



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

Executive Chamber Transparency Implementation Plan November 2021

Immediately after taking office in August 2021, Governor Kathy Hochul committed to prioritizing government transparency and accountability. To that end, on September 20, 2021, Governor Hochul directed every New York State agency and authority to develop a plan to increase transparency and accountability.

By October 20, 2021, in response to this directive, State agencies, boards and authorities submitted transparency plans. The Executive Chamber has reviewed these submissions, and has developed policies to ensure agencies are in compliance with their transparency plans and to improve transparency statewide.

This Memorandum summarizes the Executive Chamber's plan to increase transparency and improve public participation in all facets of state government.

The Executive Chamber's Implementation Plan provides for the following:

- Monitoring the progress across the agencies in meeting the goals set out in their respective transparency plans.
- Developing legislation and policies to expand remote access to public hearings and meetings, and provide for additional remote public participation opportunities statewide.
- Strengthening compliance with Project Sunlight across state agencies, as required by the Public Integrity Reform Act of 2011.
- Updating and revising Freedom of Information (FOIL) processes to respond to FOILs more quickly and provide more information to the public.

Measures of Success and Long-term Monitoring

- The Executive Chamber is overseeing the implementation of the plans submitted by state agencies, authorities and boards.
 - The Executive Chamber is directing agencies, authorities, and boards to identify three deliverables in their transparency plan to implement within the next sixty days and to develop a clear timeline for longer-term projects. The Executive Chamber will create a single portal

housing all of the deliverables and timelines for those deliverables to ensure that no constituent has to read all of the reports to understand the work.

Participation in Government

The Executive Chamber is developing ways to expand opportunities for the public to participate in decision-making in the Executive Chamber and in State governments as a whole.

- During the pandemic, the public had new opportunities to participate in government through remote access technology. The Department of Agriculture and Markets reported in its transparency memorandum that remote participation resulted in greater accessibility, particularly for those living or working in more geographically remote regions of the state. The Executive Chamber is committed to permanently incorporating and expanding these opportunities for online comment, testimony and participation in public meetings.
- New York State government will also work with disability advocates, who have proposed expanding access for remote participation in public meetings.
- The Executive Chamber identified ways to improve opportunities for the public to engage with Executive Chamber leadership, including taking steps to make portals for public comments more visible on the Governor's website.
- The Executive Chamber will create a single webpage dedicated to boards and commissions. The page will offer basic descriptions of boards and include a portal to apply to be on a board. This will increase access to information and membership on boards and commissions.
- The Executive Chamber is developing an organizational chart that will be posted on the Governor's website. Agencies and authorities will also be encouraged to post their agency organizational charts on their respective websites. The Department of Labor and the Justice Center for the Protection of People with Special Needs have already committed to doing so as a part of their transparency initiative, and the Thruway Authority already posts this information online.
- The Executive Chamber will continue to work with the Division of Budget to explore opportunities for creating additional digital tools to enhance transparency, building on the success of OpenBudget and the School Funding Transparency portal.
- The Executive Chamber will also work with the Division of Budget to publish all plans approved by the Budget Director that allocate legislative and executive discretionary lump sum appropriations and capital appropriations contained in the Enacted Budget.

Strengthening compliance with Project Sunlight, as required by the Public Integrity Reform Act of 2011.

- Approximately 20 state agencies and authorities identified a need to recommit their organization and staff to Project Sunlight, or take additional steps to ensure reports are up to date. For example, the Metropolitan Transportation Authority and the Department of Labor plan to appoint a liaison within the organization to oversee its reporting. The Executive Chamber will coordinate with all Project Sunlight liaisons at agencies and authorities to strengthen statewide training and compliance.
- A review of the Executive Chamber's Project Sunlight process found that employees received only one training on this topic at their orientation at the start of their employment, and no subsequent trainings.
- The Executive Chamber has begun providing additional refresher trainings on the requirements of Project Sunlight to employees, designed to serve as a reminder of the duty to follow the state policy.
- The Executive Chamber will also send staff regular reminders of their responsibility to record covered appearances into the database.

FOIL and Records Retention

The Executive Chamber has taken steps to review its current policies and procedures and make significant changes to the way the Governor's office handles its records.

- The Executive Chamber has continued to implement a new FOIL process to eliminate the requirement that certain FOILs received by the state agencies be reviewed and approved by the Executive Chamber. This will expedite the process and permit the agencies to release requests in a more timely fashion.
- The Executive Chamber is upgrading technology in the Executive Chamber to facilitate expeditious collection, review and release of emails. The Executive Chamber is also addressing the technological needs in state agencies which were highlighted in multiple transparency plans.
- The Executive Chamber is working with state agencies to address FOIL staffing shortages which were highlighted in numerous agency transparency plans.
- The Executive Chamber is restricting the use of the "law enforcement interference" exemption to circumstances when the investigative entity asserts that release of the records will interfere with an ongoing investigation.
- The Executive Chamber will use the additional Executive Chamber FOIL attorneys and support personnel to review and process pending Executive Chamber FOIL requests and possibly agency FOILs.
- The Executive Chamber will post the Governor's Schedule in a timely fashion. The Executive Chamber will also post the following documents online: a log of

FOIL requests, aircraft & vehicle policies, Executive Chamber record retention policy and Project Sunlight reports.

- When a request for records is incomplete or requires clarification, rather than deny the request, the Executive Chamber will contact the requestor to seek clarification when such outreach is reasonably likely to result in identification and release of records.
- When practical, the Executive Chamber will post online the documents most sought from the Executive Chamber through FOIL requests.