. OPEN GOVERNMENT ACT (HR 867)

The OPEN Government Act is an important bill in several respects. CDT is especially encouraged that it would take advantage of the Internet to more efficiently disseminate public information. The Internet is an ideal medium for increasing and streamlining public access to government information. For example, through blogs and audio and video webcasts, the Internet has facilitated the rise of independent media outlets. By requiring Internet publications to be considered when making a determination of a requester's news media status, the OPEN Government Act recognizes the legitimacy of these online outlets and in doing so, removes a financial hurdle for many smaller media entities to use FOIA. In addition, by creating a system that allows FOIA requesters to track requests, the Act takes advantage of the efficiency of the Internet in providing a layer of accountability to the FOIA request process. Finally, requiring the Comptroller General to report on the implementation of the Critical Infrastructure Information Act of 2002 will bring oversight to the effectiveness of the

¹⁹ *FEMA to Mac, Linux Users: Drop Dead*, Sept. 6, 2005, http://www.boingboing.net/2005/09/06/fema_to_mac_linux_us.html (last visited Nov. 13, 2005).

²⁰ Carl Malamud & David Farber's Interesting People Mailing List (Sept. 15, 2005), <http://www.interesting-people.org/archives/interesting-people/200509/msg00254.html> (last visited Nov. 13, 2005).

²¹ See H.R. 867, 109th Cong. (2005).

(b)(3) exemption for information on the nation's critical infrastructure.²²

B. FASTER FOIA ACT (HR 1620)

The Faster FOIA Act would create a 16-member Commission on Freedom of Information Act Processing. With at least four members required to have experience submitting FOIA requests on behalf of nonprofit research, educational, or news media organizations, such a Commission could develop innovative solutions to the continuing problems of FOIA delays, balancing the needs of both agencies and requesters.

C. RESTORE OPEN GOVERNMENT ACT (HR 2331)

The Restore Open Government Act of 2005, introduced by Representative Henry Waxman (D-CA), would change most of the areas where access to government information has been decreased since 9/11.²³

In particular, the bill would revoke the Ashcroft FOIA memo, end the FOIA exemption for the voluntary sharing of critical information with the government, and put a stop to the "pseudo-classification" of information such as "secret but unclassified information."

V. MANAGEMENT SUGGESTIONS TO IMPROVE INTERNAL USE OF INFORMATION

Access to information inevitably implicates other interests — in particular cost, privacy, and security. Too often, these important issues are unnecessarily seen as competing with openness. Most of the discussion around these issues assumes that there must be a trade-off. However, the public does not see it this way, nor does the author's organization, the Center for Democracy and Technology.

In April 2003, a poll conducted by the Council for Excellence in Government showed that access, privacy and security were all equally important values and suggested that citizens expect all to be protected in federal e-government projects.²⁴ These findings should not come as

²² See H.R. 1620, 109th Cong. (2005).

²³ See H.R. 2331, 109th Cong. (2005).

²⁴ Council for Excellence in Government, *The New E-Government Equation* (Apr. 2003), available at <http://www.excelgov.org/admin/FormManager/filesuploading/egovpoll2003.pdf>.

a surprise since, in most cases, getting the right information to the right person at the right time ensures privacy, security and access, and can be more cost effective if done properly. Yet, to get to this point, information must be managed properly.

CDT regularly hears stories from agencies about the internal mismanagement of information. While cases such as the FBI's Virtual Case File have been highlighted in the press, similar inefficiencies and failures exist throughout government. For example, one agency came to CDT to discuss changes in its Privacy Act practices.²⁵ These officials had begun their task by cataloging the current Privacy Act Systems of Records at the agency to examine those that could be combined or eliminated. They found about half of these important data systems were missing. Over time the agency had simply lost track of them. Poor information management does not serve the interests of access, privacy, security or cost efficiency.

Yet, as bad information harms all of these areas, good information management can protect them. Information managers have long suggested solving data access and control problems by tagging information within the actual coding of the document. These tags describe the document in part and in whole. This so-called metadata would streamline the searching and cataloging of information while promoting open standards. It would also allow the creators of public documents to tag privacy sensitive information or classified information, making decisions about release at the time document is created rather than requiring other agency staff to review the document when it is requested. Documents suitable for release could then be posted as a matter of course, without the need for a FOIA request, essentially ending the "requester's paradox" once and for all.

Such approaches also offer opportunities for cost savings. Put simply, it takes less time to digitize and make available all agency documents (with appropriate redactions or withholdings) than it does to file away the documents until a FOIA request is received, then search for the requested documents, and print, review and send the document if found. Past examples show that making electronic records available to the public before a member of the public makes a request saves an agency time and money.

