

GOVERNMENT 2.0, PART I: FEDERAL AGENCY USE OF WEB 2.0 TECHNOLOGIES

HEARING

BEFORE THE
SUBCOMMITTEE ON INFORMATION POLICY,
CENSUS, AND NATIONAL ARCHIVES
OF THE
COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS

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THURSDAY, JULY 22, 2010

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INFORMATION POLICY, CENSUS, AND
NATIONAL ARCHIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:25 p.m., in room 2247, Rayburn House Office Building, Hon. Wm. Lacy Clay (chairman of the subcommittee) presiding.

Present: Representatives Clay, Maloney, Norton, Davis, Driehaus, Cuellar, Chu, McHenry, Westmoreland, Mica, and Chaffetz.

Staff present: Darryl Piggee, staff director/counsel; Yvette Cravins, counsel; Frank Davis and Anthony Clark, professional staff members; Charisma Williams, staff assistant; Ron Stroman, staff director—full committee; and Michael McCarthy, deputy staff director—full committee.

Mr. CLAY. Good afternoon. The Information Policy, Census, and National Archives Subcommittee of the Oversight and Government Reform Committee will now come to order.

Without objection, the chair and ranking minority member will have 5 minutes to make opening statements not to exceed 3 minutes by any other Member who seeks recognition. And without objection, Members and witnesses may have 5 legislative days to submit a written statement or extraneous materials for the record.

Welcome to today's hearing: A review of agency use under the Federal Records Act of Web 2.0 technologies.

As a result of today's hearing, we will have an understanding of what is meant by Web 2.0 in the Federal Government, recognize the Federal records management implications of these technologies, and appreciate what areas of Web 2.0 may merit further examination by the committee.

To that end, we have invited three government witnesses who are experts in these fields, including the Archivist of the United States. It is good to see you again Archivist Ferriero.

Web 2.0 technologies make possible interactive collaboration and enhanced information sharing, allowing large groups of users to participate in content creation.

Federal agencies have embraced Web 2.0 for both external and internal applications to promote transparency, collaboration and participation.

Agencies must continue to manage content created via Web 2.0 applications under the Federal Records Act and in compliance with the National Archives and Records Administration guidance, which is why I have invited the Archivist to testify today.

The GSA is leading executive branch efforts to identify and develop Web 2.0 platforms for agencies to use. Therefore, we will hear today from the Associate Administrator of GSA's Office of Citizen Services and Innovative Technologies.

Several months ago, I requested the GAO review the management and protection of information collected and maintained by commercial providers of Federal social media services. While they have only just begun that engagement, I have invited GAO's Director of Information Security Issues here today.

It is my hope that during today's hearing, Part I in a series of hearings on Web 2.0, we can remain focused on the subject at hand and not become distracted by issues outside of the scope of this hearing and even outside of the jurisdiction of this subcommittee.

There have been media reports that this hearing will be used for a showdown with the administration over issues unrelated to the Federal records implications of Web 2.0, indeed unrelated to Web 2.0 completely. If true, this is troubling. A congressional oversight hearing should be where important issues are thoroughly examined and not a showdown.

Also, rule XV of the Committee on Oversight and Government Reform expressly requires that all questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration. I am going to make sure that we use this committee's valuable time and resources appropriately.

This Congress has been very active in oversight of Federal as well as Presidential records. I am an original cosponsor of the first bill passed by the House in this session, H.R. 35, the Presidential Records Act Amendments of 2009. Not every member of the subcommittee voted for this important bill, and I continue to hope that the Senate will move forward and pass this legislation.

If there is specific credible evidence that any Federal agency is not properly managing Federal records, we will examine that, and I am always open to suggestions from all members of this committee for relevant topics for future hearings. But it is more important to talk about the subject at hand, an issue that affects all agencies in broad and diverse ways, than to spend valuable subcommittee time making political points on a very different issue.

In any case, this hearing is about Web 2.0, and particularly the Federal records implications of these technologies, and I hope that everyone understands that and will confine their questions to the subject matter of this committee.

As a final point, I want to clear up some confusion about today's hearing. There is continuing controversy about an old story; that is, whether an administration official used his personal e-mail account in violation of the Presidential Records Act. First, the official, Mr. McLaughlin, is employed by the White House Office of Science and Technology Policy. While this is an entity in the Executive Office of the President, that office is not subject to the Presidential Records Act. The Office of Science and Technology Policy is subject to the Federal Records Act.

In addition, his incidental use of a personal e-mail account for government business is not in and of itself a violation of the Federal Records Act, which governs his records. The individual simply needs to make sure that the record gets into the proper record-keeping system. And that is what happened. In fact, the issue that the White House examined, dealt with, and closed was not about any records statute, it was about incidental contact with the official's former employer, prohibited not by law but by an ethics pledge. The White House dealt with the matter, and it is now closed. And now we shall move forward to the subject of today's hearing.

I now yield to my colleague, the subcommittee ranking minority member, Mr. McHenry of North Carolina. And you are recognized for 5 minutes.

[The prepared statement of Hon. Wm. Lacy Clay follows:]

*Statement
Of
Chairman Wm. Lacy Clay, Chairman
Information Policy, Census, and National Archives Subcommittee
Oversight and Government Reform Committee
Thursday, July 22, 2010
2247 Rayburn HOB
2:00 p.m.*

“Government 2.0, Part I: Federal Agency Use of Web 2.0 Technologies”

Welcome to today’s hearing, a review of agency use, under the Federal Records Act, of Web 2.0 technologies.

As a result of today’s hearing, we will have an understanding of what is meant by Web 2.0 in the federal government; recognize the federal records management implications of these technologies; and appreciate what areas of Web 2.0 may merit further examination by the Committee.

To that end, we have invited three government witnesses who are experts in these fields, including the Archivist of the United States.

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Federal agencies have embraced Web 2.0 for both external and internal applications to promote transparency, collaboration and participation.

Agencies must continue to manage content created via Web 2.0 applications under the Federal Records Act, and in compliance with the National Archives and Records Administration’s (NARA’s) guidance, which is why I have invited the Archivist to testify today.

The General Services Administration (GSA) is leading executive branch efforts to identify and develop Web 2.0 platforms for agencies to use. Therefore we will hear today from the Associate Administrator of GSA’s Office of Citizen Services and Innovative Technologies.

Several months ago, I requested that the General Accountability Office (GAO) review the management and protection of information collected and maintained by commercial providers of federal social media services. While they have only just begun that engagement, I have invited GAO’s Director of Information Security Issues here today.

I look forward to the testimony of these witnesses, and to continue examining Web 2.0.

Dr. MCHENRY. Mr. Chairman, before I make an opening statement I would like to record some of my concerns about this hearing. There was a hearing—this hearing was originally scheduled for June 24th. And among the witnesses that were invited to the June 24th hearing was Ms. Beth Simone Noveck, the Deputy Chief Technology Officer for the White House Office of Science and Technology Policy. So the fact that the chairman is saying that it is not, that we don't have oversight over that, it is perplexing to me that he had this very witness on the previous hearing canceled.

So in advance of the originally scheduled hearing Ranking Member Issa spoke publicly of his intention to question Ms. Noveck about the use of personal e-mail to conduct official business in the Office of Science and Technology.

Ms. Noveck chairs an office with Andrew McLaughlin, a former Google lobbyist the chairman references in his opening statement, turned administration official who used his personal e-mail account to communicate with more than 25 Google employees, including influential lobbyists and lawyers.

Now, Mr. McLaughlin also used his G-mail address, his Web mail address, to communicate with senior members of the Obama administration. This use of personal e-mail violates the President's ethics pledge and Federal law. And I do think those two together, separately and together, are very important things: Federal ethics pledge from the President as well as Federal law. And yet the White House refuses to answer questions from Republican members of this committee about how the problem is fixed.

Interestingly enough, this witness was dropped before today's hearing in anticipation of this line of questioning. Within days of Ranking Member Issa's public statements about his intentions to question Ms. Noveck about this incident the hearing was canceled. Today we are holding this hearing without a White House witness. Without being able to ask questions to a White House witness, our Members are being deprived of answers about a very disturbing trend in the administration.

On top of Mr. McLaughlin's use of his personal e-mail to circumvent the Presidential Records Act and even the Federal Records Act, the New York Times reported on June 24th that White House staffers regularly meet with lobbyists at a Caribou Coffee across the street from 1600 Pennsylvania Avenue. Because this discussion—because the discussions are not taking place at the White House they are not subject to disclosure on the visitors log that the White House releases as part of its pledge to be, "the most transparent Presidential administration in history."

It is important for this committee's purposes that we are provided the opportunity to question relevant witnesses and to conduct proper oversight on our concerns related to the extraordinary lengths that White House staffers are going to avoid having their communications captured by the Presidential Records Act and the Federal Records Act. Not having a White House witness present to testify at this hearing undermines the purposes of this hearing and prevents us from doing our job of conducting oversight of this issue.

So under House rule XI, clause 2(K) sets forth hearing procedures to be followed by the House committees and subcommittees. Clause 2(K)(s) of House rule XI states that, "the Chair shall receive

and the subcommittee shall dispose of a request to subpoena additional witnesses.”

Pursuant to that rule, Mr. Chairman, I move the committee authorize and issue a subpoena to compel the testimony of Ms. Beth Simone Noveck or another White House official with the Office of Science and Technology Policy qualified to testify on her behalf.

Mr. Chairman, there is a motion.

Mr. CLAY. We will address the motion at another time.

Dr. MCHENRY. Mr. Chairman, I demand a recorded vote, ask for a recorded vote on this motion.

Mr. CLAY. We will.

Dr. MCHENRY. At this time.

Mr. CLAY. At this time? Well, we will recess. The committee stands in recess.

[Recess.]

Mr. CLAY. The committee will reconvene. And I will let the ranking member restate the motion.

Dr. MCHENRY. Sure. House rule XI, clause 2(K) sets forth hearing procedures to be followed by the House committees and subcommittees. Clause 2(K)(6) of House rule XI states, “the Chair shall receive and the committee shall dispose of a request by subpoena to subpoena additional witnesses.”

Pursuant to that rule I move that the committee authorize and issue a subpoena to compel the testimony of Ms. Beth Simone Noveck or another White House official with Office of Science and Technology Policy qualified to testify on her behalf.

Mr. CLAY. The members of the committee have heard the motion.

Dr. MCHENRY. And with that, I would ask for a recorded vote.

Mr. CLAY. And a recorded vote has been requested. Will the Clerk call the roll.

The CLERK. Mr. Clay.

Mr. CLAY. No.

The CLERK. Mr. Clay votes no.

Mrs. Maloney.

Mrs. MALONEY. No.

The CLERK. Mrs. Maloney votes no.

Ms. Norton.

Ms. NORTON. No.

The CLERK. Ms. Norton votes no.

Mr. Davis.

Mr. DAVIS. No.

The CLERK. Mr. Davis votes no.

Mr. Driehaus.

Mr. DRIEHAUS. No.

The CLERK. Mr. Driehaus votes no.

Mr. Cuellar.

[No response.]

The CLERK. Ms. Chu.

[No response.]

The CLERK. Mr. McHenry.

Dr. MCHENRY. Yes.

The CLERK. Mr. McHenry votes aye.

Mr. Westmoreland.

Mr. WESTMORELAND. Aye.

The CLERK. Mr. Westmoreland votes aye.
 Mr. Mica.
 Mr. MICA. Aye.
 The CLERK. Mr. Mica votes aye.
 Mr. Chaffetz.
 Mr. CHAFFETZ. Aye.
 The CLERK. Mr. Chaffetz votes aye.
 Mr. CLAY. The clerk will report.
 The CLERK. Mr. Chairman, the noes are five, the ayes are four.
 The noes have it.
 Mr. CLAY. The motion is defeated.
 Dr. MCHENRY. Mr. Chairman, with that, because this is obviously a hearing that doesn't get to the essence of this question, and seeing as it is apparent that the majority in the Congress is very intent on protecting the White House from these questions, I move that we adjourn.
 Mr. CLAY. The motion to adjourn is before the committee. The Clerk will call the roll.
 The CLERK. Mr. Clay.
 Mr. CLAY. No.
 The CLERK. Mr. Clay votes no.
 Mrs. Maloney.
 Mrs. MALONEY. No.
 The CLERK. Mrs. Maloney votes no.
 Ms. Norton.
 Ms. NORTON. No.
 The CLERK. Ms. Norton votes no.
 Mr. Davis.
 Mr. DAVIS. No.
 The CLERK. Mr. Davis votes no.
 Mr. Driehaus.
 Mr. DRIEHAUS. No.
 The CLERK. Mr. Driehaus votes no.
 Mr. Cuellar.
 [No response.]
 The CLERK. Ms. Chu.
 [No response.]
 The CLERK. Mr. McHenry.
 Dr. MCHENRY. Yes.
 The CLERK. Mr. McHenry votes aye.
 Mr. Westmoreland.
 Mr. WESTMORELAND. Aye.
 The CLERK. Mr. Westmoreland votes aye.
 Mr. Mica.
 Mr. MICA. Aye.
 The CLERK. Mr. Mica votes aye.
 Mr. Chaffetz.
 Mr. CHAFFETZ. Aye.
 The CLERK. Mr. Chaffetz votes aye.
 Mr. Clay, the noes are five, the ayes are four.
 Mr. CLAY. By a vote of 4 to 5 the motion is defeated.
 Dr. MCHENRY. Well, Mr. Chairman, after stating the obvious, that you have the majority and you want to proceed with this hearing, I just ask why it is that you chose to not invite Ms. Noveck

when she was previously on the last hearing. It was exactly the same. The only difference was Issa's statement he was going to ask about—

Ms. NORTON. Mr. Chairman, this matter has been settled by a vote. The Member continues to support a matter that has been settled by a vote, majority vote of the committee. He is out of order.

Dr. MCHENRY. Mr. Chairman. Question to the chair.

Mr. CLAY. The gentlewoman is correct and we will proceed with the hearing.

Dr. MCHENRY. So the gentleman will not ask the question?

Mr. CLAY. I will not answer the question.

Dr. MCHENRY. Then I demand my opening statement as the ranking member. I made a motion, which was my initial statement, that was my motion, and I demand my opening statement.

Mr. CLAY. The gentleman is recognized for 5 minutes.

Dr. MCHENRY. Thank you. This could be a very open hearing about the important part of the new technology that the Nation is experiencing and certainly this White House and the government is experiencing as well. With the original hearing that we were going to have on the 24th, it was clear that we were going to have that discussion. And with new technology, the White House is not immune to this. The Bush White House used the same outlines of rules that the Clinton administration developed on retaining e-mail. He was entitled to a government e-mail address, he was entitled to have a political or outside e-mail address, the limitations on that. And it is apparent with all sorts of news that we are reading about this White House is that they are using technology that was not available during the Clinton era, was not even available when the Bush administration set forward their rules and regs on who is entitled to e-mail access that is not official and governmental and therefore subject to recordkeeping.

So I think it is important that we have this discussion with the White House. It is apparent that the majority in this Congress does not want to ask even a White House witness to be a part of it. In fact, they are trying to protect one White House witness from even answering questions about their recordkeeping, even though we have seen in press reports that they are clearly doing things that are not in keeping with Presidential records and Federal records laws before you even mention the President's ethics pledge.

And it is a shame that it had to come to this, that we have to have a vote on it, but it is the intent of the chairman and the subcommittee members to do this. And so I beg your apology, the crowd here, the witnesses, our panel here, but unfortunately this could have been a much better hearing with a much better exchange rather than having to vote on subpoenaing a White House witness because the chairman didn't invite that person to this hearing. And that is before you even talk about a violation of the rules that the majority displayed when you talk about the discussion of what is permissible.

I was in a hearing with the Archivist in a similar panel a couple weeks ago and the chairman refused to let me ask a question that he didn't deem in keeping with the subject matter of the day. Well, the subject matter of the day is deemed by a majority memo. And under House rules you have to get a memo 3 days in advance. We

got our memo at 5 p.m. yesterday. So if my questions aren't in keeping with what you deem correct I am going to ask you to have a vote to disallow my questioning if I can't determine and my staff can't determine and the minority staff can't determine what questions to ask when you won't even tell us what the hearing is about. And this is very frustrating. And so that is the reason why we had to have these votes today. Because we can have a substantive hearing about important issues when we are talking about Presidential records.

Every President does the same thing. They want to make sure that they have two lines of communication, one that is subject to the history books and the other that is not. And every President has done this. Every President. It is not a Democrat thing, it is not a Republican thing. And we have to make sure that we use the power of oversight to make sure they adhere to those rules and regulations. And we have outside groups that are very interested in this as well, some that are not traditionally conservative, some that are liberal and some that are all across the board.

So I think it is important that we have that oversight authority to make sure that we are getting an administration adhering to their ethics pledge and the laws of this land.

Mr. Chaffetz, would you like the remainder of my time? And with that, I would be happy to yield back the balance of my time.

Mr. CLAY. The gentleman yields back. Are there any other opening statements? If not, for the record, this is a hearing on the Federal Records Act and not the Presidential Records Act. With that, if there are no additional statements, the subcommittee will now receive testimony from the witnesses before us today.

I would like to introduce our panel. Our first witness will be the Archivist of the United States, David Ferriero. Mr. Ferriero has led the National Archives Census Confirmation last November. He previously served as the Andrew W. Mellon Director of the New York Public Libraries, the largest system in the United States. Mr. Ferriero earned Bachelor's and Master's Degrees in English literature from Northeastern University in Boston and a Master's Degree from Simmons College of Library Information Science also in Boston.

After the Archivist we will hear from Dr. David McClure, the Associate Administrator of the Office of Citizen Services and Innovative Technologies in the GSA. Dr. McClure received his Bachelor's and Master's Degrees from the University of Texas and a Doctorate in Public Policy from the University of North Texas.

Our third witness will be Mr. Gregory Wilshusen, Director of Information Security Issues at the Government Accountability Office. He is a certified public accountant, certified internal auditor, and certified information systems auditor. Mr. Wilshusen holds a BS Degree from the University of Missouri and an MS Degree from George Washington University.

The final witness will be Mr. John Simpson. He is a Stem Cell Project Director for Consumer Watchdog, a nonprofit, nonpartisan organization that advocates for taxpayers and consumer interests. Mr. Simpson holds a Bachelor's Degree from the State University of New York in Binghamton and a Master's Degree from the University of Southern California.

