

PUBLIC ONLINE INFORMATION ACT

Representative Steve Israel (D-NY)

Section-by-Section

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SECTION 6. Establishment of Public Online Information Advisory Committee

Creates a special federal advisory committee to coordinate the development of Internet disclosure policies. These policies promote information best practices, including data interoperability standards, and will keep the government up-to-date with new technology. The advisory committee's 19 members – six appointed by each branch of government, plus one by GSA – are drawn from the public and private sectors and serve as watchdogs, synthesizing the needs of agencies and the public and making recommendations on updating federal law.

The Advisory Committee is empowered to encourage the Government's efforts to make information publicly available by holding hearings, issuing recommendations and reports, articulating guidelines, holding conferences, and working with outside experts.

The Advisory Committee is designed to be independent, with staggered membership terms for stability, and will not only issue guidelines for government transparency but also will serve as an example of government transparency. Meeting proceeding, meeting notices, and member financial disclosure and conflict-of-interest forms will be made publicly available in a timely fashion and in accessible formats. It will also issue a bi-annual report on its activities.

SECTION 7. Executive Branch Internet Publication Mandate

Mandates that the Executive Branch make public records permanently available on the Internet at no cost, with a few publication exceptions. Also requires a public catalog of all records released by the Executive Branch.

Directs the E-Government Administrator, in consultation with the Office of Information and Regulatory Affairs and in light of the guidelines issued by the Public Online Information Advisory Committee, to promulgate regulations to ensure that executive agencies comply with the online publication mandate. And, directs the Chief

Information Officers of independent regulatory agencies to perform the same function for their respective independent regulatory agencies.

There may be exceptions to the online publication mandate, but they may be no broader than those found in the Freedom of Information Act. These include: (1) classified matters of national defense; (2) internal personnel rules and practices; (3) information specifically exempted by other statutes; (4) trade secrets, commercial or financial information; (5) privileged interagency or intra-agency memoranda; (6) personal information affecting an individual's privacy; (7) investigatory records compiled for law enforcement purposes; (8) records of financial institutions; and (9) geographical and geophysical information concerning wells. Additional exemptions may be granted on a case-by-case basis by the E-Government Administrator or independent regulatory agency CIO only if there is a "clear and convincing reason" and "the harm caused by disclosure significantly outweighs the public interest" in online publication.

If an exception to online disclosure is granted, the E-Government Administrator or independent regulatory agency CIO must publish online a redacted version of the public record.

The E-Government Administrator and independent regulatory agency CIOs must maintain lists of records not made available on the Internet and publish the list online, unless merely identifying the record would significantly harm the interested protected by the exception.

Online publication of public records becomes mandatory three years after POIA's enactment, giving agencies time to prepare.

Only public records generated, updated, or released after POIA's enactment must be published online, limiting the timeframe of disclosure.

Agency Inspectors General must periodically review agency compliance with Internet publication requirements.

Private individuals or organizations may make 'POIA requests' for an executive or independent regulatory agency to publish public records online. Denied requests may be appealed in federal court, under procedures similar to that available under FOIA, where a judge may order improperly withheld public records to be published online.

SECTION 8. Legislative and Judicial Information

Expressing the sense of Congress that legislative and judicial agencies should adopt the recommendations of the POIAC.

SECTION 9. Government Printing Office

Expressing the sense of Congress that the GPO should make all of its publications permanently available on the Internet in formats that best meet the needs of the public.