

legal notes

By Daniel Pollack

Diamonds that are absolutely clear are the most valuable—so too, are departments of human services. The word transparency is derived from the Latin, transparere, meaning to appear or to become visible. Transparency has become a popular term to denote open and honest government. In human services, transparency is the desire and ability to conduct business in a clear and accountable manner. This does not mean that privacy and confidentiality are given short shrift. Rather, it means the department genuinely tries to inform the public how it works while simultaneously trying

inadequate supervision. Such real time information can be invaluable to the department and the public.

Kansas recently passed the Taxpayer Transparency Act. Its new spending database, KanView, allows citizens to search state revenues or expenditures by agency, fund, program, object or vendor. Similar legislation has been passed in Georgia, Kentucky, Louisiana, Missouri, South Carolina and Texas.

There are several general principles of transparency that departments of human services can adopt.

Offer stakeholders real-time involve-

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not to be ambiguous.

Arkansas recently passed a law that takes a step in that direction. The purpose of its act is to "clarify the procedure for public disclosure of information related to child fatalities or near-fatalities..." Toward this end, the department of human services must place on its web site certain information within 72 hours of a child fatality or near fatality. This information includes the age, race and gender of the child; the date of the child's death or near-death incident; the allegations or preliminary cause of death or incident; the county and placement in which the child was located at the time of the incident; the generic relationship of the alleged offender to the child; the identity of the agency conducting the investigation; the legal actions taken by the department; a list of services offered or provided by the department currently and in the past; and the child's name. No information on the siblings of the child, nor any attorney-client communications, will be shared.

In the first two weeks since the law took effect, the Arkansas Department of Human Services web site indicated there were seven fatalities and three near fatalities. All were male; all were the victims of neglect, physical abuse or ment. Meetings, especially ones that attract many people from across the state, can be webcast live through various video applications. Berkeley, CA webcasts meetings of its city council, rent stabilization board, zoning adjustments board and redevelopment agency. These meetings are also recorded for later download and can be closed captioned for hearing-impaired individuals.

Offer information for free whenever possible. Webcasting and making documents available electronically can usually be done with minimal costs. Charging citizens unnecessarily only serves to distance us from the very people we want to involve.

Offer primary data that are as complete as possible. Include all data that are not subject to legal privacy restrictions in a format that is both aggregated and unaggregated. Summaries of data should be offered but not to the exclusion of raw data. Things such as department purchases, sales and contracts should be easily tracked and available for public viewing.

Offer data that can be manipulated by the end user. Allow the public to use the data in ways it wants to use them, not only in the way the department wants them perceived. Allow users to search contracts and grants by county, city, contracting agency or type of award, including all sub-grants and sub-contracts.

Assign the task of transparency oversight to a high-level official. Make sure the public and other stakeholders are satisfied with the level of transparency offered by the department.

At the federal administrative level, a search engine called the Library of Unified Information Sources (LOUIS) combs through seven different sets of government documents. The seven sets of documents are congressional reports, the Congressional Record, congressional hearings, the Federal Register, presidential documents, Government Accountability Office reports, and congressional bills and resolutions. The search engine allows users to search broadly for keywords or limit searches to a single document set or range of dates. LOUIS, which updates its document depository daily, even allows users to set up a "standing query" as an RSS feed, to get alerts every time Congress or the executive branch takes action that references the subject of the initial query. At the federal legislative level, Congress passed the Federal Funding Accountability and Transparency Act, which requires disclosure of all entities or organizations receiving federal funds.

Improving the way we operate state departments of human services is an ongoing priority. We can surmise that transparency will inevitably help us examine ways to strengthen and streamline our departments, improve effectiveness, reduce costs, maximize informed participation, and facilitate state and regional governance.

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