I thank all of our witnesses for appearing today and look forward to their testimony. It is the policy of this committee to swear in all witnesses. I would like to ask you to stand and raise your right hands.

[Witnesses sworn.]

Mr. CLAY. Thank you. You may be seated. Let the record reflect the witnesses answered in the affirmative. We will begin under the 5-minute rule with Mr. Ferriero. Please, you may begin.

STATEMENTS OF DAVID S. FERRIERO, ARCHIVIST OF THE UNITED STATES, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION; DR. DAVID L. McCLURE, ASSOCIATE ADMINISTRATOR, OFFICE OF CITIZEN SERVICES AND INNOVATIVE TECHNOLOGIES, U.S. GENERAL SERVICES ADMINISTRATION; GREGORY C. WILSHUSEN, DIRECTOR, INFORMATION SECURITY ISSUES, U.S. GENERAL ACCOUNTABILITY OFFICE; AND JOHN M. SIMPSON, STEM CELL PROJECT DIRECTOR, CONSUMER WATCHDOG

STATEMENT OF DAVID S. FERRIERO

Mr. FERRIERO. Chairman Clay, Ranking Member McHenry, and members of the subcommittee, thanks for the opportunity to testify today. This hearing is exploring the use of Web 2.0 technologies by Federal agencies. I am here to state that the content created within these applications in many cases should be treated as official Federal records.

In my written testimony, I describe the guidance NARA has issued and is continuing to issue to agencies about how to identify and manage content created using Web 2.0 technologies. Additionally, I have outlined the Web 2.0 initiatives that we have undertaken at NARA to promote transparency, collaboration, and participation and the steps we are taking to manage our own records from these Web 2.0 projects.

NARA has long recognized the content created by Federal agencies and placed on their Web sites is in many cases a Federal record and must be managed as such. Over the past several years NARA has issued an updated guidance for Federal agencies to manage Web records. The underlying principle in our guidance is that record content produced or published by agencies on the Web must continue to be managed in compliance with NARA's records management guidance. The fact that agencies have increased their involvement of the Web 2.0 platforms does nothing to change that fundamental principle.

However, NARA does realize that Web 2.0 platforms raise additional records management questions. As a means of exploring these potential records management questions, we undertook a detailed evaluation involving dozens of discussions with agencies of the evolving nature of both the Web and Federal agencies' use of emerging Web 2.0 capabilities. NARA's subsequent Web 2.0 guidance and activities build on the research foundation established in this evaluation.

The interactive nature of Web 2.0 platforms present a number of new factors for agencies to consider. For instance, agencies need to determine if the interactive nature of the content creation, such as

comments left on an agency blog, need to be documented as part of the record. They also need to determine if the frequent update of the content requires additional strategies to capture the records. These determinations will impact how agencies properly manage and schedule their records of their Web 2.0 interactions.

NARA will soon issue a bulletin that will provide additional guidance and information to agencies about Web 2.0 and social media platforms and how agency use of them may impact records management procedures.

We are also conducting a study of Federal agencies that are actively using Web 2.0 technologies in order to gain a greater understanding of what records are being created and their potential value, both to agencies and NARA. Both the bulletin and study will be completed and made available this fall.

As the subcommittee knows, the core of NARA's mission is public access to information. Web 2.0 tools are allowing us to fulfill that mission in exciting new ways that are already improving external and internal communication and collaboration. NARA is currently using new media tools to support more than 60 live projects. Some examples are in my written testimony, including my own blog, where I regularly report on a variety of issues.

Finally, as an agency that not only archives Federal records but creates them, I would like to touch on what we are doing to manage our own records created with social media tools.

"Rules of Behavior for Using Web 2.0 and Social Media Web Sites and Responsibilities for Content Management," is the title of our internal guidance. Under this guidance staff responsible for a Web 2.0 project are directed to assess the record value at the proposal stage to determine if the social media activities will create or maintain Federal records. NARA's records management staff assist in making this determination.

To support this guidance, the manager of a Web 2.0 proposal is directed to answer two records questions: Will the proposed social media be used to create or maintain data or information meeting the statutory definition of a Federal record, and if yes, how will the records, drafts and other products from this project be captured and managed during their entire retention period?

The records portion of the guidance explains the records created and maintained in social media may be covered in the NARA record schedule and/or the general record schedule and should be managed in accordance with approved dispositions. The biggest challenge in establishing this guidance or determining the boundary of social media records, for example, is the record the whole site or just a portion? And determining the best ways to capture the record content in a format that maintains the content context and structure and is sustainable over the long term.

What we are learning in regard to managing our NARA Web 2.0 records will be shared as best practices on NARA's opening government Web site. Web 2.0 offers opportunities unimaginable a decade ago, and I am personally excited that NARA is taking advantage of its capabilities to increase awareness and provide better access to our holdings while at the same time working with agencies to ensure that new types of historic records are preserved for future generations.

Thanks again for the opportunity to testify and I look forward to answering your questions.
[The prepared statement of Mr. Ferriero follows:]

TESTIMONY OF DAVID S. FERRIERO
ARCHIVIST OF THE UNITED STATES
BEFORE THE SUBCOMMITTEE ON
INFORMATION POLICY, CENSUS AND NATIONAL ARCHIVES
OF THE
HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
ON
“GOVERNMENT 2.0, PART I: FEDERAL AGENCY USE OF WEB 2.0
TECHNOLOGIES”

July 22, 2010

Chairman Clay, Ranking Member McHenry, and members of the subcommittee, thank you for providing me the opportunity to testify today about how Federal Agencies are adopting Web 2.0 technologies and the implications this has for records management.

The focus of my testimony today will be on the guidance that the National Archives and Records Administration (NARA) has provided to agencies about how to manage content created using Web 2.0 technologies. I will briefly describe how agencies can use this guidance to identify and manage Federal records created in these environments. In addition, I will outline the Web 2.0 initiatives that we have undertaken at NARA to promote transparency, collaboration, and participation, and the steps we are taking to manage our own records from these Web 2.0 projects.

NARA has long recognized that content created by Federal agencies and placed on their websites are, in many cases, Federal records and must be managed as such. In January 2005, NARA issued comprehensive guidance to Federal agencies on managing their Web records (<http://archives.gov/records-mgmt/policy/managing-web-records-index.html>). This guidance discusses the ways in which agencies use websites, the basic statutory requirements--primarily the Federal Records Act--that govern websites, the types of records agencies typically accumulate in connection with their websites, and how to ensure trustworthy web records. The guidance also explores the types of records that should be covered in web schedules, how these schedules might be structured, and the factors an agency should consider in determining how long records should be retained.

After the issuance of this guidance, NARA recognized that the web was evolving from a static repository of documents into a series of multiple environments that facilitate collaboration across geographic and institutional boundaries. NARA issued an additional piece of guidance, Implications of Recent Web Technologies for NARA Web Guidance (<http://archives.gov/records-mgmt/initiatives/web-tech.html>) in 2006 to provide more

information to Federal agencies about these emerging technologies and their implications for agency records management. Since then, NARA has continued to work with Federal agencies to understand their use of the web and identify records management concerns. Through these efforts and contacts, NARA has a better understanding of the dynamic nature of Web 2.0 and the issues that confront individual Federal agencies.

The technologies that we identified as “recent” in 2006 were: web portals, really simple syndication (RSS), blogs, and wikis. The underlying principle in that guidance is that record content produced or published by agencies on the Web must continue to be managed in compliance with NARA’s records management guidance. The fact that agencies have increased their involvement with Web 2.0 platforms does nothing to change that fundamental principle. However, NARA does realize that Web 2.0 platforms raise additional records management questions.

As a means of exploring these potential records management questions, in FY2008, NARA undertook a detailed evaluation of the evolving nature of both the web and Federal agencies’ use of emerging Web 2.0 capabilities. As a result of dozens of discussions with Federal agencies’ personnel, NARA was able to make inferences about how records management and archival practice may change in light of the use of these technologies. The most important inferences relating to records management relate to complexities inherent in Web 2.0 technologies that require careful exercise of agencies’ statutory responsibilities. NARA’s subsequent Web 2.0 guidance and activities build on the research foundation established in this evaluation.

The ongoing, collaborative, and interactive nature of Web 2.0 platforms require agencies to determine if these factors impact previous records management determinations. For instance, agencies should consider if the interactive nature of content creation (i.e. comments left on an agency blog) need to be documented as part of the record. Agencies may also need to determine if the frequent update of the content requires additional strategies to capture the records. These determinations will impact how agencies properly manage and schedule the records of their Web 2.0 interactions. Some collaborative communications are likely to be assessed as temporary or even permanent records requiring long term management and preservation within an agency’s electronic record keeping system.

To assist Federal agencies, NARA will promulgate new policies on this subject in the form of a new Bulletin. The Bulletin on Web 2.0 and Social Media Platforms will provide additional guidance and information to agencies about these platforms and how agency use of them may impact records management procedures. In addition, we are also conducting a study of Federal agencies that are actively using Web 2.0 technologies in their agency mission related activities. The object of this study is to gather information on how Federal agencies are using Web 2.0 in order to gain a greater understanding of what records are being created and their potential value, both to agencies and NARA. Both the bulletin and the study will be completed and made available by the end of FY2010.

As for our own web presence, NARA is using a variety of social media and Web 2.0 tools for external and internal communications and collaboration. Our goals are to use social media tools to:

- 1) Enrich our relationships with existing NARA researchers, stakeholders, and interested members of the public by creating space for informal conversations and platforms for participation and knowledge-sharing.
- 2) Engage with potential researchers, visitors, and members of the public who may not be familiar with NARA by sharing our digitized holdings in popular online community spaces and raising awareness of our events, services, and holdings.
- 3) Improve internal communications and create connections between staff members at various levels, in different units or offices, who have similar interests, are facing similar challenges, or have expertise or insight to share.
- 4) Develop a Web 2.0 edition of the daily *Federal Register* to make it easier for citizens and communities to find and share agency documents, understand the regulatory process, and participate in Government decision-making.

To meet these goals, NARA is currently using new media tools to support more than 60 live projects. Some examples I would like to share with you include:

Our Archives wiki: Look inside any box at the National Archives and you'll find the records of someone's story. We created the Our Archives wiki as a place for the public, researchers and staff of the National Archives to share those stories and to collaborate and share research tips, subject matter expertise, and knowledge about NARA records. Over seventy members of the public signed up to participate in the wiki within the first week it went live. The wiki already contains a video with tips for researchers, as well as in-depth information on topical subjects as diverse as lighthouses, naturalization records, and slavery. Our goal is to create a collaborative environment with citizen archivists to provide a conversation around and deeper understanding of the holdings of the National Archives and the history of our country.

Cost Saving Brainstorming Forum: NARA continually looks for ways to make operations more efficient and reduce costs, while maintaining service levels. To accomplish this goal, we turned to our staff for input and ideas as we evaluated our program operations. We made it clear to staff that we wanted to hear from them. We asked them to submit ideas on how NARA could reduce costs but still get our critical mission accomplished. In order to gather staff thoughts, we used IdeaScale, a social networking tool, which allows users to make suggestions and vote on the ideas submitted by others. When we launched, we did not know the extent to which the staff would be willing to participate. To our happy surprise, the outpouring of ideas, comments, and votes was overwhelming. From a staff of about 3,500, we had over 700 register and provide ideas with over 19,000 votes on those ideas.

The Commons on Flickr: The National Archives participates in The Commons on Flickr, alongside peer institutions such as the Smithsonian Institution, The National Archives UK, and many others, to provide greater online public access to our most popular photos. We believe the public benefits when citizen archivists provide their input and knowledge about the photos, by tagging and adding comments, making these collections richer and more accessible than ever

before. We received over a million views of our photos in less than a year of participating in this effort.

The National Archives also participates on Facebook, YouTube, and Twitter, and in doing so, we are reaching people who may never come to our homepage, archives.gov. We are simply reaching out to people where they are on the web and in ways we never have before. The positive feedback from these efforts has been encouraging.

AOTUS: Collector in Chief: I have worked to lead the social media charge by establishing my own active blog, "AOTUS: Collector in Chief." I have been blogging regularly since April and have developed new relationships both within and outside of the agency through this effort. The blog provides my comments on current issues at NARA, my speaking schedule and even information about what I am reading. This is about transparency from the top and it has been an effective tool for communicating with the staff and the public.

To address the management of NARA's own records in social media tools, we've issued internal guidance detailing *Rules of Behavior for Using Web 2.0 and Social Media Web Sites and Responsibilities for Content Management*. Under this guidance, Social Media product owners assess the record value at the proposal stage to determine if the activities will create or maintain Federal Records. NARA's Records Management Staff can assist in making this determination

This assessment must be done periodically, as the record value may change over time. The site moderator should be aware of the records status and report apparent changes in the records status to the product owner and NARA's records staff.

To support this guidance, the product owner is directed to answer two records questions as part of the proposal process:

- 1) Will proposed social media be used to create or maintain data or information meeting the definition of a Federal record per 44 USC 3301 and 36 CFR 1222?
- 2) If yes, how will the records, drafts, and other products from this project be captured and managed during their entire retention period?

The records portion of the guidance explains that records created and maintained in social media may be covered in the NARA Records Schedule and/or the General Records Schedule and should be managed in accordance with approved dispositions.

The biggest challenges in establishing this guidance are:

- 1) Determining the "boundaries" of social media records. For example: Is "the record" the whole site, is it a portion, is it one "conversation", is it a collection or subset of content? Does the records value change across "boundaries"?

- 2) Determining the best ways to capture the record content in a format that maintains the content, context, and structure and is sustainable over the long term (for longer retention periods).

NARA's Records Officer and the Director of NARA's Modern Records Programs participate on NARA's Social Media Working Group. We plan to work directly with content owners to address these issues, and to share our Best Practices on NARA's Open Government web site.

Web 2.0 offers opportunities unimaginable a decade ago and NARA is taking advantage of its capabilities to increase awareness and provide better access to our holdings, while working with agencies to ensure that new types of historic records are preserved for future generations.

Thank you again for the opportunity to appear today and I look forward to answering your questions.

Ms. NORTON [presiding]. Thank you very much, Mr. Ferriero.
Dr. McClure.

STATEMENT OF DAVID L. McCLURE

Dr. McCLURE. Thank you, Ms. Norton, and welcome to members of the subcommittee.

Ms. NORTON. Let me just say that the chairman, real chairman, will be back shortly.

Dr. McCLURE. Thanks. It is a pleasure to be here to testify before you on the use of Web 2.0 tools in the government and how GSA is helping to enable this transformation. My written statement is full of examples of how social media and Web 2.0 technologies are being used in the Federal Government. But today I just want to make three primary points to the subcommittee.

First, I want to emphasize that the use of Web 2.0 tools is essential for responding to shifting citizen expectations of government. Web-based social networks play an increasingly central role in the lives of citizens. For instance, YouTube has become the second largest search engine in the world. Over 300 billion pieces of content are shared on Facebook each year. MySpace, YouTube, Facebook host 250 million visitors, 80 percent of the U.S. population each month. And these statistics I think just provide a glimpse into how Web 2.0 is altering how citizens both produce and consume information.

Increasingly citizens are expected to find the information they want and need through Web-based social networks. They use more and more of them every day. They expect government not only to deliver services through multiple channels, but to engage with them on how these services are working and can be improved.

Connecting citizens and government is not new to GSA, and our Administrator Martha Johnson has placed open government at the center of our mission agenda. In response, we have delivered an apps dot-gov storefront to help connect agencies with social media tools meeting Federal friendly terms of service. We are creating a challenge dot-gov Web site, a governmentwide challenge and contest platform to open up innovation and problem solving. And through our Web manager university we have supported and trained over 18,000 agency customers in areas like plain language and user center design for Web content.

So GSA is delivering significant Web 2.0 efficiencies by establishing tools for governmentwide use, sharing agency policies and building communities that extend across the government.

My second point is that Web 2.0 is a mission enabler for government. It is easy to think of Web 2.0 as a novelty or something that occurs along the real business of government. However, government's use of social media is extraordinary and it is very diverse. Its use should be aligned directly with the efficiency, effectiveness, and quality of core government functions and programs. I've highlighted several examples in my written statement for you, such as the Library of Congress, the U.S. Geological Survey, the State Department, and TSA's IdeaFactory, just to give you an example of many of the innovative uses of Web 2.0 technologies.

These efforts show that Web 2.0 isn't fundamentally about technology itself, but it is how technology is enabling people to come together in new ways and achieve dramatic results.

Point No. 3, successful engagement with citizens must be built on a foundation of transparent government. The open government directive contains specific direction for making government more open to citizens and enabling them to hold us accountable. New data releases in areas such as Medicare diagnostic procedures and charges, educational system revenues, and standardized scoring outcomes, social security adjudication processing have virtually unlocked unprecedented transparency and accountability for the citizens of this country.

Using Web 2.0 technologies GSA is supporting two key initiatives; data dot-gov, a central portal for citizens to discover, download and access over 270,000 government data sets, and U.S. spending dot-gov, which let's the public visualize how their tax dollars are being spent. We have also redesigned the government's main citizen Internet portal, USA.gov and gobierno.gov with mobile applications to expand the real-time service delivery of information services to the public.

In closing, I hope we have shed some light in the statement on Federal agency adoption of Web 2.0 and GSA's work in encouraging it. Thank you, Mr. Chairman, and I look forward to answering questions.

[The prepared statement of Mr. McClure follows:]

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STATEMENT OF

**DR. DAVID L. MCCLURE
ASSOCIATE ADMINISTRATOR FOR CITIZEN
SERVICES AND INNOVATIVE TECHNOLOGIES**

U.S. GENERAL SERVICES ADMINISTRATION

BEFORE THE

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON INFORMATION POLICY, CENSUS, AND
NATIONAL ARCHIVES**

U.S. HOUSE OF REPRESENTATIVES

JULY 22, 2010



Government 2.0: Federal Agency Use of Web 2.0 Technologies

Good afternoon, Chairman Clay, Ranking Member McHenry, and members of the Subcommittee. Thank you for providing me with the opportunity to testify about how federal agencies are implementing the Administration's Open Government agenda, and how the General Services Administration is working with the Office of Management and Budget (OMB) and Administration officials to enable this transformation.

