

## **Public Participation**

### **Goal:**

Strengthen the role of public participation in the open government work of Federal agencies.

### **Issue Statement:**

The Open Government Initiative was, in part, intended to reshape the practices and activities of public participation in the work of federal agencies. Participation allows members of the public to contribute ideas and expertise so that their government can make policies, rules, and regulations with the benefit of information that is widely dispersed in society. However, several issues impede the effective use of participation in open government. First, agency officials sometimes lack the knowledge, skills, and abilities to launch effective and meaningful participatory programs, and there are few opportunities for officials to learn about best-practice from each other and from civil society. Second, most of the laws that govern that use of public participation are over thirty years old and pre-date the internet. The laws are often in tension with agency missions and the goals of participation, and leave agency staff wondering whether participatory innovations are legal. Finally, several laws, rules, and regulations limit agencies' ability to collect and use routine data from their participatory programs, which impedes evaluation efforts. Without improved methods of public participation, agencies are severely restricted in their ability to appraise and improve policy development and implementation. Addressing these issues will enable agencies to focus on the participatory aspects of open government and help the U.S. become a leader in public participation innovation.

### **Commitment:**

**Help agencies develop the internal capacity to conduct public participation.** The Administration will encourage opportunities for professional development and education about the numerous tools and strategies for designing and conducting public participation, promote the creation of shareable materials, and support communities of practice across agencies.

**Review and clarify the legal framework for participation.** The Office of Management and Budget (OMB), perhaps in conjunction with the collaborative governance research project of the Administrative Conference of the United States (ACUS), will examine and clarify the specific laws, executive orders, and other mandates that require participation, as well as the laws that potentially impede the implementation of participation. Where necessary and possible, an incremental approach will be used to revise the legal framework.

**Develop a generic, OMB-approved tool that all agencies can use to collect common data about individual participants for routine uses.** OMB will convene a working group to determine what individual-level data can be collected, as well as the best methods for collecting such data. The group will assess what data is already approved for collection from website usage and examine standardized metrics. The group will determine whether such a tool fits under the fast-track clearance process outlined in OMB M-11-26, and address Privacy Act concerns.

**Anticipated Effect:**

When implemented, these commitments will *improve public services* (OGP Grand Challenge 1), *increase public integrity* (OGP Grand Challenge 2), and *more effectively manage public resources* (OGP Grand Challenge 3). Agencies will gain competencies in the best practices of public participation, confidence that their participatory innovations comply with applicable laws, and the ability to better evaluate programs. The public will be able to more effectively contribute ideas and expertise to government in a wider variety of participatory formats, including in-person, online, mobile app, and hybrid arrangements.

**Timeline and Benchmarks:**

*1-3 months:* Conduct a survey of existing professional development and education opportunities and determine whether and how to share assets among agencies.

*1-6 months:* Examine and assess the legal framework for participation.

*1-6 months:* Convene a working group to examine routine collection of individual-level data and make recommendations about a generic tool.

*6 months:* OMB issues policy guidance memo that clearly states what *is* and *is not* allowed under the current legal framework.

*6-8 months:* OMB approves and releases generic tool for routine collection of common individual-level data.