Perhaps the best example of the power of posting information comes not under FOIA, but from a Congressional agency, the

²⁵ Agencies treat individual requests for information under the Privacy Act as FOIA requests, because FOIA offers more rights to the individual. This is also the reason that many FOIA officers are also Privacy Act officers and why some Chief Privacy Officers at agencies have requested responsibility for FOIA.

Government Accountability Office. GAO began publicly posting all of its reports in October 1994 through GPO Access and in 1996 began providing the reports on its own website. By 1998 the total number of copies that GAO was printing had gone down from 1.2 million a year to 800,000 a year. Meanwhile, an average of 150,000 to 200,000 copies of each GAO report was being downloaded online. Given the number of reports that GAO issues, this means that tens of millions more GAO reports are being accessed without a significant rise in GAO's budget. While there may have been some initial start-up costs to put the data on a GAO Web site, there is no question that GAO has saved taxpayers money over the long term by putting all reports online.²⁶

VI. CONCLUSIONS

The changes made after September 11 limiting access to government information have had an impact. Instead of pushing agencies against the tide of making more information available, Congress and OMB should be encouraging agencies to think creatively about building better information systems with dissemination as a key goal. Addressing dissemination, privacy and security at the time of the creation of information management systems ensures that all of these interests are protected.

The December 2005 guidance from OMB on categorization and management, due under the E-Government Act, will be a true test to see if the government is moving toward greater openness through better management or whether we are moving further away from the essential goals espoused to date in Circular A-130.

²⁶ See The Center for Democracy and Technology's (CDT) 10 Most Wanted Government Documents, available at <http://www.cdt.org/righttoknow/10mostwanted/> (last visited Nov. 13, 2005).

APPENDIX: OMB CIRCULAR A-130²⁷

Basic Considerations and Assumptions:

- a) The Federal Government is the largest single producer, collector, consumer, and disseminator of information in the United States. Because of the extent of the government's information activities, and the dependence of those activities upon public cooperation, the management of federal information resources is an issue of continuing importance to all federal agencies, State and local governments, and the public.
- b) Government information is a valuable national resource. It provides the public with knowledge of the government, society, and economy -- past, present, and future. It is a means to ensure the accountability of government, to manage the government's operations, to maintain the healthy performance of the economy, and is itself a commodity in the marketplace.
- c) The free flow of information between the government and the public is essential to a democratic society. It is also essential that the government minimize the federal paperwork burden on the public, minimize the cost of its information activities, and maximize the usefulness of government information.
- d) In order to minimize the cost and maximize the usefulness of government information, the expected public and private benefits derived from government information should exceed the public and private costs of the information, recognizing that the benefits to be derived from government information may not always be quantifiable.
- e) The nation can benefit from government information disseminated both by federal agencies and by diverse nonfederal parties, including state and local government

²⁷ OFFICE OF MGMT. & BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT, OMB CIRCULAR NO. A-130 REVISED (TRANSMITTAL MEMORANDUM NO. 4), Memorandum for Heads of Executive Departments and Agencies (2000), *available at* <http://www.whitehouse.gov/omb/circulars/a130/a130trans4.pdf>.

agencies, educational and other not-for-profit institutions, and for-profit organizations.

- f) Because the public disclosure of government information is essential to the operation of a democracy, the management of federal information resources should protect the public's right of access to government information.
- g) The individual's right to privacy must be protected in federal government information activities involving personal information.
- h) Systematic attention to the management of government records is an essential component of sound public resources management which ensures public accountability. Together with records preservation, it protects the government's historical record and guards the legal and financial rights of the government and the public.
- i) Strategic planning improves the operation of government programs. The agency strategic plan will shape the redesign of work processes and guide the development and maintenance of an enterprise architecture and a capital planning and investment control process. This management approach promotes the appropriate application of federal information resources.
- j) Because state and local governments are important producers of government information form any areas such as health, social welfare, labor, transportation, and education, the federal government must cooperate with these governments in the management of information resources.
- k) The open and efficient exchange of scientific and technical government information, subject to applicable national security controls and the proprietary rights of others, fosters excellence in scientific research and effective use of federal research and development funds.
- l) Information technology is not an end in itself. It is one set of resources that can improve the effectiveness and efficiency of federal program delivery.

- m) Federal government information resources management policies and activities can affect, and be affected by, the information policies and activities of other nations.
- n) Users of federal information resources must have skills, knowledge, and training to manage information resources, enabling the federal government to effectively serve the public through automated means.
- o) The application of up-to-date information technology presents opportunities to promote fundamental changes in agency structures, work processes, and ways of interacting with the public that improve the effectiveness and efficiency of federal agencies.
- p) The availability of government information in diverse media, including electronic formats, permits agencies and the public greater flexibility in using the information.
- q) Federal managers with program delivery responsibilities should recognize the importance of information resources management to mission performance.
- r) The Chief Information Officers Council and the Information Technology Resources Board will help in the development and operation of interagency and interoperable shared information resources to support the performance of government missions.