The leadership of this Administration has been a catalyst for the rapid adoption of "web 2.0" tools by federal agencies—and, more broadly, of a renewed focus on making government more transparent, participatory, and collaborative. On his first full day in office, the President fully committed to these principles by issuing his Memorandum on Transparency and Open Government. In this Memorandum, he called on agencies to:

"harness new technologies to put information about their operations and decisions online and readily available to the public [and]... solicit public feedback to identify information of greatest use to the public."¹



Figure 1: Screenshot of Whitehouse.gov Open Government Initiative

In December 2009, the OMB further strengthened this commitment by issuing the Open Government Directive. This directive provided specific guidance and concrete timelines for agencies. This directive outlined the steps agencies must take to increase citizen accessibility and transparency. Notably, the directive mandated that each agency develop and publish an Open Government Plan to "describe how it will improve transparency and integrate public participation and collaboration into its activities."²

These actions, immensely important in their own right, have been truly transformational because they come at a time of convergence with other key trends:

- **Important Changes in Technology**—In the past decade, vast increases in the availability of storage space, bandwidth, and computing power have enabled a new class of Internet-based applications—broadly called "web 2.0"—that focus less on one-way delivery of information and more on enabling large, diverse communities to come together, share their wisdom, and take action.
- **Shifting Consumer Expectations**—In turn, the ubiquity of "web 2.0" tools has radically shifted the expectations of citizens. A few statistics paint the broad picture of how rapidly these tools have transformed how we produce and consume information:
 - YouTube, a popular video sharing site, is now the second largest *search* engine in the world.³
 - More than 25 billion pieces of content (web links, news stories, blog posts, notes, photo albums, etc.) are shared each month on Facebook.⁴
 - On-line newspaper readership is up 16 percent.⁵ In the past year, among the 25 largest circulation newspapers, 10 had declines in weekday circulation of more than 10 percent.⁶

¹ <http://www.whitehouse.gov/the-press-office/transparency-and-open-government>

² http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-06.pdf

³ <http://techcrunch.com/2008/12/18/comscore-youtube-now-25-percent-of-all-google-searches/>

⁴ <http://www.facebook.com/press/info.php?statistics>

- It took 38 years for radio to attract 50 million listeners, and 13 years for television to attract 50 million viewers.⁷ MySpace, YouTube, and Facebook host 250 million visitors each month, and none of these websites existed 6 years ago.
- By 2020, mobile devices will be world's primary tool for connecting to the Internet.⁸

Increasingly, many citizens—government's customers—are coming to expect to find the information they want and need through the use of the social networks and platforms they use every day.

Examples of Web 2.0 Use in Federal Agencies

The convergence of these forces—Presidential leadership, social change, and grass-roots enthusiasm—has produced an explosion of innovation. Highlighted below are a few of the literally hundreds of examples of agencies using web 2.0 tools:

- **Library of Congress on Flickr**—The Library of Congress is a repository of some of our nation's most cherished and important cultural artifacts. For years, however, citizens had to travel to Washington, D.C. to view these materials. In January 2008, that changed when the Library used the popular photo-sharing service Flickr (www.flickr.com) to put 3,000 public-domain, copyright-free photos online so that all citizens could share and explore them, regardless of geography. Moreover, the Library used Flickr's social tagging features to enable citizens to sort the photos by person, place, topic, and other key dimensions. The Library is using web 2.0 not only to deliver its content in ways that all citizens expect and appreciate, but to enlist citizens in the critical mission of examining and cataloguing that content for future generations.



Figure 2: The Library of Congress' Flickr Page

- **NASA's Use of Twitter as a Communications Platform**—NASA was an early adopter of using Twitter as a communications platform with its @MarsPhoenix account, which was well known for its stream of regular first-person updates about life as a spacecraft on Mars. On June 19, 2009, NASA utilized Twitter to broadcast to the world that the Mars Phoenix spacecraft had discovered water on Mars, proclaiming: "Are you ready to celebrate? Well, get ready: We have ICE!!!! Yes, ICE, "WATER ICE" on Mars! w00!!! Best day ever!!" Announcing a discovery of this magnitude using new media platforms was an innovative departure from NASA's traditional way of doing business and proved extremely effective in communicating its discovery quickly. NASA Astronauts also use Twitter to share their experiences in space. On May 12, 2009, Astronaut Mike Massimino made history by sending the first Tweet from space while onboard the space shuttle Atlantis on the STS-125 mission: "From orbit: Launch was awesome!! I am feeling great, working hard, & enjoying the magnificent views, the adventure of a lifetime has begun!" Today, NASA uses Twitter on a regular basis. It recently created the NASA Buzzroom (<http://www.buzzroom.nasa.gov>) to aggregate online conversations about NASA. In terms of sharing a message with an audience, or engaging them in conversation around a topic like space exploration, there may not be a more effective way than personally connecting with others through new media platforms.

⁵ http://news.cnet.com/8301-1023_3-10150884-93.html

⁶ <http://www.nytimes.com/2010/04/27/business/media/27audit.html>

⁷ <http://econsultancy.com/blog/4402-20+-more-mind-blowing-social-media-statistics>

⁸ <http://www.informationweek.com/news/showArticle.jhtml?articleID=212500798>

- U.S. Geological Survey Earthquake Monitoring Through Twitter**—Created in 2006, Twitter (twitter.com) has become a major hub for sending messages and sharing content. In 2009, the U.S. Geological Survey recognized that many citizens were using Twitter to share information about earthquakes, and that "for felt earthquakes in populated regions, Twitter reports often precede[d] the USGS's publically-released, scientifically-verified earthquake alerts."⁹ Drawing on this, they created the Twitter Earthquake Detector, or TED, to draw on citizens' updates as an "early warning system" of seismic activity and, potentially, to enable a more rapid and well-equipped response to these events than was previously possible.

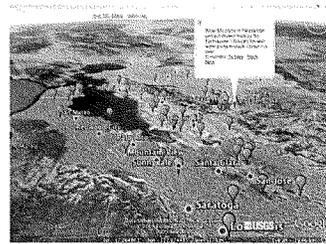


Figure 3: USGS Plot of Earthquake Reports Collected Through Public Tweets

- State Department Haiti Response**—The State Department has demonstrated that social networks can not only help anticipate major natural disasters, but also help respond to them. In the hours immediately following the January 2010 earthquake in Haiti, the State Department recognized the opportunity to enlist ordinary citizens in assisting the relief effort. Using SMS text messaging—a mobile technology available even to those without computers—they created a system that allowed mobile users to donate to a relief fund simply by texting a short code to a specified number. The campaign generated \$1.7 million in its first 24 hours, and has now raised more than \$40 million from about four million donors, making it the largest mobile donation campaign ever.
- National Library of Medicine's Pillbox**—Government's use of social media is valuable not only in a crisis, but also in providing citizens with the information they need every day. Pillbox is a web application created by the National Library of Medicine that enables rapid identification of unknown pills by allowing a visitor to describe its shape, color, and markings and searching against government data for a match. Useful for emergency physicians, first responders, health care providers, and concerned citizens, Pillbox is a great example of how the Internet can transform previously hard-to-access government data into vital information that is at citizens' fingertips. It also provides a powerful case for the efficiency potential of web 2.0: According to Pillbox project manager David Hale, poison control centers get 1.1 million calls a year to identify drugs in emergency situations, at a cost of about \$50 per call. Automating this service on the Internet has dramatic potential to defray some of this cost.¹⁰
- EPA Puget Sound Mashup**—Widely regarded as one of government's first forays into "web 2.0", EPA's Puget Sound Mashup was born out of then-CIO Molly O'Neill's recognition that although the federal government had responsibility for this vital waterway, they could not fulfill this responsibility without drawing on the wisdom of the of state and local governments, NGOs, stakeholders, and citizens who are directly impacted by the Sound and its surrounding environment. Using a basic wiki—a tool that allows anyone to contribute or edit content on a single website in real time—EPA called on these groups to share their best information resources, tools, ideas, and contacts to protect the Puget Sound. In just 48 hours, they received over 175 contributions, and the site's pages were viewed over 18,000 times.
- TSA "Evolution of Security" Blog**—Blogging has represented a major shift in how we share and discuss information in real time. In January 2008, the Transportation Security Administration (TSA) recognized the potential value of this shift by launching the Evolution of Security Blog to

⁹ <http://www.usgs.gov/corecast/details.asp?ep=113>

¹⁰ <http://qcn.com/articles/2010/07/19/web-app-nih-pillbox.aspx>

provide "a forum for a lively, open discussion of TSA issues."¹¹ Since then, the blog has had thousands of posts and comments, and has become a model of how federal government can use blogs to engage authentically with citizens. Only a week after it started, the TSA blog received comments from air travelers about their officers requiring all electronics to be removed from carry-on luggage, contrary to official guidance. The comments were passed along to TSA leadership, who rectified the issue quickly and reported back about it on the blog. Since then, the blog has also been used to provide travel tips and clarify controversial incidents involving airport security, all the while building TSA's reputation for engaging in an honest and straightforward way with citizens.

- **Government Data Transformed into Apps**—Recent examples underline the creativity and innovation that is unleashed when government data is made publicly available in open formats. In March 2010, USDA, in partnership with First Lady Michelle Obama's "Let's Move!" campaign to combat childhood obesity, launched the Apps for Healthy Kids contest. It challenged developers and designers to build Internet or mobile applications, based on USDA nutrition datasets, that could teach children and young adults about how diet and exercise can affect their lives. The challenge promises \$60,000 in total prize money, and for that small investment, USDA has had over 90 eligible applications submitted, and attracted over 17,700 supporters. In that same model, Department of Health and Human Services Chief Technology Officer Todd Park recently led an effort known as the Community Health Data Initiative that seeks to "help Americans understand health and health care performance in their communities and to help spark and facilitate action to improve performance."¹² "On March 11, the Institute of Medicine and HHS convened health care experts, technology developers, web 2.0 visionaries, and others to explore what could be done with HHS's community health data. The group brainstormed an incredible set of ideas – and then, even more impressively, volunteered to pursue the development of many of them, roping in additional participants along the way. In the less than 90 days since that meeting, more than a dozen new or improved data applications using HHS's community health data have been developed."¹³

Each of these examples demonstrates a different facet of the way that social media and citizen engagement tools are transforming government. They are revolutionizing how citizens receive and interact with government information, and in turn, enabling citizens to provide government with their own "high-value data," be it in the form of photo tags, earthquake tweets, blog comments, or killer apps.

However, this revolution has not been a one-way street. Just as web 2.0 has impacted the way government operates, the structure and complexities of government have impacted how these tools are adopted and used. Here are a few brief examples:

- **Can Government Employees Access Social Media Tools?**—Because tools like Twitter and Facebook are so common in our personal lives, many managers in agencies question their appropriateness in a professional setting. They wonder whether an employee is truly using social media tools to execute their mission, or just passing time. Moreover, many CIOs are concerned about the demand that these tools take on Internet bandwidth and overall infrastructure, as well as their security implications. For these reasons, federal employees' access to popular social networking sites has been uneven; some block sites that others do not, and the rationale for these blockages is often inconsistent. In response, many agencies are creating detailed Social Media policies, indicating which tools are approved for on-the-job use, how they may be used, and associated security and privacy requirements. One of the most visible recent examples has been the Department of Defense issuing department-wide guidance authorizing the use of social media. The State Department has also recently released a social media policy, and the Environmental Protection Agency has released specific guidance for the use of Twitter, Facebook, widgets, discussion forums, blogging and other web 2.0 tools.

¹¹ <http://blog.tsa.gov/2008/01/welcome.html>

¹² <http://www.hhs.gov/open/plan/opengovernmentplan/initiatives/initiative.html>

¹³ <http://www.hhs.gov/open/discussion/chdi.html>

- **How Should Government Employees Engage Online?**—When, if at all, is it appropriate for a government employee to participate in a social network in their official capacity? The U.S. Air Force and Environmental Protection Agency have responded by developing a clear, concise framework for employees to use in making this judgment. The need for this kind of guidance highlights the new reality of social media: "communications" no longer comes only from the top of an organization; engagement with the public can happen at any level, in any venue, 24/7.

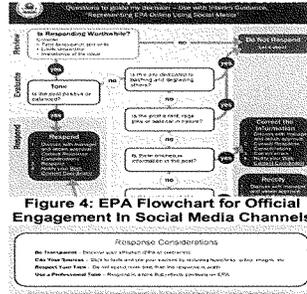


Figure 4: EPA Flowchart for Official Engagement in Social Media Channels

- **How Can Government Learn From These Experiences Together?**—In response to these and other issues, the Federal Web Managers Council—established in 2004 to recommend guidelines for public websites—has established a Social Media Sub-Council to collect and disseminate best practices with respect to federal agency use of social media tools. The Sub-Council has compiled hundreds of sample social media policies from federal agencies as well as state, local, and international governments. This has become an invaluable resource and a strong indication of how federal agencies are adapting the use of social media tools to their own complex missions and policies.

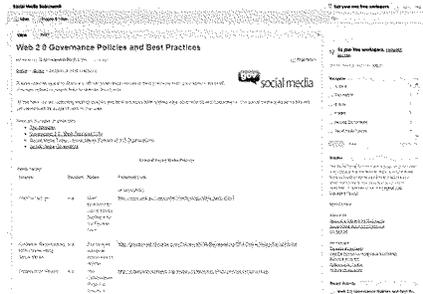


Figure 5: Homepage of Social Media Sub-Council Wiki

The Role of GSA and the Office of Citizen Services and Innovative Technologies

Against this background of progress and innovation, the General Services Administration plays a key role in expanding successful agency use of web 2.0 tools. For decades, GSA has been a leader in connecting citizens with government information, be it through traditional media such as publications and call centers, or more recently, websites such as USA.gov and gobiernoUSA.gov. As our Administrator, Martha Johnson, noted upon being sworn in in February 2010:

Hoarding and hiding information prevents citizens and civil servants from understanding and participating in the public process effectively...We at GSA can help change that. We can make the information more available, as a first step. And we can do much more. We can, and will, take advantage of emerging technologies for sorting, sharing, networking, collective intelligence, and using that information. Our goal is nothing short of a nation that relies not on select data and statistical boxing matches, but on accurate evidence that supports knowledge and wisdom.¹⁴

Under Administrator Johnson's leadership, the organization I lead is transforming itself. Now called the Office of Citizen Services and Innovative Technologies (OCSIT), our goal is to work with OMB and other key actors to provide agencies with the tools and solutions they need to "keep their feet on the gas pedal," adopting web 2.0 tools quickly and using them successfully. To do this, we have created three new organizations within OCSIT:

¹⁴ http://www.gsa.gov/Portal/gsa/ep/contentView.do?pageTypeId=10430&channelId=-24827&P=&contentId=29129&contentType=GSA_BASIC

- The **Center for New Media and Citizen Engagement** focuses on providing agencies with easy access to new and existing web 2.0 tools and platforms; supporting the agile use of these tools; and building learning communities of practice around emerging products and services.
- The **Center for Customer Service Excellence** focuses on building the capacity for agencies to deliver exceptional service via web, phone, e-mail and other channels; disseminating best practices and resource materials; and supporting a network of thousands of government web and new media professionals to share practices in new media and open government.
- The **Office of Innovative Technologies** focuses on providing agencies with the technical infrastructure that they need in order to maximize the efficient use of computing resources; creating platforms that enhance internal collaboration; and supporting government-wide information architecture initiatives.

GSA is able to play on this key role in helping to facilitate agency use of new technologies because of our unique position. Because we serve other agencies, we are able to deliver significant efficiencies to them by working with other key actors to establish tools, policies, and communities that extend across government. Just as our Public Building Service and Federal Acquisition Service provide agencies with integrated solutions in the areas of public property and procurement, OCSIT is able to function as a centralized point of service for those across government looking to explore or accelerate their use of social media and citizen engagement technologies. We also refine and leverage this expertise at a number of inter-agency forums on collaboration, including the White House’s Ideation and Challenge Communities of Practice, as well as the Open Government Working Group, which brings together the officials at each agency designated as responsible for the agency’s Open Government activities. I am honored to serve in this position for GSA.

Products and Services Supported by OCSIT to Encourage Citizen Engagement

Although the mission of OCSIT and its component organizations is very broad, we have created a number of concrete tools that agencies have already begun to use.

- **Apps.gov** is an online storefront, managed by GSA. Apps.gov was launched in September 2009; its purpose is to encourage and enable the adoption of cloud computing solutions within the federal government. Apps.gov greatly expands the IT service catalogue available to agency CIOs. It offers a robust set of business, productivity and social media applications and cloud procurements by federal agencies. We have learned that Apps.gov supports research and analysis of existing cloud products and services, and provides a fast, easy way for federal agencies to buy the tools they need—either through the storefront or other GSA acquisition vehicles like Advantage or e-Buy. Agencies have also used Apps.gov to research free social media tools with federal-compatible terms of service negotiated by GSA. By negotiating these agreements and making them available to other agencies, GSA has cleared an important hurdle to adopting free, commercial tools like YouTube and Facebook. Using the resources on Apps.gov, agencies can match the tools they need to agency-specific services they offer to their stakeholders.

Apps.gov now provides access to more than more than 3,000 apps. Within the social media category alone, as of March 2010 there have been 179 signed terms of service agreements, and 658 uses of the applications. As of today, there are 38 social media apps with negotiated terms of service agreements available for federal agencies.

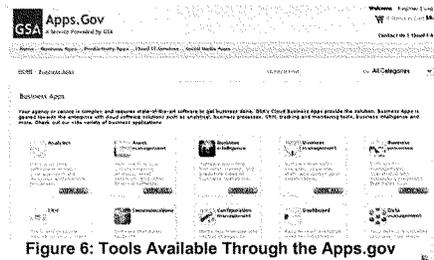


Figure 6: Tools Available Through the Apps.gov Storefront

A companion site, Info.Apps.gov, was also recently launched as a central forum for the dissemination of information relating to the Federal Cloud Computing Initiative. Relatedly, we recently released an RFQ for Infrastructure as a Service (IaaS) to be offered under the Apps.gov umbrella. This procurement will lead to the award of multi-vendor blanket purchase agreement for IaaS web hosting, storage, and virtual machines. Bids were received on June 30, 2010. Award is expected in August. This will be a competitive marketplace to Federal agencies contemplating IaaS architectural decisions.

