Information Policy:
Foundations & Design

John Carlo Bertot
College of Information Studies
University of Maryland College Park
jbertot@umd.edu
Presentation Outline

- Definitions
- Foundations
- Guiding principles
- Information Lifecycle
- Legal and policy framework
- Implications and considerations
- Concluding comments
Define

- What are information policies?
- Laws, procedures, regulations, or rules policies that govern, shape, or otherwise impact the flow of information
- Can be formal and informal
- Can cover a broad range of topics
  - Access to, dissemination of government information
  - Open government
  - Freedom of Information
  - Intellectual property
  - Privacy
  - Social Inclusion
  - Security
Foundations and Responsibility

"I know of no safe depository of the ultimate powers of the society, but the people themselves, and if we think them not enlightened enough to exercise that control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion."

“Information is the currency of democracy.”

“If once people become inattentive to the public affairs, you and I, and Congress and Assemblies, Judges and Governors, shall become wolves. It seems to be the law of our general nature, in spite of individual exceptions.”

Thomas Jefferson
Democratic Principles

• Declaration of Independence

“The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world…..

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures….”
Democratic Principles

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

First Amendment, U.S. Constitution
Principles & Intent of Information Policy

- Informed citizenry/transparency
  - Government which operates in secrecy is not a government for and/or of the people

- Accountable
  - Government answers to its citizenry

- Access (voluntary or by request)
  - Access to government information, government records about oneself, government data
    - E.g., environmental, health

- Dissemination
  - Tools, processes, means for disseminating government information, data, etc.

- Participatory
  - Ability to use information to engage in government
Principles & Intent of Information Policy

- Preservation/cultural record
- Protection
  - Security/authorization
  - Privacy
  - Intellectual property

Footnote:
- Information policies, priorities, and approaches may differ by branch of government
Implications for Principles

- Inclusion
- Mechanisms for access
  - Technology, telecommunications, programs
- Literacy (traditional, information, digital)
- Safeguards
- Oversight
- Understandable
  - If governments only provide raw data, are they meeting their obligations?
- Processes/management
Information Lifecycle

- Information on a continuum from creation to disposition

## Policy Areas

<table>
<thead>
<tr>
<th>Policy Areas</th>
<th>Selected Relevant Policy Instruments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access and Social Inclusion</td>
<td>• Americans with Disabilities Act&lt;br&gt;• Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency&lt;br&gt;• Individuals with Disabilities Education Act&lt;br&gt;• Section 504 of the Rehabilitation Act&lt;br&gt;• Section 508 of the Rehabilitation Act&lt;br&gt;• Telecommunications Act of 1996</td>
</tr>
<tr>
<td>Privacy, Security, Accuracy, and Archiving</td>
<td>• Children’s Online Privacy Protection Act (COPPA)&lt;br&gt;• Federal Information Security Management Act (FISMA)&lt;br&gt;• Information Quality Act&lt;br&gt;• OMB Memo M-03-22 (Guidance for Implementing the Provisions of the E-government Act of 2002)&lt;br&gt;• OMB Memo M-04-04 (E-Authentication Guidance for Federal Agencies)&lt;br&gt;• OMB Memo M-05-04 (Policies for Federal Agency Websites)&lt;br&gt;• Federal Depository Library Program (Title 44 USC)</td>
</tr>
<tr>
<td>Governing and Governance</td>
<td>• E-government Act of 2002&lt;br&gt;• OMB Circular A-130 (Management of Federal Information Resources)&lt;br&gt;• Paperwork Reduction Act&lt;br&gt;• Various Copyright (Title 17 USC) and Patent &amp; Trademark (Title 35 USC) legislation</td>
</tr>
</tbody>
</table>
Selected Issues in Information Policy

- Overall vision, strategy, and goals
  - What type of information society do you want?
  - What information policies will best meet that vision?

- Policy harmonization/grand architecture
  - Creating stand alone policies can cause more problems than resolve

- Ensuring flexibility
Issues

• Life cycle assumes a stable underlying policy context

• Enter Social Media and Web 3.0
  ◦ Allows for interaction, participation, and customization
  ◦ A continuous flow of information and exchange with government
Concluding Comments

- Information policy is as much a philosophy as it is a set of guidelines, regulations, rules
- Policy that tries to capture every variation is unlikely to succeed
- Policy requires processes and follow through
- Combined with action, policy can be a significant change agent