- Common Open Government Dialogue Platform** is a project undertaken by GSA in response to the Open Government Directive's mandate that agencies "incorporate a mechanism for the public to...provide input on the agency's Open Government Plan." Over the course of six weeks, GSA provided interested agencies with a no-cost, law- and policy-compliant, public-facing online engagement tool, as well as training and technical support to enable them to immediately begin collecting public and employee input on their forthcoming open government plans. Since then, GSA has worked to transfer ownership of the open government public engagement tool, powered by a platform called IdeaScale, to interested agencies in a manner that provided both full compliance and support for sustained engagement. GSA will continue to provide support for the moderator community and facilitate the inclusion of public ideas in agency open government plans. GSA will also configure this same platform for use in public challenges and contests.

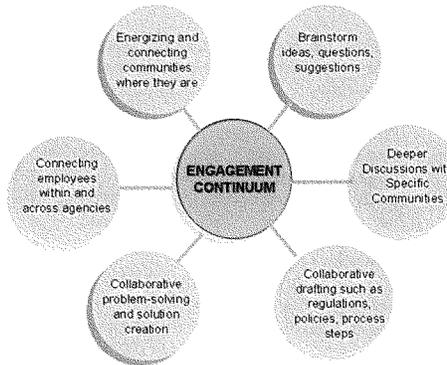


Figure 7: Types of Government-Citizen Interaction Enabled By Web 2.0 Tools

The initial platform was launched in February 2010 across 22 federal agencies and the White House Office of Science and Technology Policy. Using the platform, agencies collectively gathered over 2,100 ideas, over 3,400 comments, and over 21,000 votes during a six-week "live" period. The capability has also been used for dialogue with the public a variety of other topics:

- o Department of Transportation has used it to gain public input on their FY10-15 Strategic Plan
 - o USAID has used it to solicit questions for Administrator Rajiv Shah in advance of an employee town hall session
 - o The President's Council of Advisors on Science and Technology has used it to run an online brainstorming session on improving the United States' industrial/manufacturing capabilities
 - o Kids.gov has used it to collect ideas and suggestions in advance of a planned website redesign
 - o GSA has used it to solicit ideas from employees and the public on becoming a more environmentally-friendly and sustainable workplace
- Challenge.gov** is a government-wide challenge platform that will facilitate innovation through challenges and prizes. Challenges can be used by agencies for a wide array of purposes, such as creating public service announcements, promoting data sets as part of an Open Government initiative, generating new ideas, designing websites or logos, naming an initiative, creating a poster, building software apps, and much more. They also allow agencies to use taxpayer money wisely and efficiently, by only paying for successful solutions to critical problems.

Launched in beta to agencies in early July 2010, this tool provides a forum for federal agencies to pose challenges to the public, and for citizens to suggest, collaborate on, and deliver solutions. The platform will incorporate challenges from both Challenge.gov and other platforms, creating a single point of entry for citizens into collaborating directly with government on key challenges. The platform responds to requirements defined in a March 8, 2010 OMB Memo, "Guidance on the Use of Challenges and Prizes to Promote Open Government," which included a requirement to provide a web-based challenge platform within 120 days. GSA is also exploring acquisition options to make it easier for agencies to procure products and services related to challenges, as well as working to provide training opportunities on challenges and contests for federal agencies interested in using this exciting methodology.

- Citizen Engagement Platform** will provide a variety of blog, wiki, forum, and other engagement tools to make it easy for government to engage with citizens, and easy for citizens to engage with government. The platform addresses agencies' need for easy-to-use, easy-to-deploy, secure and policy-compliant tools. This "build once, use many" approach adds lightweight, no-cost options for agencies to create a more open, transparent and collaborative government with tools hosted in a secure virtual environment. Beta launch is scheduled for late July 2010.



Figure 8: Web Manager University Homepage

- Web Manager University** is the federal government's training program for government web and new media professionals. The program provides much-needed training from some of the world's leading experts in web and new media. The multi-disciplinary curriculum addresses the broad range of skills that agencies need to manage their web and new media efforts, such as: managing content and writing in plain language; user experience, design, and accessibility; governance, policy, and strategic planning; social media and citizen engagement; emerging technology; search engines; and performance analytics. The program focuses on delivering hands-on, practical skills that government web staff can immediately apply to their work. WMU provides high value to government agencies by centralizing this training function, rather than having hundreds of agencies manage their own training programs. As of June 2010, Web Manager University has managed 200 training events and attracted over 18,000 participants. There are plans to expand into other areas of customer service, so agency employees receive training to better integrate all their outreach channels (web, phone, email, and in-person services).

Products and Services Supported by OCSIT to Encourage Open Data and Public Information

Much of OCSIT's focus has been on encouraging social media and citizen engagement. All of these activities take place on a foundation of making government information more transparent—in terms of both releasing more raw data, as well as improving how citizens can access and view it. In other words, we are focused both on disseminating data and on turning that data into information. As HHS CTO Park recently noted, there is a direct linkage between these two aspects of open government:

"Just making it known that we have [government] data that's available to you and turning it into a form that is easily accessible can spark huge amounts of innovation, and on top of that, unleash even more data...The Weather Channel, Weather.com and nightly local

newscasters take [publicly-available government weather data] and turn it into other products, services and insights that are useful to Americans.¹⁵

GSA's Office of Governmentwide Policy has taken the lead in supporting two key initiatives in this area:

- **Data.gov** is the central portal for citizens to discover, download, and assess government data. Data.gov was launched in May 2009 with only 47 datasets; since launch, the number of datasets has grown rapidly to cover topics ranging from healthcare to commerce to education.¹⁶ As of May 2010, an unprecedented 272,768 datasets were accessible through Data.gov. One dataset on real-time, worldwide earthquakes has been downloaded 112,149 times.

Data.gov Quick Facts	Launch: May 21, 2009	1 Year: May 21, 2010
Total datasets available	47	272,768
Visits to Data.gov	2.1 million	97.6 million
Applications and mashups developed by citizens	0	237
RDF triples for semantic applications	0	6.4 billion
Dataset downloads	0	652,412
Nations establishing open data sites	0	7
States offering open data sites	0	8
Cities in North America with open data sites	0	8
Open data contact in Federal agencies	24	253

This revolution in the availability of government data has sparked a national and global effort around increased open information and empowerment, and an explosion of creativity and innovation:

- o Data.gov was one of the first sites to deploy cloud computing successfully in government
 - o Online rating of datasets by users
 - o 6.4 billion triples, or links between individual pieces of data—the highest ever using the semantic web
 - o Data mash-ups created by citizens, including the Sunlight Foundation's Apps for Democracy contests
 - o The creation of apps to solve daily problems—e.g., Fly On-Time using FAA flight arrival data—or national issues such as earthquake monitoring and reporting.
 - o A document management system that enables 250 points of contact across government to collaborate and release datasets
- **USASpending.gov** is a source for information collected from federal agencies in accordance with the Federal Funding Accountability and Transparency Act of 2006. The sources of the data on the website are the Federal Assistance Awards Data System (FAADS) and the Federal Procurement Data System (FPDS). Using USASpending.gov, the public can determine how their tax dollars are spent and gain insight into the Federal spending processes across agencies.



¹⁵ <http://www.healthcareitnews.com/news/hhs-offers>

¹⁶ <http://www.cio.gov/pages.cfm/page/Vivek-Kundra-1>

estimony-on-Data-Driven-Performance
Figure 9: Data.gov Homepage

Additionally, USASpending.gov has an IT Dashboard that displays details of Federal Information Technology (IT) investments based on data received from agency reports to the Office of Management and Budget (OMB). The IT Dashboard website provides the public with details of Federal Information Technology investments and the ability to track the progress of investments over time. The IT Dashboard currently includes detailed data for nearly 800 investments classified by agencies as major investments. The site also includes general information on over 7,000 Federal IT investments. Agency Chief Information Officers (CIO's) also rate the effectiveness of these investments in terms of cost and schedule (in accordance with the Clinger-Cohen Act). This process provides greater transparency to IT projects and allows agency CIO's to identify any which are under-performing and then take remedial action to provide better value, efficiency, and effectiveness for taxpayers' dollars. OMB uses these reports to review the investment portfolio of the agencies.

The Citizen Engagement Platform mentioned above will also provide federal agencies with easy access to the latest tools for communicating directly with citizens.

We recognize that it is often not enough to simply make data available; to have true impact, government information must be easily discoverable. This is even truer in an age when the volume of digital information is increasing rapidly—tenfold every five years, by some estimates. Citizens who visit sites like USA.gov are generally going there to find specific information or complete a transaction, and getting them to the information they need is integral to excellent customer service. For this reason, we have recently undergone a transformation of **Search.USA.gov**, the citizen-facing search engine behind USA.gov. Search.USA.gov is a powerful tool designed to provide direct access to searchable information from all levels of government: federal, state, local, tribal, and territorial. Services to the user, to content providers, and to agencies support the transparency of and access to all levels of government.

As a main feature of the central U.S. government portal, Search.USA.gov supports the goal of government transparency by helping searchers find what they want. Users get help formulating successful queries via suggested search phrases, spelling suggestions, and displaying related search topics. These navigation aids guide users to relevant information intuitively, quickly and conveniently. Our Search team works with government web managers and content providers to make their content available on-line but also more relevant and more accessible on multiple platforms. Search.USA.gov also provides leadership by working with individual agencies across the USA to improve their own search capability. The Search Affiliate program allows any government agency to place the Search. USA search box on their sites without cost to them. They can customize the look and feel and prioritize the results from the Search index to their individual constituencies. This supports access and transparency at all levels of government: federal, state, local, tribal, and territorial.

Finally, in addition to these discrete initiatives, I want to emphasize more broadly the importance we place on issues of user-centered design and plain language. The ultimate goal of opening up government data is not only to spur innovation by expert analysts and developers—though that is a critical goal—but to make information about government truly available and easy to understand to the average citizen. We've led and encouraged a number of initiatives focused on promoting these principles.

In the area of **User-Centered Design**, GSA sponsors the User Experience Sub-Council of the Federal Web Managers Council, where representatives from dozens of federal, state, and local agencies share best practices, lessons learned, and the latest research on how to make government websites more usable. We also offer training in user-centered design as a core part of our Web Manager University curriculum, including teaching agencies how to do regular testing of their websites with typical users. By following user-centered design, many government agencies have greatly improved their customers' online experience. For example, the FAA saves \$2 million per year by making the top tasks on their website easier to use; FEMA website customers now complete key tasks 50% faster; and CDC improved user satisfaction on their website by 70%.

However, user-centered design is still not institutionalized in many government agencies, with dozens of new websites created every month that don't undergo regular testing with citizens. The U.S. economy

loses millions of hours of citizen productivity every year when people can't efficiently accomplish basic government tasks online, such as filling out a form, applying for a loan, or checking eligibility for a government program. This adds to people's dissatisfaction with their government. The Federal Web Managers Council is working with each agency representative to continue to identify their core online customer tasks.

Plain Language is critical to delivering exceptional customer service and to meeting the goals of the Open Government Directive. It supports our democracy by making the government more transparent, it helps people understand what the government does, and helps fight government waste and abuse. In addition, it saves time and money, because citizens can read and understand information faster, agencies get fewer calls and letters from customers asking for clarification, and it reduces costly errors because citizens follow instructions and fill out forms more accurately. In addition, as mobile devices become more and more prevalent, government must write information as concisely and jargon-free as possible, so people can quickly get answers on a small screen, without so much of the extraneous information that's so common on government websites today.

My office is working closely with the Plain Language Action Network (PLAIN) to expand training opportunities in plain language and to develop additional resources to help agencies improve their writing—whether it's writing on the web, print publications, emails, or other communications with the public.

Products and Services Supported by OCSIT to Encourage Collaboration Across Government

An important lesson of government's adoption of web 2.0 is that, in addition to facilitating engagement with citizens, these tools can aid government employees in accomplishing their own work with both increased efficiency and greater innovation. Allow me to highlight just a few examples of the powerful internal collaboration that web 2.0 is enabling:

- **TSA IdeaFactory**—Known as one of the most impactful internal collaboration tools in government, TSA's IdeaFactory was launched in April 2007 with the goal of harnessing ideas from the over 40,000 front-line Transportation Security officers stationed at airports across the nation. "IdeaFactory has grown from concept to a successful, widely-recognized innovation and collaboration program with approximately 40% participation across TSA [as of September 2009]. IdeaFactory has generated over 9,000 ideas, and resulted in the implementation of over 40 national programs and initiatives; ideas that have improved TSA operations and culture—including changes to Standard Operating Procedures – and new initiatives that have improved job satisfaction, increased retention and improved the quality of work life."¹⁷
- **State Department Sounding Board**—On one of her first days in office, Secretary Clinton pledged at a "town hall" session to actively solicit and discuss employees' ideas for improving the Department. Only days later, an internal "Sounding Board" site was launched that allowed employees to submit ideas on nearly any aspect of the Department's operations. With a highly distributed workforce of over 63,000, a site like Sounding Board is a critical link in enabling senior leaders to draw on the deep expertise and broad perspective of State Department professionals stationed continents and time zones away from Washington. In a July 2009 "town hall" session, Secretary Clinton noted that the Department's desire to increase investment in mobile and remote workplace technology stemmed in part from feedback received on the Sounding Board:

I've been very pleased at the response that we've had since we've began the Secretary's Sounding Board, the online forum that I established to solicit your ideas on how to improve the Department and USAID. You've submitted over 300 ideas. And a lot of them, in fact, I would say a significant number – I'm not sure a majority, but pretty close – discussed ways about how to get greater access to mobile computing technology...[T]hanks to your input, IRM is now increasing

¹⁷ <http://www.gov2expo.com/gov2expo2009/public/schedule/detail/10272>

investment in our mobile computing program and purchasing an additional 2,500 remote access FOBs that will allow more Department personnel to use computers when you're away from the office...And we're making other changes as well that are in reaction to the ideas posted on the Sounding Board. But we need to apply this spirit of evaluation, reform, and improvement to the entire organization.¹⁸

As of June 2010, Department employees have submitted approximately 1,800 suggestions and generated over 10,000 comments. An average of 27,000 unique visitors browse the site each month.

- **VHA/OIT Innovation Competition**—In addition to broad ideation, agencies are also finding ways to leverage targeted competitions and challenges to foster internal innovation. In February 2010, the Veterans Health Administration/Office of Information Technology launched the Innovation Competition, which challenged employees to suggest IT innovations that could enhance delivery of health services to the nation's veterans. The contest was wildly successful, garnering about 6,500 submissions from a participant pool of 45,000 participants—nearly a quarter of all eligible employees, according to VA Chief Technology Officer Peter Levin.¹⁹ In May 2010, VA announced 26 "winning ideas" that were selected for implementation, including: Reducing healthcare associated infections using informatics; a robust VA forms search engine; an E-discharge pilot program; and a touch screen device to support the nursing triage of patients.²⁰
- **NASA Spacebook**—In addition to surfacing innovative ideas, some agencies are turning to internal collaboration platforms to create a more connected, agile workforce. NASA's Spacebook, launched in June 2009, is an internal Facebook-like site that enables employees to connect, share information and resources, and collaborate on important projects. As a result, NASA employees—many of whom are research scientists working in specialized fields—have an unprecedented ability to discover common goals and reduce duplication. The platform even includes an equipment exchange forum that helps employees efficiently distribute the material resources that are so critical to NASA's research mission.²¹

Recognizing the power unleashed by using web 2.0 tools for internal collaboration, OCSIT is working to create infrastructure and platforms that enable more agile collaboration within and across agencies:

- **The Federal Cloud Computing Initiative**, managed by a Program Management Office at GSA, was established to ensure that the government could most effectively leverage cloud-based solutions and to address obstacles to adoption of cloud computing. Estimates have shown that more than 20% of the \$79 billion the federal government will spend on IT next year is infrastructure spending, and offering a centralized cloud computing environment to federal agencies will help provide needed agility and scalability as well as produce significant savings and efficiency.

The program concentrates on areas of interest and concern including Security, Standards, and Email and support to cloud acquisitions. The program is developing a standard government-wide security certification and authentication process, has supported Apps.gov's online storefront for procuring cloud-based solutions, and has issued a RFQ for infrastructure as a Service (IaaS) capabilities. This acquisition will result in a multiple-award blanket purchase agreement available to all agencies and will provide secure, scalable cloud-based web hosting, storage, and virtual machines. The program works closely with NIST to encourage the development of standards to

¹⁸ <http://www.state.gov/secretary/rm/2009a/july/125949.htm>

¹⁹ <http://researchaccess.com/2010/06/government-how-to-get-to-yes-peter-levin-cto-of-veterans-administration/>

²⁰ <http://www.healthcareitnews.com/news/va-announces-26-winning-ideas-its-health-it-initiative>

²¹ <http://www.ciozone.com/index.php/Case-Studies/Social-Networking-Takes-Flight-at-NASA.html>

govern portability and interoperability in the cloud environment. In addition, the program has established a government-wide information portal to keep agencies informed of its activities and conducted and participated in numerous meetings and fora for agencies and industry to share information related to cloud computing.

Additionally, NASA has developed Nebula, an open-source cloud computing platform, to provide an easily quantifiable and improved alternative to building additional expensive data centers and to provide an easier way for scientists and researchers to share large, complex data sets with external partners and the public. Nebula is currently an Infrastructure-as-a-Service (IaaS) implementation that provides scalable compute and storage for science data and Web-based applications. Nicknamed the "Super Cloud," Nebula can effortlessly manage 10,000 or 100,000 times the amount of information as the most powerful commercial cloud computing platforms, accommodating files as large as eight terabytes and accommodating an individual file system of 100 terabytes (one terabyte equals 1,000 gigabytes). By contrast, the maximum Amazon EC2 file size and file system size is one terabyte. Built upon a converged 10Gig-E switching fabric, Nebula delivers 10 times the networking speed of the fastest available commercial cloud environments, most of which run at 1GigE, and use only 100Mb. This combination of high-speed networking, 2.9GHz CPUs, and hardware RAID configurations allows the Nebula environment to provide massively parallel performance equivalent to the best dedicated hardware currently available, and far in excess of any commercial cloud.

- **FedSpace** will provide an integrated suite of collaboration tools to make it easier for employees to connect people and knowledge across the Federal enterprise. In FY2010, GSA expects to launch a secure intranet and collaboration workspace for Federal employees and contractors across Executive Branch agencies. FedSpace will enable government employees to work collaboratively across agencies, through the use of web 2.0 technologies like file sharing, wikis, a government-wide employee directory, shared workspaces, blogs, and other features. GSA is considering cloud hosting options (if practical) for this pilot.

GSA is also helping to support the **National Information Exchange Model (NIEM)**, a partnership of the U.S. Department of Justice and the Department of Homeland Security. NIEM has been led by the Chief Architect's Office in OMB, and is now under the direction of the Program Manager for the Information Sharing Environment (ISE). It is designed to strengthen cross-agency collaboration by adopting common Extensible Markup Language (XML) data-tagging standards when exchanging data across jurisdictions. It helps to develop, disseminate and support enterprise-wide information exchange standards and processes that can enable jurisdictions to effectively share critical information in emergency situations, as well as support the day-to-day operations of agencies throughout the nation.

NIEM is the leading implementation of XML across the federal government. In the same way that technology standards like HTML enabled the first Internet revolution, more advanced "smart tagging" technologies like XML have become critical to enabling the next generation of web 2.0 platforms. The success of NIEM has recently led 12 of the 24 CFO Act agencies to use or commit to use the standard, and seven more are currently evaluating potential use. With that, the focus of NIEM has branched from national security and law enforcement mission spaces into becoming a standard approach for tagging government transparency data and is soon to support secure health information exchanges.

Emerging Issues in Information and Records Management

Before concluding, I want to touch on the potential implications of government use of web 2.0 for information and records management, a subject that's obviously of great interest to this Subcommittee, and with good reason. I want to stress clearly that information and records management policy are not within my office's purview. However, our work in provisioning web 2.0 tools across government may provide a useful broad perspective on how other agencies are currently looking at this important issue.

As you know, in general terms, the Federal Records Act determines how the government must preserve and dispose of records created in the course of conducting official government business. This can

include anything from documentation of regulatory decisions, to paperwork associated with procurements or grantmaking, to information collected from citizens in an official capacity, such as a census response.

Use of all web 2.0 tools as a category does not necessarily cause records management concerns. However, our observations indicate that the introduction of commercially operated shared third-party web 2.0 tools complicates the effective management of federal records and information. It raises at least three broad questions:

- First, the agency, must decide whether a particular instance web 2.0 information is going to be considered a record. There is not universal agreement on what constitutes a record within a web 2.0 context. Per agency discretion afforded by the Federal Records Act, this is an agency-by-agency determination. For example, one agency may make the determination that, comments received on a public blog do not constitute federal records, and do not treat them as such. By contrast, we know anecdotally that some agencies consider posts on their Facebook wall to be records, and capture and maintain them. Other agencies, such as Department of State, are creating policies and looking for tools to manage the content of social media content—both records created by the social media platform and records created as part of the management of social media platforms.

Particularly as ideation tools enable agencies to engage in ongoing, informal dialogue directly with citizens, the question of what aspects of this conversation count as records needs to be determined. While it has not appeared in policy – generally, a determination on informal communications versus formal communications and records management retention is at issue.

- Second, this question is complicated by the fact that many web 2.0 platforms feature content that changes and evolves rapidly. For example, a page on an agency wiki or an agency's Facebook wall can be updated and changed multiple times each day or even each hour. Platforms like this, which version rapidly and in real-time, complicate the question of when in a series of rapid and evolving interactions a record exists and then a further determination of when a recordkeeping copy needs to be set aside so that formal preservation procedures take place.
- Finally using some third-party social media tools creates process challenges to maintaining the record. Most third-party tool providers did not anticipate this requirement. There are few easy ways to reliably generate records from third-party social media platforms—in which the relevant information does not reside on government-managed servers or databases—and ad-hoc systems created for this purpose. It can be labor-intensive, inefficient, and duplicative. When the Government uses the tools within our own IT environment, we can control the recordkeeping copy.

The National Archives and Records Administration, which has primary responsibility for federal records management policy, has taken the lead on assessing the need for records management guidance for web 2.0 tools. They are currently developing a Bulletin on web 2.0/social media platforms that is scheduled for distribution by the end of FY 2010. NARA is also conducting a study of Federal agencies that are actively using web 2.0 technologies in their agency mission related activities that is scheduled for distribution by the end of FY 2010. NARA recently hosted a focus group for records management and web management staff in which GSA participated to discuss federal uses of Web 2.0 technology, and GSA as a partner strongly appreciates these worthwhile efforts and encourages them to continue.

Conclusion

Thank you again for the invitation to share GSA's perspective today. I have also included as an appendix to this testimony a timeline compiling some of the critical milestones in this story over the last half-decade.

I look forward to keeping you informed of our efforts on this front, both through formal communications like this one, as well as through several Twitter accounts that have been established to tell the public

about our activities: @GovNewMedia, @WebManagerU, @USAgov, @GobiernoUSA, and @USDataGov.

This concludes my statement. Thank you for your time today and I look forward to your questions on federal agency use of emerging web 2.0 tools, and what GSA is doing to enable and encourage this exciting trend.

Milestone	Date	
Office of Management and Budget uses Wiki to track earmarks (13,496 collected). Wiki eventually becomes OMB MAX Federal community	September 2007	http://www.washington.gov/content/article/tml , http://www.whitehouse.gov/max_community_
General Services Administration releases GovGab, a daily blog about government resources	October 2007	http://www.govtech
EPA launched wiki and "mashup team" for Puget Sound Information Challenge	November 2007	http://pugetsound.edu/Page , http://www.collaboration.com/Environmental+Protection+Information+Challenge
Department of Defense's "driverless vehicle" challenge offers \$3.5 million in prizes	November 2007	http://en.wikipedia.org
2008		
Library of Congress uses Flickr to crowdsource organization of photo archives	January 2008	http://boingboing.net/congress.html
Transportation Security Administration's blog "Delete-o-Meter" publicly shows number of deleted posts	February 2008	http://blog.tsa.gov/delete-o-meter.html
Transportation Security Administration's "Blogger Bob" publicly clears the MacBook Air for airport travel. He will later do the same with the iPad.	March 2008	http://blog.tsa.gov/apple-macbook-air http://www.macgassays.com/your-ipad-has
NASA launches challenges at the Rice Business Plan competition	April 2008	http://www.alliance
gobierno.usa.gov, tweets in Spanish	April 2008	http://twitter.com/G
GovLoop founds members-only online federal community	May 2008	http://en.wikipedia.org
Department of Defense's Techipedia joins other Gov wikis (State's Diplopedia, FBI Bureaupedia, etc.)	June 2008	http://www.collaboration.com/D+Techipedia/index
CDC actively teaching about health education in Second Life	June 2008	http://sl.healthy.wetase.com/Control+and+
Coast Guard formally embraces social media like Facebook, YouTube	August 2008	http://www.collaboration.com/Coast+Guard+Social+M
Homeland Security sends Hurricane Ike and Gustav response information through MySpace, widgets	Sept 2008	http://www.lockergo.com/8/09/01/federal-hur
CDCFlu launches on Twitter and gets over 30,000 followers in a week.	October 2008	http://twitter.com/cdcflu
Apps for Democracy contest launched. 47 applications were built in 30 days, with estimated Return on Investment (ROI) of 4,000%	Fall 2008	http://www.appsfor democracy.com/yields-4
Department of State creates "Change Your Climate, Change Our World Video Contest" video contest	November 2008	http://education.nin.state.gov/supports
Obama Administration creates Change.gov transitional website	November 2008	http://boingboing.net
Web Managers Council Barriers & Solutions White Paper	December 2008	http://www.usa.gov/media/Fed%20Govt
2009		

Milestone	Date	
Gov 2.0 conferences abound in DC and nationwide	September 2009	http://blogs.gartner.com/a-year-in-review-to-2009/
General Services Administration awards contract to increase Federal Cloud Computing services	September 2009	http://www.datacenterp.com/?sid=&nm=&type:B96F2A415ABC725C47E49A3419D9
Facebook sets up government page to assist agencies in FB outreach	September 2009	http://fcw.com/article/government-page.aspx
Department of State launches second Democracy Video Challenge on YouTube and on America.gov in six languages	September 2009	www.youtube.com/ http://www.state.gov
NASA launches open innovation challenges using InnoCentive, Yet2.com, and TopCoder	October 2009	http://www.sisd.jsc.nasa.gov
Department of State creates Democracy Challenge Facebook page which as of July 2010 has approximately 50,000 users	October 2009	www.facebook.com
2010 Census creates blog	October 2009	http://blogs.census.gov
Whitehouse.gov launches redesigned site using open source software	October 2009	http://techpresident.com/news/2009/10/whitehouse-goes-drupal
CDC's H1n1 YouTube video gets 2 million views	November 2009	http://www.youtube.com/watch?v=...
MIT students win \$40,000 in DARPA's "Red Balloon" geolocation contest	December 2009	http://news.cnet.com/76.html
White House Open Government Directive	December 2009	www.whitehouse.gov/ /m10-06.pdf
2010		
Social Media plays key role in Haiti earth response - victims located via Twitter + Facebook, people text 'HAITI' to '90999' to make donations	January 2010	http://washingtonpost.com/social-media-haiti/
General Services Administration Launches Online Public Dialog Tool for 22 agencies. 2000+ ideas and 20,000+ votes collected	January 2010	http://www.gsa.gov/epa/ntentType=GSA_B
Obama State of the Union live streamed from White House, Hulu, Facebook, YouTube	January 2010	http://newteevee.com/obamas-state-of-the-union/
Department of State launches Democracy Twitter Contest	January 2010	http://www.twitter.com/democracy
Department of Defense Unveils Social Media Policy	February 2010	http://www.defense.gov/policy/
NASA employees create OpenGovTracker based on IdeaScale data sets and open API	February 2010	http://www.cnn.com/2010/02/08/nasa.open.gov.tracker/index.html
NASA Honors 2009 Centennial Challenges Winners – Nine prizes totaling \$3.65 million were awarded in 2009	February 2010	http://www.nasa.gov/pdf/10-030_CentennialChallenges/index.html
White House Guidance on the Use of Challenges and Prizes to Promote Open Government	March 2010	www.whitehouse.gov/ /m10-11.pdf
General Services Administration lets public create Public Service Announcement for USA.gov, gives \$2,500 prize to Tennessee winner	April 2010	http://www.federalregister.gov 566
Agency Open Government Plans submitted	April 2010	http://www.commerce.gov 3-0
Library of Congress acquires Twitter's entire archive	April 2010	http://news.cnet.com/76.html

Milestone	Date	
Data.gov's celebrates 1st anniversary, with 270,000+ datasets	May 2010	data.gov
Office of Management and Budget clarifies Paperwork Reduction Act for agencies, simplifying social media information collections with "Generic Clearances"	May 2010	http://www.whitehouse.gov/the-press-office/2010/05/11/omb-clearances
NASA's YouTube channel, with nearly 1,000 videos and 3.5 million views, is more than 8 times more popular than ABC's official YouTube channel	June 2010	http://www.youtube.com/watch?v=4ob=4
Department of State announces winners of Democracy Video Challenge 2010. Over 200,000 people voted for the winners and there have been more than 720,000,000 impressions to date.	June 2010	http://www.state.gov/democracyp
Barack Obama has 4.2m Twitter followers	June 2010	http://govtwit.com/
Coast Guard seeks oil spill solutions from public, scientists, vendors	June 2010	http://www.govexec.com
White House memo asks for increased broadband internet resources at Federal level	June 2010	http://www.whitehouse.gov/the-press-office/2010/06/01/broadband
Updated OMB rules allows government websites to better use social media tools, including Google Analytics and persistent "cookies" to help web users	June 2010	http://radar.oreilly.com/2010/06/01/cookies.html
White House backs using "Cloud Computing" for speed and savings	July 2010	http://thehill.com/blogs/pundit-blog/technology/11111-cloud-computing-w
HHS offers money to health care providers if they adopt and "meaningfully use" electronic medical records	July 2010	http://radar.oreilly.com/2010/07/01/hhs-services-fina.html?utm_source=atom&utm_campaign=atom+%28O%27R
Department of State launches Democracy is... Photo challenge	July 2010	www.democracyphotography.com http://www.democracyphotography.com/press_release/relea
USA.gov's Mobile AppStore puts all Federal apps in one place	July 2010	http://techpresident.com/2010/07/01/usa-gov-app-store
White House launches 2 nd annual SAVE award to collect ideas from Federal employees on how to make government work better	July 2010	http://techpresident.com/2010/07/01/save-award
Department of State Publishes Social Media Policy	July 2010	http://www.scribd.com/doc/41111111/Social-Media-Policy
Veterans Affairs announces 26 winning employee ideas in Health IT Challenge. 17 of those ideas being refined.	July 2010	http://www.nextgov.com/2010/07/01/veterans-affairs-announces-26-winning-employee-ideas-in-health-it-challenge-17-of-those-ideas-being-refined
GSA's Challenge.gov offers a free platform for agencies to launch their own challenges and contests	July 2010	Challenge.gov
Gov agencies launch RestoreTheGulf.gov as Federal portal for Deepwater BP oil spill	July 2010	http://www.restorethegulf.gov
First Lady creates Letsmove.gov site to reduce childhood obesity	July 2010	http://www.letsmove.gov
Department of State launches "Apps 4 Africa" to spur tech innovation in East Africa	July 2010	http://blogs.state.gov/2010/07/01/apps-4-africa
GovTwit directory of all government agencies, employees and elected officials on Twitter has more than 3,000 members	July 2010	http://govtwit.com/

Ms. NORTON. Thank you, Dr. McClure.
Mr. Wilshusen.

STATEMENT OF GREGORY C. WILSHUSEN

Mr. WILSHUSEN. Thank you very much. Thank you for the opportunity to testify at today's hearing on Federal use of Web 2.0 technologies. These technologies refer to a second generation of the World Wide Web as enabling a platform for Web-based communities of interest, collaboration and interactive services. Internet-based services using these technologies include blogs, social networking sites, video Web sites and wikis. These tools provide flexible, sophisticated capabilities for interactions among individuals. Among the general public these services have become quite popular and Federal agencies are increasingly using them as well.

At Chairman Clay's request, we are initiating a review of agency procedures for managing and protecting information associated with the Federal use of social media services such as Facebook, Twitter, and YouTube. Our work is just beginning in this area, and we plan to work closely with the subcommittee staff as our review progresses. Today, however, I will discuss the ways Federal agencies are using Web 2.0 technologies and the challenges associated with their use.

But first, if I may, I would just like to recognize the contributions of three members of my team who helped prepare this statement and will be leading this review. John de Ferrari, Marisol Cruz and Nick Marinos sitting behind them.

Most Federal agencies are using Web 2.0 technologies to enhance interactions with the public. We have determined that 22 of the 24 major Federal agencies have a presence on Facebook, Twitter, and YouTube. Federal Web managers use these applications to connect with people in new ways.

For example, the U.S. Agency for International Development uses Facebook to inform the public about the developmental and humanitarian assistance that it provides to different countries. It also posts links to other USA resources, including blogs, videos and relevant news articles.

NASA uses Twitter to notify the public about the status of its missions, as well as to respond to questions regarding space exploration.

And the State Department uses YouTube and other video technologies in support of its public diplomacy efforts.

While the use of Web 2.0 technologies can transform how Federal agencies engage the public in the governing process, agency use of such technologies can also present challenges related to privacy, security, and records management. One such challenge is determining requirements for preserving Web 2.0 information as Federal records.

A key question is whether information exchange through these technologies constitutes Federal records pursuant to the Federal Records Act. Another challenge is establishing mechanisms for preserving this information as Federal records once the need to preserve information has been established.

A third challenge is ensuring that agencies take appropriate steps to limit the collection and use of personal information

through social media. Federal agencies have taken steps to identify and start addressing these and other Web 2.0 technology issues.

For example, NARA has provided updated guidance on managing Web-based records and is conducting a study on the impact of more recent Web technologies and plans to release additional guidance later this year. GSA has negotiated terms of service agreements with several social networking providers that addresses concerns agencies have with the terms and conditions generally provided by those providers. And OMB has recently issued guidance intended to help agencies protect privacy when using third-party Web sites and applications.

In summary, Federal agencies are increasingly using Web 2.0 technologies to enhance services and interactions with the public. However, determining the appropriate use of these technologies poses new questions about the ability of agencies to protect the privacy and security sensitive information and to manage, preserve and make available official government records.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions.

[The prepared statement of Mr. Wilshusen follows:]

United States Government Accountability Office

GAO

Testimony

Before the Subcommittee on Information
Policy, Census, and National Archives,
Committee on Oversight and Government
Reform, House of Representatives

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INFORMATION MANAGEMENT

Challenges In Federal Agencies' Use of Web 2.0 Technologies

Statement of

Gregory C. Wilshusen, Director
Information Security Issues



GAO-10-872T

Abbreviations

DHS	Department of Homeland Security
FOIA	Freedom of Information Act
GSA	General Services Administration
NARA	National Archives and Records Administration
NASA	National Aeronautics and Space Administration
OMB	Office of Management and Budget
PRA	Paperwork Reduction Act of 1995
USAID	U.S Agency for International Development
TSA	Transportation Security Administration

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July 22, 2010

INFORMATION MANAGEMENT

Challenges In Federal Agencies' Use of Web 2.0 Technologies


Highlights

Highlights of GAO-10-872T, a testimony before the Subcommittee on Information Policy, Census, and National Archives, Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

"Web 2.0" technologies—such as Web logs ("blogs"), social networking Web sites, video- and multimedia-sharing sites, and "wikis"—are increasingly being utilized by federal agencies to communicate with the public. These tools have the potential to, among other things, better include the public in the governing process. However, agency use of these technologies can present risks associated with properly managing and protecting government records and sensitive information, including personally identifiable information. In light of the rapidly increasing popularity of Web 2.0 technologies, GAO was asked to identify and describe current uses of Web 2.0 technologies by federal agencies and key challenges associated with their use.

To accomplish this, GAO analyzed federal policies, reports, and guidance related to the use of Web 2.0 technologies and interviewed officials at selected federal agencies, including the Department of Homeland Security, the General Services Administration, and the National Archives and Records Administration.

View GAO-10-872T or key components. For more information, contact Gregory C. Wilshusen at (202) 512-6244 or wilshusen@gao.gov.

What GAO Found

Federal agencies are using Web 2.0 technologies to enhance services and support their individual missions. Federal Web managers use these applications to connect to people in new ways. As of July 2010, we identified that 22 of 24 major federal agencies had a presence on Facebook, Twitter, and YouTube.

Several challenges in federal agencies' use of Web 2.0 technologies have been identified:

Privacy and security. Agencies are faced with the challenges of determining how the Privacy Act of 1974, which provides certain protections to personally identifiable information, applies to information exchanged in the use of Web 2.0 technologies, such as social networking sites. Further, the federal government may face challenges in determining how to appropriately limit collection and use of personal information as agencies utilize these technologies and how and when to extend privacy protections to information collected and used by third-party providers of Web 2.0 services. In addition, personal information needs to be safeguarded from security threats, and guidance may be needed for employees on how to use social media Web sites properly and how to handle personal information in the context of social media.

Records management and freedom of information. Web 2.0 technologies raise issues in the government's ability to identify and preserve federal records. Agencies may face challenges in assessing whether the information they generate and receive by means of these technologies constitutes federal records and establish mechanisms for preserving such records, which involves, among other things, determining the appropriate intervals at which to capture constantly changing Web content. The use of Web 2.0 technologies can also present challenges in appropriately responding to Freedom of Information Act (FOIA) requests because there are significant complexities in determining whether agencies control Web 2.0-generated content, as understood within the context of FOIA.

Federal agencies have begun to identify some of the risks associated with Web 2.0 technologies and have taken steps to start addressing them. For example, the Office of Management and Budget recently issued guidance intended to (1) clarify when and how the Paperwork Reduction Act of 1995 applies to federal agency use of social media and Web-based interactive technologies; and (2) help federal agencies protect privacy when using third-party Web sites and applications.

Chairman Clay and Members of the Subcommittee:

Thank you for the opportunity to testify today on the use of "Web 2.0" technologies by federal government agencies and the challenges associated with the use of these technologies.

Federal agencies are increasingly using recently developed technologies (commonly referred to as "Web 2.0" technologies) that offer flexible, sophisticated capabilities for interaction with individuals, allowing agencies and the public to publish comments, photos, and videos directly on agency-sponsored Web pages. The use of these tools by federal agencies is growing tremendously, supported by initiatives from the administration, directives from government leaders, and demands from the public. These tools offer the potential to better include people in the governing process and may also contribute to accomplishing agency missions. However, agency use of these technologies also may present risks associated with properly managing and protecting government records and sensitive information, including personally identifiable information.

In this statement I will describe the current uses of Web 2.0 technologies by federal agencies, key challenges associated with their use of these technologies, and initial steps agencies have taken to address identified issues.

My testimony is based on our analysis of federal government policies, reports, and guidance related to the use of Web 2.0 technologies. To perform our analysis, we reviewed relevant reports produced by the Department of Homeland Security (DHS), General Services Administration (GSA), and National Archives and Records Administration (NARA). Based on our review of these reports, we identified potential challenges related to privacy, security, records management, and freedom of information. We interviewed agency officials involved in the development of these reports to validate the challenges identified in relevant reports and obtain their views regarding the extent to which government efforts are underway to address them. We conducted our work from February 2010 to July 2010 in accordance with all sections of GAO's Quality Assurance Framework that are relevant to our objectives. The framework requires that we plan and perform the engagement to obtain

sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations to our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for any findings and conclusions in this product.

In addition, at your request, we are currently undertaking a more comprehensive review of the management and protection of information collected and maintained by commercial providers of social media on behalf of or in association with federal agencies.

Background

Internet-based services using Web 2.0 technology have become increasingly popular. Web 2.0 technologies refer to a second generation of the World Wide Web as an enabling platform for Web-based communities of interest, collaboration, and interactive services. These technologies include Web logs (known as "blogs"), which allow individuals to respond online to agency notices and other postings; social-networking sites (such as Facebook and Twitter), which also facilitate informal sharing of information among agencies and individuals; video-sharing Web sites (such as YouTube), which allow users to discover, watch, and share originally created videos; "wikis," which allow individual users to directly collaborate on the content of Web pages; "podcasting," which allows users to download audio content; and "mashups," which are Web sites that combine content from multiple sources.

While in the past Internet usage concentrated on sites that provide online shopping opportunities and other services, according to the Nielsen Company, today video and social networking sites have moved to the forefront, becoming the two fastest growing types of Web sites in 2009, with 87 percent more users than in 2003. Furthermore, in February 2009, usage of social networking services reportedly exceeded Web-based e-mail usage for the first time. Similarly, the number of American users frequenting online video sites has more than tripled since 2003.

Some of the most popular Web 2.0 technologies in use today are social networking services, such as Facebook and Twitter.

Facebook is a social networking site that lets users create personal profiles describing themselves and then locate and connect with friends, co-workers, and others who share similar interests or who have common backgrounds. According to the Nielsen Company, Facebook was the number one global social networking site in December 2009 with 206.9 million unique visitors. Twitter is a social networking and blogging site that allows users to share and receive information through short messages. According to the Nielsen Company, Twitter has been the fastest-growing social networking Web site in terms of unique visitors, increasing over 500 percent, from 2.7 million visitors in December 2008 to 18.1 million in December 2009.

Federal Agencies are Increasingly Using Web 2.0 Technologies

Federal agencies are increasingly using Web 2.0 technologies to enhance services and interactions with the public. Federal Web managers use these applications to connect to people in new ways. As of July 2010, we identified that 22 of 24 major federal agencies¹ had a presence on Facebook, Twitter, and YouTube.²

Use of such technologies was endorsed in President Obama's January 2009 memorandum promoting transparency and open government.³ The memorandum encouraged executive departments and agencies to harness new technologies to put information about their operations and decisions online so that it would be readily

¹The 24 major departments and agencies (agencies) are the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, the Treasury, and Veterans Affairs; the Environmental Protection Agency, General Services Administration, National Aeronautics and Space Administration, National Science Foundation, Nuclear Regulatory Commission, Office of Personnel Management, Small Business Administration, Social Security Administration, and U.S. Agency for International Development.

²Totals include Facebook, Twitter, and YouTube pages that were readily accessible through official agency Web sites as of July 19, 2010. For each of these three social media services, the 22 agencies using them varied.

³The White House, *Memorandum for the Heads of Executive Departments and Agencies: Transparency and Open Government* (Washington, D.C.: Jan. 21, 2009).

available to the public. It also encouraged the solicitation of public feedback to identify information of the greatest use to the public, assess and improve levels of collaboration, and identify new opportunities for cooperation in government. Table 1 presents examples of Web 2.0 technologies and their current uses in the federal government.

Table 1: Current and Potential Uses of Web 2.0 in the Federal Government

Web 2.0 technology	Simplified definition	Examples of federal use	Potential for government
Blogs	Web sites where regular entries are made (such as in a journal or diary) and presented in reverse chronological order.	White House Blog; Department of State's Dipnote Blog; The Transportation Security Administration's Air Security Blog	Can provide government information to new audiences and encourage public conversations on government issues.
Social networking sites	Web sites that connect people through online communities. Users can establish pages with their profiles and find other people they know or look for other members with similar interests or affiliations.	USA.gov Facebook Page; NASA Spacebook and CoLab Program; EPA Facebook Group; State Department and Transportation Security Administration Twitter accounts	Can support public interaction in response to agency announcements.
Video and multimedia sharing	Web sites that use videos, images, and audio libraries to share information.	USA.gov Multimedia Library; NASA's YouTube Page	Can support public outreach, education, training, and other communication with online audiences.
Wikis	Collections of Web pages that encourage users to contribute or directly modify the content.	GSA's Intergovernmental Solutions Wiki; Intellipedia; Office of Management and Budget's USAspending.gov Wiki	Can support public collaboration, knowledge sharing, and input on government issues.
Podcasting	Publishing audio files on the Web so they can be downloaded onto computers or portable listening devices. Users can subscribe to a "feed" of new audio files and download them automatically as they are posted.	White House podcasts; USA.gov Federal Podcast Library; Webcontent.gov podcasts; Census daily podcasts	Provide updates, coverage of live government deliberations, emergency response information, and how-to messages to the public.
Mashups	Web sites that combine content from multiple sources for an integrated experience.	USA Search; HUD's National Housing Locator System	Can support richer information sharing by integrating external data and expanding government reach.

Source: GAO analysis of USA.gov and GSA data.

Federal agencies have been adapting Web 2.0 technologies to support their individual missions. For example:

- The U.S. Agency for International Development (USAID) uses Facebook to inform the public about the developmental and

humanitarian assistance that it is providing to different countries in the world. It also posts links to other USAID resources, including blogs, videos, and relevant news articles.

- The National Aeronautics and Space Administration (NASA) uses Twitter to notify the public about the status of its missions as well as to respond to questions regarding space exploration. For example, NASA recently posted entries about its Mars Phoenix Lander mission on Twitter, which included answers to questions by individuals who followed its updates on the site.
- The State Department uses YouTube and other video technology in supporting its public diplomacy efforts. The department posts YouTube videos of remarks by Secretary Clinton, daily press briefings, interviews of U.S. diplomats, and testimonies by ambassadors. It also conducted a global video contest that encouraged public participation. The department then posted the videos submitted to it on its America.gov Web site to prompt further online discussion and participation.
- The Transportation Security Administration (TSA) developed a blog to facilitate an ongoing dialogue on security enhancements to the passenger screening process. The blog provides a forum for TSA to provide explanations about issues that can arise during the passenger screening process and describe the rationale for the agency's policies and practices. TSA also uses Twitter to alert subscribers to new blog posts. A program analyst in TSA's Office of Strategic Communications and Public Affairs stated that blogging encourages conversation, and provides direct and timely clarification regarding issues of public concern.

Determining Appropriate Agency Use of Web 2.0 Technologies Presents Challenges

While the use of Web 2.0 technologies can transform how federal agencies engage the public by allowing citizens to be more involved in the governing process, agency use of such technologies can also present challenges related to privacy, security, records management, and freedom of information.

Privacy and Security Challenges

Determining how the Privacy Act of 1974 applies to government use of social media. The Privacy Act of 1974⁴ places limitations on agencies' collection, disclosure, and use of personal information maintained in systems of records. The act describes a "record" as any item, collection, or grouping of information about an individual that is maintained by an agency and contains his or her name or another personal identifier. It also defines "system of records" as a group of records under the control of any agency from which information is retrieved by the name of the individual or by an individual identifier.

However, because of the nature of Web 2.0 technologies, identifying how the act applies to the information exchanged is difficult. Some cases may be more clear-cut than others. For example, as noted by a participant discussing Web 2.0 challenges at a recent conference sponsored by DHS, the Privacy Act clearly applies to systems owned and operated by the government that make use of Web 2.0 technologies. Government agencies may also take advantage of commercial Web 2.0 offerings, in which case they are likely to have much less control over the systems that maintain and exchange information. For example, a government agency that chooses to establish a presence on a third party provider's service, such as Facebook, could have limited control over what is done with its

⁴The Privacy Act of 1974 (5 U.S.C § 552a) serves as a key mechanism for controlling the collection, use, and disclosure of personally identifiable information within the federal government. The act also allows citizens to learn how their personal information is collected, maintained, used, and disseminated by the federal government.

information once posted on the electronic venue. Given this limited control, key officials we interviewed said they are unsure about the extent to which personal information that is exchanged in such forums is protected by the provisions of the Privacy Act.

Ensuring that agencies are taking appropriate steps to limit the collection and use of personal information through social media. Privacy could be compromised if clear limits are not set on how the government uses personal information to which it has access in social networking environments. Social networking sites, such as Facebook, encourage people to provide personal information that they intend to be used only for social purposes. Government agencies that participate in such sites may have access to this information and may need rules on how such information can be used. While such agencies cannot control what information may be captured by social networking sites, they can make determinations about what information they will collect and what to disclose. However, unless rules to guide their decisions are clear, agencies could handle information inconsistently. Individual privacy could be affected, depending upon whether and how government agencies collect or use personal information disclosed by individuals in interactive settings.

Extending privacy protections to the collection and use of personal information by third party providers. Individuals interacting with the government via Web 2.0 media may provide personal information for specific government purposes and may not understand that the information may be collected and stored by third-party commercial providers. It also may not be clear as to whose privacy policy applies when a third party manages content on a government agency Web site. Accordingly, agencies may need to be clear about the extent to which they make use of commercial providers and the providers' specific roles. Uncertainty about who has access to personal information provided through agency social networking sites could diminish individuals' willingness to express their views and otherwise interact with the government.

Safeguarding personal information from security threats that target Web 2.0 technologies. Federal government information systems have been targeted by persistent, pervasive, aggressive

threats.⁸ In addition, as the popularity of social media has grown, they have increasingly been targeted as well. Thus as agencies make use of Web 2.0 technologies, they face persistent, sophisticated threats targeting their own information as well as the personal information of individuals interacting with them. The rapid development of Web 2.0 technologies makes it challenging to keep up with the constantly evolving threats deployed against them and raises the risks associated with government participation in such technologies.

Further, the Federal Information Security Management Act⁹ states that agencies are responsible for the security of information collected or maintained on their behalf and for information systems used or operated on their behalf. The extent to which FISMA makes federal agencies responsible for the security of third-party social media Web sites may depend on whether such sites are operating their systems or collecting information on behalf of the federal government, which may not be clear.

Training government participants on the proper use of social networking tools. Use of Web 2.0 technologies can result in a blending of professional and personal use by government employees, which can pose risks to their agencies. When an individual identifies him- or herself on a social media site as a federal employee, he or she provides information that may be exploited in a cyber attack on the agency. However, federal guidance may be needed for employees on how to use social media Web sites properly and how to handle personal information in the context of social media. In addition, training may be needed to ensure that employees are aware of agency policies and accountable for adhering to them.

⁸U.S. Government Accountability Office, *Cybersecurity: Continued Attention Is Needed to Protect Federal Information Systems from Evolving Threats*, GAO-10-834T (Washington, D.C.: Jun. 16, 2010).

⁹44 USC 3544(a)(1).

Records Management and Freedom of Information Challenges

Determining requirements for preserving Web 2.0 information as federal records. A challenge associated with government use of Web 2.0 technologies, including government blogs and wikis and Web pages hosted by commercial providers, is the question of whether information exchanged through these technologies constitute federal records pursuant to the Federal Records Act.⁷ The National Archives and Records Administration (NARA) has issued guidance to help agencies make decisions on what records generated by these technologies should be considered agency records. According to the guidance, records generated when a user interacts with an agency Web site may form part of a set of official agency records.⁸ NARA guidance also indicates that content created with interactive software on government Web sites is owned by the government, not the individuals who created it, and is likely to constitute agency records and should be managed as such. Given these complex considerations, it may be challenging for federal agencies engaging the public via Web 2.0 technologies to assess the information they generate and receive via these technologies to determine its status as federal records.

Establishing mechanisms for preserving Web 2.0 information as records. Once the need to preserve information as federal records has been established, mechanisms need to be put in place to capture such records and preserve them properly. Proper records retention management needs to take into account NARA record scheduling requirements and federal law, which requires that the disposition of all federal records be planned according to an agency schedule or a general records schedule approved by NARA. The

⁷The act provides that "records" include "all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them." 44 U.S.C. § 3301.

⁸The National Archives and Records Administration, *Implications of Recent Web Technologies for NARA Web Guidance* (posted September 30, 2006). See <http://www.archives.gov/records-mgmt/initiatives/web-tech.html>.

records schedule identifies records as being either temporary or permanent and sets times for their disposal.

These requirements may be challenging for agencies because the types of records involved when information is collected via Web 2.0 technologies may not be clear. For example, part of managing Web records includes determining when and how Web “snapshots” should be taken to capture the content of agency Web pages as they existed at particular points in time. Business needs and the extent to which unique information is at risk of being lost determine whether such snapshots are warranted and their frequency. NARA guidance requires that snapshots be taken each time a Web site changes significantly; thus, agencies may need to assess how frequently the information on their sites changes.

Comments by individuals on agency postings may need to be scheduled in addition to agency postings. In the case of a wiki, NARA guidance requires agencies to determine whether the collaborative wiki process should be scheduled along with the resulting final product. In addition, because a wiki depends on a collaborative community to provide content, agencies are required to make determinations about how much content is required to make the wiki significant or “authoritative” from a record perspective.

The potential complexity of these decisions and the resulting record-keeping requirements and processes can be daunting to agencies.

Ensuring proper adherence to the requirements of FOIA.

Federal agencies' use of Web 2.0 technologies could pose challenges in appropriately responding to FOIA requests. Determining whether Web 2.0 records qualify as “agency records” under FOIA’s definition is a complex question. FOIA’s definition focuses on the extent to which the government controls the information in question. According to the Department of Justice’s FOIA guidance, courts apply a four-part test to determine whether an agency exercises control over a record. They examine: (a) who created the record and the intent of the record creator; (b) whether the agency intended to relinquish control; (c) the agency’s ability to use or dispose of the

record; and (d) the extent to which the record is integrated into the agency's files. Agency "control" is also the predominant consideration in determining whether information generated or maintained by a government contractor is subject to FOIA's requirements. Given the complexity of these criteria, agencies may be challenged in making appropriate FOIA determinations about information generated or disseminated via Web 2.0 technologies. If not handled properly, such information may become unavailable for public access.

Federal Agencies Have Taken Steps to Identify and Start Addressing Web 2.0 Technology Issues

As federal agencies have increasingly adopted Web 2.0 technologies, often by making use of commercially provided services, information technology officials have begun to consider the array of privacy, security, records management, and freedom of information issues that such usage poses. Once these issues are understood, measures can then be developed and implemented to address them. Several steps have been taken to identify these issues and to begin developing processes and procedures to address them:

- In June 2009, DHS hosted a two-day public workshop to discuss leading practices for the use of social media technologies to further the President's Transparency and Open Government Initiative. The workshop consisted of panels of academic, private-sector, and public-sector experts and included discussions on social media activities of federal agencies and the impact of those activities on privacy and security. In November 2009, DHS released a report summarizing the findings of the panels and highlighting potential solutions. According to a DHS official involved in coordinating the workshop, the array of issues raised during the workshop—which are reflected in the challenges I have discussed today—remain critically important to effective agency use of Web 2.0 technologies and have not yet been fully addressed across the government.
- NARA has issued guidance outlining issues related to the management of government information associated with Web 2.0 use. The agency recently released a brief document, *Implications of*

Recent Web Technologies for NARA Web Guidance, as a supplement to its guidance to federal agencies on managing Web-based records. The document discusses Web technologies used by federal agencies—including Web portals, blogs, and wikis—and their impact on records management. NARA officials recognize that the guidance does not fully address more recent Web 2.0 technologies, and they said the agency is currently conducting a study of the impact of those technologies and plans to release additional guidance later this year.

- In April 2009, the General Services Administration announced that it had negotiated terms-of-service agreements with several social networking providers, including Facebook, MySpace, and YouTube. The purpose of these agreements was to provide federal agencies with standardized vehicles for engaging these providers and to resolve legal concerns raised by following the terms and conditions generally used by the providers, which posed problems for federal agencies, including liability, endorsements, advertising, and freedom of information. As a result, other federal agencies can take advantage of these negotiated agreements when determining whether to use the providers' services.
- The Office of Management and Budget (OMB), in response to President Obama's January 2009 memorandum promoting transparency and open government, recently issued guidance intended to (1) clarify when and how the Paperwork Reduction Act of 1995 (PRA)⁹ applies to federal agency use of social media and Web-based interactive technologies; and (2) help federal agencies protect privacy when using third-party Web sites and applications. Specifically, a memo issued in April 2010¹⁰ explained that certain uses of social media and web-based interactive technologies would not be treated as "information collections" that would otherwise require review under the PRA. Such uses include many uses of wikis, the posting of comments, the conduct of certain contests, and

⁹44 U.S.C. § 3501, et. seq.

¹⁰OMB, *Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies: Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act* (Washington, D.C.: April 7, 2010).

the rating and ranking of posts or comments by Web site users. It also states that items collected by third party Web sites or platforms that are not collecting information on behalf of the federal government are not subject to the PRA.

In addition, a memorandum issued by OMB in June 2010¹¹ called for agencies to provide transparent privacy policies, individual notice, and a careful analysis of the privacy implications whenever they choose to use third-party technologies to engage with the public. The memo stated—among other things—that prior to using any third-party Web site or application, agencies should examine the third-party's privacy policy to evaluate the risks and determine whether it is appropriate for agency use. Further, if agencies post links on their Web sites that lead to third-party Web sites, they should notify users that they are being directed to non-government Web sites that may have privacy policies that differ from the agency's. In addition, the memo required agencies to complete a privacy impact assessment whenever an agency's use of a third-party Web site or application gives it access to personally identifiable information.

In summary, federal agencies are increasingly using Web 2.0 technologies to enhance services and interactions with the public, and such technologies have the potential to transform how federal agencies engage the public by allowing citizens to become more involved in the governing process and thus promoting transparency and collaboration. However, determining the appropriate use of these new technologies presents new potential challenges to the ability of agencies to protect the privacy and security of sensitive information, including personal information, shared by individuals interacting with the government and to the ability of agencies to manage, preserve, and make available official government records. Agencies have taken steps to identify these issues and begun

¹¹OMB, *Memorandum for the Heads of Executive Departments and Agencies: Guidance for Agency Use of Third-Party Websites and Applications*, M-10-23 (Washington, D.C.: June 25, 2010).

developing processes and procedures for addressing them. Until such procedures are in place, agencies will likely continue to face challenges in appropriately using Web 2.0 technologies. We have ongoing work to assess these actions.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or other Members of the Subcommittee may have.

Contact and Acknowledgments

If you have any questions regarding this testimony, please contact Gregory C. Wilshusen at (202) 512-6244 or wilshuseng@gao.gov. Other individuals who made key contributions include John de Ferrari (Assistant Director), Sher'rie Bacon, Marisol Cruz, Susan Czachor, Fatima Jahan, Nick Marinos, Lee McCracken, David Plocher, and Jeffrey Woodward.

Mr. CLAY [presiding]. I thank the witness for his testimony.
Mr. Simpson, you're recognized for 5 minutes.

STATEMENT OF JOHN M. SIMPSON

Mr. SIMPSON. Thank you, Mr. Chairman. Chairman Clay, Ranking Member McHenry, and members of the committee. Thank you for this opportunity to orally introduce my written remarks into the record. I am John M. Simpson, a consumer advocate with Consumer Watchdog, a nonprofit, nonpartisan public interest group founded in 1985. I am the director of our Google Privacy and Accountability Project.

Frankly, I wish this were a hearing into Google's recent Wi-spying activities where they snooped on home lifeline networks around the world. We have called for congressional hearings into the scandal, and I respectfully repeat that request today. I believe that the House Energy and Commerce Committee were the primary jurisdiction, but I think a very strong case can be made that your committee have appropriate oversight.

But we are here today to talk about Web 2.0, and that is what I am testifying about, Web 2.0 technologies or services like Google's, YouTube, Facebook, Twitter, blogs and the like. I briefly would like to make three points.

First, as I saw personally when I took vacation time to campaign for Barack Obama in Missouri, Web 2.0 tools are powerful indeed. It is no surprise that they have been adopted by Federal agencies. They certainly improve government transparency, responsiveness and citizen involvement. I think they are particularly attractive to young people. All this is to the good.

Second, on the downside, many of these technologies raise substantial concerns about and challenges to consumer's privacy. Given the appalling track record of Facebook and Google in this area, and one only needs to think of Wi-Spy and the launch of Google Buzz or Facebook's unilateral revision of privacy policies to understand that these companies do not have consumer privacy high on their list of priorities.

Third, and this brings us to the crux of the dilemma where the Federal agencies are involved, Federal agency use of Web 2.0 techniques implies a government endorsement of many of these companies. Because this may lull consumers into trusting such sites far more than they should, it is even more imperative that Congress enact robust on-line privacy laws to protect privacy and other rights. And I am delighted to note that there's another hearing before another committee right now discussing stronger privacy legislation. That is a very good thing.

In conclusion, Web 2.0 techniques offer government agencies powerful and valuable tools. They should be used carefully, however, without unduly favoring a particular provider, and there must be explicit warnings when a consumer leaves an official government site to go to one of the third-party sites.

Most importantly, however, Congress must enact meaningful privacy legislation to safeguard consumers as they use these on-line services that have become known as Web 2.0.

I look forward to answering any of your questions. Thank you very much.

[The prepared statement of Mr. Simpson follows:]



Testimony
of
JOHN M. SIMPSON
Consumer Advocate
with
CONSUMER WATCHDOG

Before the
**Subcommittee on Information Policy, Census and National Archives of the
House Committee on Oversight and Government Reform**

On “**Government 2.0, Part I: How Federal Agencies use Social Media
and Other Web 2.0 Technology**”

July 22, 2010

WEB 2.0: POWERFUL TECHNIQUES THAT DEMAND CLOSE SCRUTINY

Thank you Chairman Clay, Ranking Member McHenry and members of the committee for inviting me to participate in this hearing. I appreciate the opportunity to offer my testimony for your consideration. My name is John M. Simpson and I am a consumer advocate with the public interest group, Consumer Watchdog. Thank you for considering my testimony.

Established in 1985, Consumer Watchdog is a nationally recognized non-partisan, non-profit organization representing the interests of taxpayers and consumers. Our mission is to provide an effective voice for the public interest. Consumer Watchdog’s programs include health care reform, oversight of insurance rates, energy policy, protecting civil justice, corporate reform, and political accountability. Over the past two years our Google Privacy and Accountability Project, funded partly by The Rose Foundation, a charitable nonprofit organization, has sought to safeguard consumers’ online privacy by focusing attention on the practices of the Internet giant, Google. By holding Google accountable for its actions and encouraging the company to adopt necessary consumer privacy safeguards we believe we will help move the online entire industry in the right direction. You may read more about our project at our Website, <http://insidegoogle.com>.

I first became aware of the power of Web 2.0 techniques – such as social networking, blogging and online user-generated video – when I spent my vacation in 2008 to volunteer for the Obama Campaign in Joplin, Mo. Considering the successful use of the Web in that campaign, it is not at all surprising the administration has brought those methods and other cutting-edge technologies to be used in government.

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There is no doubt in my mind whatsoever that these techniques can enhance citizens' participation in the democratic process and enhance both governmental transparency and responsiveness. Because many Web 2.0 techniques are widely embraced by young people and used regularly in their daily lives, adopting Web 2.0 methods will encourage younger generations to take a more active role in our democracy. It is important to note that it is not only the Executive Branch that has adopted these powerful tools. This committee's own Website, for example, features a Google YouTube video and links to the Committee's Facebook page, Twitter account and Google YouTube Channel. Perhaps all of the committee members are not fluent in Web 2.0 techniques, but clearly you have staff members who are.

But even though the federal government has rapidly adopted Web 2.0 because of its many obvious benefits, there are substantial concerns that must be addressed. All too often new technologies are adopted because of convenient benefits without adequate attention being paid to the potential harmful effects of the innovations. Technology is frequently implemented before necessary rules and regulations to protect society from negative impacts are written, let alone enacted.

So it is with Web 2.0. Government agencies have eagerly embraced FaceBook, Google's YouTube, and the like. This widespread use by government agencies of these services with links from the agencies' homepages is about strongest endorsement possible of the services. Any doubts or concerns the average American might have about them is all too quickly put to rest by prominent links to the services from the White House Web page, the State Department Web page and, yes, even this committee's home page.

But many of the companies involved in Web 2.0 services pose a real threat to consumers' privacy. Their business models are based upon tracking consumers as they use the Internet, gathering as much information about them as possible and using the data to sell ads to a largely unsuspecting audience. While Web 2.0 techniques have made government more transparent and responsive, there has been little such impact on the Googles and Facebooks of the world. They remain closed black boxes when it comes to revealing their methods and algorithms.

Consumers are followed around the Web, information about their habits is stored and analyzed, all while the online companies hide their practices behind dense, incomprehensible "terms of service" and "privacy policies" that appear to have been written by lawyers paid by the word who received a special bonus for opacity.

Worse, as has been demonstrated by such gross intrusions into consumers' privacy as Google's introduction of its social networking service, "Buzz," which publicly revealed the frequent email correspondents of users, Google's "Wi-Spy" snooping on home WiFi networks in 30 countries and Facebook's recent unilateral changes in privacy settings, the companies don't live up to their own professed privacy policies.

Where I go on the Internet and what I do there is my business. Consumers should have the right to control their data. It certainly should not sit indefinitely in corporate servers maintained by the likes of Google, Microsoft and Yahoo. And, just as there is a no-call list for the telephone, there should be a don't-track-me list for the Internet.

Silicon Valley's business model is to constantly push the envelope, gathering as much consumer information as possible because in the computer engineer's mind more data is always better even if you don't know what you will use the data for. You don't ask permission, because you can always ask forgiveness. But, Consumers deserve better.

The online industry's self-serving attempts at self-regulation have not delivered the privacy protections consumers deserve and require. Assurances from the likes of Google that the company can be trusted to respect consumers' privacy because its corporate motto is "Don't be evil" have been shown by recent events such as the "Wi-Spy" debacle to be unwarranted.

So, this is the current situation and the heart of the dilemma: Web 2.0 techniques offer government agencies powerful ways to enhance transparency and responsiveness, while also encouraging citizen participation. But most services simply do not respect consumers' privacy. The situation is exacerbated by the implicit endorsement of Google's YouTube, Facebook and other Web 2.0 services when they are featured on government Websites. How, the consumer might well ask, can there be a problem when the White House or a Congressional committee uses the services?

So, what can be done to both reap the benefits of Web 2.0 and protect consumers?

First, agencies need to be more explicit about what happens when consumers visit official Websites. Sometimes, whether out of coziness with a provider or a lack of diligence by the agency the situation is not as clear as it should be.

Let's look at what happened with the White House Website. When first launched after President Obama's inauguration, it featured embedded Google YouTube videos. When a consumer passed a cursor over the video image a tracking cookie was sent from Google to his or her browser. After objections from the privacy community to this stealth tracking and the apparent favoritism showed to Google, the White House modified the site. YouTube no longer hosts the video and no tracking cookies are placed on a visitor's browser. Moreover, if the visitor clicks on the links to the White House Facebook Page, YouTube Channel or Twitter Page, a warning is displayed making it clear that the consumer is leaving the White House site. This is as it should be and the White House Website now appears to set a standard for candor about a visitor's experience on a Website. (As an aside, I'm sorry to note that this committee uses embedded Google YouTube video that delivers tracking cookies to unsuspecting consumers and displays no warnings that when the visitor clicks on links he or she leaves the site for Facebook, Google YouTube or Twitter pages.)

Second, Congress must enact privacy legislation that will guarantee consumers control over their data and ensure their privacy when using the Web 2.0 services. Such legislation is now under discussion in the House Energy and Commerce Committee's Subcommittee on Communications, Technology and the Internet. A coalition of 11 consumer and privacy groups recently said the legislation must be based on four principles:

- Robust Fair Information Practices are the key to legislation concerning online privacy.
- Notice and choice are inadequate to protect consumers. Transparency is not enough if consumers have no real understanding or control.
- Self-regulation for privacy will not protect consumers.
- Law enforcement access to personal data should require a warrant.

The groups' detailed recommendations were spelled out in a recent letter to members of the House and I am including a copy of it for the record.

In conclusion, Web 2.0 techniques offer government agencies powerful and valuable tools. They should be used carefully, however, without unduly favoring a particular provider and there must be explicit warnings when a consumer leaves an official government site. Most importantly, however, Congress must enact meaningful privacy legislation to safeguard consumers as they use these online services that have become known as Web 2.0. I look forward to your questions.

Center for Digital Democracy
Consumer Action
Consumer Federation of America
Consumers Union
Consumer Watchdog
Electronic Frontier Foundation
Privacy Lives
Privacy Rights Clearinghouse
Privacy Times
U.S. Public Interest Research Group
The World Privacy Forum

May 3, 2010

Dear Representative,

We write to support principles for shaping strong privacy legislation. The tracking and targeting of consumers online have reached alarming levels. Companies engaged in behavioral targeting routinely monitor individuals, the searches they make, the Web pages they visit, the content they view, their interactions on social networking sites, the content of their emails, and the products and services they purchase. Further, when consumers are using mobile devices, even their physical location is tracked. This data is compiled, analyzed, and combined with information from offline sources to create even more detailed profiles.

This tracking is an invasion of privacy. Marketers claim that the goal of this unprecedented surveillance is simply to make the online experience more “personalized” and “convenient” by providing consumers with more “relevant” advertising—sales pitches more aligned, that is, to their particular needs and interests. But consumers now rely on the Internet and other digital services for many purposes. Some of their online activities involve sensitive matters such as health and finances. In these contexts, tracking people’s every move online is not simply a matter of convenience or relevance. It presents serious risks to consumers’ privacy, security and dignity.

Consumers have rights, and profiling should have limits. Behavioral tracking and targeting can and has been used to take advantage of vulnerable individuals, and to unfairly discriminate against people. The potential misuse of health or financial information is especially troubling. The assumptions that can be made about people based on behavioral tracking – such as sexual orientation or medical diagnosis – may have detrimental consequences for them, including loss of a job or health insurance. Online profiles may also be obtained by government agencies, private investigators, and other entities for purposes that go far beyond advertising.

As you well know, privacy is a fundamental right in the United States. For four decades, the foundation of U.S. privacy policies has been based on Fair Information Practices: collection limitation, data quality, purpose specification, use limitation, security safeguards, openness, individual participation, and accountability.

Those principles ensure that individuals are able to control their personal information, help to protect human dignity, hold accountable organizations that collect personal data, promote good business practices, and limit the risk of identity theft. Developments in the digital age urgently require the application of Fair Information Practices to new business practices. As Congress moves ahead in this area, we trust that the following principles and goals will be incorporated in new online privacy legislation.

Principles for Shaping Legislation

- Robust Fair Information Practices are the key to legislation concerning online privacy.
- Notice and choice are inadequate to protect consumers. Transparency is not enough if consumers have no real understanding or control.
- Self-regulation for privacy will not protect consumers.
- Law enforcement access to personal data should require a warrant.

The following goals should also be addressed in the new legislation:

Specific Goals to Protect Consumers

- The privacy of individuals should be protected even if the information collected about them in behavioral tracking cannot be linked to their names, addresses, or other overt identifiers. As long as consumers can be distinguished based on IP addresses, cookies, or other characteristics, their privacy interests must be protected.
- The ability of websites and ad networks to collect or use behavioral data should be limited to 24 hours, after which affirmative consent (opt-in) should be required.
- Websites should not collect or use sensitive information for behavioral tracking or targeting. The FTC should be tasked with defining sensitive information, which must include data about health records, financial records, ethnicity, race, sexual orientation, personal relationships, and political activity.
- Personal data should be obtained only by lawful and fair means and, unless unlawful or impossible, with the knowledge or consent of the individual.
- Personal and behavioral data should be relevant to the purposes for which they are to be used.
- Websites should specify the purposes for which they collect both personal and behavioral data not later than the time of data collection. Websites should not disclose or use personal

**Letter from privacy and consumer groups to U.S. House of Representatives,
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and behavioral data for purposes other than those specified in advance except: a) with the consent of the individual; or b) when required by law.

- Websites should be responsible for providing reasonable security safeguards for personal and behavioral data, including protection against unauthorized access, modification, disclosure and other risks.
- Websites should disclose their practices, uses, and policies for personal and behavioral data.
- An individual should have the right to: a) be told by behavioral tracker whether the behavioral tracker has data relating to the individual; b) obtain a copy of the data within a reasonable time, at a reasonable charge, and in a form that is readily intelligible to a consumer; and c) correct the data or, if requested, have all the data removed from the behavior tracker's database within a week.

We look forward to working with you and your staff on this important issue. Please contact any of these representatives if we can provide further information: Jeff Chester, Center for Digital Democracy at 202-494-7100; Pam Dixon, World Privacy Forum at 760 470 2000; John Simpson, Consumer Watchdog at 310-392-0522 ext. 317; or, Ed Mierzwinski of U.S. PIRG at 202-461-3821.

Sincerely,

Center for Digital Democracy
Consumer Action
Consumer Federation of America
Consumers Union
Consumer Watchdog
Electronic Frontier Foundation
Privacy Lives
Privacy Rights Clearinghouse
Privacy Times
U.S. Public Interest Research Group
The World Privacy Forum

Mr. CLAY. I thank the witness and thank all the witnesses for their testimony. We are in the middle of a series of votes, but we will try to get to two questioners. I will start with Ms. Norton of the District of Columbia.

Ms. NORTON. Thank you very much. Mr. Chairman, before I ask my question I do want to note a searing hearing I recall in preface to a question I am going to ask. It was about 2 years ago. It was a full committee hearing on the Bush administration's electronic record preservation. It was almost a scandalous hearing. The minority defended at the hearing, or the hearing of record, the Bush administration's use of non-Federal e-mail systems such as the Republican National Committee's e-mails. No one can forget it, because among the most notorious use of these e-mails now lost forever was Karl Rove himself.

My very good friend and the ranking member of the committee at that time, Mr. Issa, asked the General Counsel of the National Archives if the use of a personal e-mail account was inappropriate for official business. That answer was no, that the actual use of a personal e-mail for official government business was not a violation of the law. The e-mail simply had to be placed into the record-keeping system. That is what would satisfy the requirements of law. That is what was never done by 88 White House officials led by Karl Rove himself.

In light of that past practice, let me ask Mr. Ferriero, what is the current policy on archiving Web sites; are any of those permanent?

Mr. FERRIERO. Your question is specifically about Web sites?

Ms. NORTON. Yes, Web sites first. E-mails of the kind I mentioned.

Mr. FERRIERO. The policy around e-mails have not changed.

Ms. NORTON. So would you state it?

Mr. FERRIERO. On the Federal Records Act or the Presidential Records Act. That people are free to use external e-mail accounts as long as those e-mails are captured for the agencies or the White House's own records management system.

Ms. NORTON. Is that system being followed as far as you know?

Mr. FERRIERO. As far as I know.

Ms. NORTON. Now, with 2.0, Web 2.0, aren't there new challenges presented to comply with the Records Management Act, was not complied with at all in the last administration, now you say as far as you know it is being complied with, but now we have 2.0. How are you managing to do that?

Mr. FERRIERO. Every new technology presents new challenges to the basic definition of what is a record. And the guidance that we have already issued and continue to issue as we work with the agencies helps them clarify, helps the agencies clarify exactly what needs to be captured, how long it has to be retained and eventually what comes to the Archives as permanent record.

Ms. NORTON. Dr. McClure, let me ask you a question about privacy. Karl Rove and the 88 White House officials apparently weren't concerned about privacy because they simply took their personal e-mails with them, they were never archived.

Do you have concerns about the privacy of the content of government 2.0 sites now that everybody is going to be on these sites and e-mails like Karl Rove's e-mails would have to be archived?

Dr. MCCLURE. Well, I think in reference to the Web 2.0 or social media tools our expectation that GSA and for any tool that we put up for governmentwide use, it adheres to the Privacy Act and to privacy impact assessment requirements before we will accept the product.

Ms. NORTON. Meaning what?

Dr. MCCLURE. It has to go through a test by test of data collection to understand how privacy information is considered personal.

Ms. NORTON. Well, suppose you received Mr. Rove's e-mails. How would that go through and be managed if that policy had been followed then as it was not?

Dr. MCCLURE. Well, I think the e-mail area is a little bit different because it covers e-mail transfer, the receipt and what is sent on official government system versus what is a private account that you have with a third-party provider. So e-mails—

Ms. NORTON. For the provider it was done right on the White House account.

Dr. MCCLURE. So—

Ms. NORTON. I don't know who the third-party provider is. The White House is essentially the account being used.

Dr. MCCLURE. Right, right. Well, again, government employees, both appointees, as well as civil service officials, have to still comply with—this is where we get into this distinction between ethics rules and the use of technology rules. So that is I think what causes these issues to get blurred quite a bit.

Ms. NORTON. All right. So you shouldn't use the White House system, are you saying, for such e-mails, or are you saying if you use them do understand it is our obligation to archive them?

Dr. MCCLURE. Yeah, absolutely, yes.

Ms. NORTON. And you do understand that they were not archived at all. Millions upon millions of personal e-mails were lost during the Bush administration when, according to testimony before this committee, at least 88 White House officials used the White House system for personal e-mails. Now, if that happened in the Bush White House those would have been archived.

Mr. CLAY. The gentlewoman's time has expired.

Ms. NORTON. Those would have to be archived if that happened in the Obama White House. I yield back the balance of my time.

Mr. CLAY. Gentleman from North Carolina is recognized for 5 minutes.

Dr. MCHENRY. Thank you, Mr. Chairman.

I think we have this long-term discussion about Presidential records. Look, the Bush White House had their folks with outside e-mail accounts and apparently this White House has the same thing. It's apparently that the high ranking political officials in the Clinton White House and the Bush White House had political accounts in order to discuss political travel. I would raise the question of if Mr. Axelrod or if Mr. Emanuel have those very same types of accounts in this administration.

But Dr. Ferriero, the Presidential Records Act applies to all documentary material created or received by the President, his imme-

ciate staff or a unit or individual of the Executive Office of the President. The White House Office of Science and Technology is part of the Executive Office of the President.

Mr. Ferriero, why does the Presidential Records Act not apply to the Office of Science and Technology?

Mr. FERRIERO. Very good question. All I know is that office is covered by the Federal Records Act and not the Presidential Records Act. And I'm sure—I have legal counsel behind me. I'm sure they can explain the history of that.

Dr. MCHENRY. Now, for instance, if someone within that department is a part of a Presidential decision, would those e-mails be subject to the Presidential Records Act?

Mr. FERRIERO. If they are Presidential records, if the President's direct staff were involved, then those records would be, yes. But, the OSTP's staffers' e-mail would be covered by the Federal Records Act.

Dr. MCHENRY. Now we are currently working under a 2008—2008, NARA conducted an evaluation of Federal agencies use of the Web 2.0 technologies. We are currently operating under a 2006 guidance in essence for the Federal Government, is that correct?

Mr. FERRIERO. I believe it's 2009.

Dr. MCHENRY. OK.

Mr. FERRIERO. And new guidance about to be released this fall.

Dr. MCHENRY. At the end of this year.

Mr. FERRIERO. Right.

Dr. MCHENRY. Mr. Simpson, on January 21, 2000, the President signed an Executive order requiring every appointee to sign a pledge to refrain from participating, "in any particular matter involving specific matters that is directly and substantially related to my former employer or former clients, including and regulating contracts. This lobbying ban must also be followed by all members of the executive branch."

Mr. McLaughlin's communications with his ex-colleagues at Google he communicated regularly and often with Google about, for instance, net neutrality, China, copyright, policy and intellectual property rights, privacy regulation and Internet governance.

Now this was released as a matter of your group's Freedom of Information Act about his e-mails in this case, is that correct?

Mr. SIMPSON. We opposed his nomination from the beginning because we thought it was inappropriate for an industry lobbyist, specifically a Google lobbyist, to have that position. When he got the position, I decided to put in a FOIA request to obtain his e-mails both on his White House account and on private accounts, and the result of that was the documents that you were referring to.

Dr. MCHENRY. OK. Now, do you know of any other particular, any other particular policy matters directly or substantially related to Mr. McLaughlin and his relationship with his former employer?

Mr. SIMPSON. All I know is what was released in the FOIA, as a result of the FOIA request.

Dr. MCHENRY. In your written testimony, you raised concerns about some Web 2.0 technology providers could have too close a relationship with Federal agencies.

Can you expand on these concerns?

Mr. SIMPSON. I do think that Google specifically has perhaps too close a relationship with the government. I think it has worked very hard to do that, I think Mr. McLaughlin's appointment is one of those ties that is inappropriate, but I also think that there are other ones. I mean the sort of revolving door policy that they have of hiring lobbyists, say one of their top people happens to be Pablo Chavez, who used to be the counsel to Senator McCain. So this is a sad commentary, if you will, on the revolving door in Washington. And I'm particularly upset about how Google has been able to insinuate itself into that process, and I have opposed, along with my colleague from the Center for a Digital Democracy, Mr. McLaughlin's appointment from the beginning.

Mr. CLAY. The gentleman's time has expired. For the record, and for the committee's information, there are two categories in the Executive Office of the President that come under different controlling statutes. And in the Executive Office of the President, the entity subject to the Federal Records Act are the Council on Environmental Quality, Office of Management and Budget, Office of National Drug Control Policy, Office of Science and Technology Policy, and the Office of the U.S. Trade Representative. And that's in accordance with FOIA.

In the other category of entities that come under the Presidential Records Act in the Executive Office of the President, the White House Office, the Office of Administration, the Office of the Vice President, Council of Economic Advisers, National Security Council, Office of Policy Development. And under that office is Domestic Policy Council, Office of National AIDS Policy, National Economic Council, and the President's Foreign Intelligence Advisory Board.

So that kind of breaks down the categories of which statutes apply to which offices. And with that, we will recess until the end of these votes. The committee stands in recess.

[Recess.]

Mr. CLAY. The subcommittee will reconvene. Let me start out with Archivist Ferriero.

In your statement, you point out that NARA will promulgate new policies in the form of a bulletin on Web 2.0 and social media platforms. This is on top of guidance NARA issued in 2005 and 2006. It sounds like you need to continually assess the implications of new technologies and respond accordingly.

Does NARA do that proactively in response to agency requests? And how is that accomplished?

Mr. FERRIERO. It actually happens in a couple of ways, but let me first correct what I said in response to Congressman McHenry's question. The latest guidance is September 2006 and that covers wiki's logs, Web portals and RSS feeds, a lot of the 2.0 technologies that already exist. So the updated bulletin that will come up this fall deals with social media products that have come out since then.

In terms of how we work with the agencies on that, one of the imperatives that I have brought to the agency is that if we are going to be advising other agencies on how to be using these tools we need to be using them ourselves. So we, there has been an explosion I would say in the last 6 months at the Archives in the use of these 2.0 technologies. So that is one way. And the work that we've been doing with the agencies in terms of this evaluation and

assessment is another way that we keep on top of what is being used now.

Mr. CLAY. Can you tell us more about NARA's own use of Web 2.0 to engage researchers and stakeholders and improve internal communications?

Mr. FERRIERO. We have been aggressively using tools internally and externally to gather reactions, input, feedback, on various new ways of doing business. We are, as you know, as every agency is dealing with a very severe budget year ahead, and we have been using IdeaScale, one of the social media tools, internally to gather ideas from the staff about how we can do business much more efficiently and effectively and save money. So that is one way that we have been doing that.

We are in the process of redesigning our Web site, and so we have been using similar tools to get the same kind of feedback from our user community, from the stakeholders about how they feel about the redesign.

Mr. CLAY. Can you please explain how the very nature of Web 2.0 content, like blogs, comments, editable wikis, Twitter feeds, Facebook discussions, possibly time sensitive Web links pose challenges to agencies unlike any previous type of Federal record?

Mr. FERRIERO. They certainly require one to rethink the definition of record. Each one of these new technologies gives us the opportunity to kind of rethink what is a record, how long it needs to be kept, and what part of that technology is permanent that we need to be accommodating in perpetuity.

Mr. CLAY. Thank you for your responses.

Mr. McClure, there have been several recent reports regarding GSA's policy on the personal use of social media by agency employees. Can you explain GSA's policy and any guidelines the agency has provided to employees related to their use of social media in their personal lives.

Dr. McCLURE. Chairman Clay, the GSA social media policy is actually constructed by our CIO office so I probably would have to get you a formal answer back from our CIO. The GSA policy I do think makes a distinction between using social media tools for official government business versus using it on your own personal time. So I know that is a distinction in our policy, but we can certainly give you some specifics from the CIO office.

Mr. CLAY. Would you provide the committee with that information?

Dr. McCLURE. Absolutely.

Mr. CLAY. Thank you.

Mr. Wilshusen, are agencies prepared to schedule and manage Web 2.0 content as Federal records?

Mr. WILSHUSEN. That is one of the issues we intend to look at, Mr. Chairman, as part of the review that you requested on how agencies manage and protect information that they gather through these social media sites and things. So that is something we do plan on looking at, and we will be looking at the 24 major CFO Act agencies as part of our scope of that review.

Mr. CLAY. In your initial review, have you been able to identify any agencies that are doing well with 2.0 records management?

Mr. WILSHUSEN. No, I wouldn't say that we've identified because we again are at a very early stage. But we have found that there are a number of agencies that are using those technologies in order to interact better with the public and several agencies that are using what seems to be a very effective manner in terms of interacting with the public and getting out their message through videos as well as through blogs in which they help interact with the individuals.

Mr. CLAY. And what are the Freedom of Information Act implications for Web 2.0 content?

Mr. WILSHUSEN. Well, one of the key issues associated with that is determining whether or not the information that is maintained by third-party providers through these technologies is actually susceptible to Freedom of Information Act requests. And so because—what we have found, looking at the Department of Justice guidelines is that it identifies four criteria to determine whether or not agency is agency records for the purpose of the Freedom of Information Act and those are rather strenuous and strict criteria. So agencies might be challenged in order to meet each of those as it relates to Freedom of Information Act's requests for information collected by those third-party providers.

Mr. CLAY. Is the dilemma about separating and determining what should fall under FOIA?

Mr. WILSHUSEN. Yes, in making sure that the agency has adequate control over the information in order for it to be an agency record under FOIA.

Mr. CLAY. OK. Dr. Ferriero, what I guess heading toward a wrapup of the hearing today, what do you see as the areas this subcommittee in its oversight and information policy role should continue to examine?

Mr. FERRIERO. I think it's clear in the self-assessment that we shared with you not too long ago that the agencies themselves have identified, 80 percent of the agencies have identified that they are at moderate to high risk around electronic records. So we need to be providing more guidance to the agencies around these electronic records. And I'm hopeful that the new bulletin that we come out with is going to be a trigger for us to be more aggressive with those agencies.

Mr. CLAY. I hope so, too. Thank you for your response.

Dr. McClure, in your written testimony, you give many examples of the innovative Web 2.0 applications Federal agencies are currently using. Can you please talk about one example of an external application and one internal application that demonstrate the potential of these technologies?

Dr. MCCLURE. Well, I think from a—most of these tools that are being adopted are actually external rather than internal. They are easy, lightweight, agile applications that are relatively inexpensive in the market or in many cases they are being offered at no cost to Federal agencies. So I think in a general sense there is a great list of social media tools in the idea management challenge and platform contest space, in ranking and rating ideas and problem solving engagements with the public that cover both commercial as well as no-cost products.

We actually from our perspective, from an efficiency perspective think that a lot of the software that is available in the marketplace, it meets a lot of the agency needs in these areas. So there is little need for an agency to be building its own software, developing its own tools when the market is so robust as it is today.

So almost every example that I can point to in my statement is using mostly either no-cost or very lightweight commercial applications for interaction, engagement, content and challenges, or notifications to the public as is the case with the TED system at the U.S. Geological Survey.

Mr. CLAY. Thank you for your response.

And I have already asked the Archivist this, but I will ask the panel a wide question, what do you see as the areas this subcommittee in its oversight of NARA and information policy should continue to examine?

We will start with you, Dr. McClure.

Dr. MCCLURE. Thank you. I think, Chairman Clay, that we don't need—we should not lose the perspective of the benefits that the government is getting from social media tools. It's one of the reasons why in my statement we documented as thoroughly as we could the use of this technology across the government.

It is true that there are challenges in the policy area for the adoption of social media, and I think we have identified many of them in the records management area in today's hearing.

No. 1 is what constitutes a record? That has to be determined by the agency. That is not something that is totally defined by any guidance put out by the government.

No. 2, we have the changing constantly in these Web sites. So what is a record? Is it something that changes every 20 seconds, every minute? That creates huge challenges for agencies in terms of volume and the types of information that constitute a record.

The third challenge is the social media tools themselves that are being made available to the government are not configured to operate in accordance with Federal Records Act provisions. These are commercial products that are built for everyday use by consumers or organizations outside of government.

So it's no easy task for a lot of these tools to be compliant with policy provisions like the Federal Records Act.

Mr. CLAY. Should private industry rework or redesign tools specifically for government?

Dr. MCCLURE. Well, our position at GSA is before we bring a tool into the government, it must be compliant, and we encourage agencies to follow examples of how other agencies are making sure of that. The GSA procurement schedules, for example, if it's a for fee product, they have to meet Federal guidelines in order to be purchased by any Federal agency.

And I will tell you last that for any no-cost product that we have brought into the Federal Government for governmentwide use, we had put it through all the policy and legal compliance tests to make sure that we are not violating or not following guidance under these laws.

Mr. CLAY. Thank you for your response.

Mr. Wilshusen, what should we continue to examine as a subcommittee?

Mr. WILSHUSEN. I would second everything that Dr. McClure stated as key challenges and issues to address. But I would also add privacy and security challenges associated with the use of these technologies because they do collect a lot of personal information on these Web sites and through these social networking sites that needs to be protected, and to what extent Privacy Act applies as well as other security threats that are potentially exposing that information to risk are issues that should also be addressed, and that is something that we will be looking at as part of our review.

Mr. CLAY. It's interesting you bring up security. I just completed my information security course required by all Members of the House.

Mr. WILSHUSEN. Congratulations.

Mr. CLAY. And I passed.

Mr. Simpson.

Mr. SIMPSON. I would completely concur with my colleagues on the panel. I would emphasize the problems and challenges with privacy and security, and I would add a suggestion. I mean, recently you had a look at cloud computing and that is very much related to all of this that is tied into Web 2.0. But I would urge the committee not necessarily only to look in the abstract at these technologies, but to examine very closely the companies that are providing these services and look at their approaches to the challenges to privacy and to security and to whether they in fact live up to what they say they are going to do, which is why I think this committee would have complete oversight to call somebody like Google in and talk to them about their privacy practices and how this horrible thing could have happened with Wi-Spy.

Another example of this which relates to the cloud and security goes precisely to the tendency of technology companies to overpromise. Google has touted the fact that it sold its cloud services to Los Angeles. And the fact of the matter is that the deadline was blown. The city of Los Angeles is about to have to come up with another \$500,000 or so to cover licenses that they didn't expect to have to have, because Google was unable to meet the security requirements on the Government cloud that were required by the Los Angeles Police Department.

That is the kind of issue that I think this committee should be exploring, and I think that it's essential, again, that you do it, by talking to specific companies.

Mr. CLAY. Thank you for that. And contrary to what it was stated earlier, I am continuously open to Members from both sides of the aisle on suggestions for future hearings, and I will entertain those suggestions when they are brought to me.

Let me thank all of the witnesses for their indulgence today. I know we got off to a bumpy start but because of you all, you made this hearing complete, and I thank you.

This hearing is adjourned.

[Whereupon, at 4:20 p.m., the subcommittee was adjourned.]

