# 新しい公共のかたちオープンガバメント

東京大学公共政策大学院

奥村裕一

jokumura@ecc.u-tokyo.ac.jp RIETI Brown Bag Lunch 20091209 BLOG PHOTOS & VIDEO BRIEFING ROOM

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# Open Government Initiative TRANSPARENCY + PARTICIPATION + COLLABORATION

About Open Government

Innovations Gallery

Open Government Blog

At OSTP: From the Inbox

At OSTP: Listening Sessions

### About Open Government

On January 21, 2009, President Obama signed the Memorandum for Heads of Executive Departments and Agencies on Transparency and Open Government—the first memorandum of his presidency. In it, he announced his administration's commitment to achieving an "unprecedented level of openness in Government."



# 覚書:透明性とオープン政府 2009年1月21日

- ①政府は透明でなければならない。
- ②政府は国民参加型でなければならない。
- ③政府は協業的(省庁間、中央地方間、対 NPO・企業・市民)でなければならない。

このため、CTO (チーフテクノロジーオフィサー) に対して、OMBやGSAと協力して、OMBが発出する「<u>オープン政府指令</u>」のRecommendationを120日以内にまとめるよう指示する。 オバマ大統領 署名

# OpenGov三原則

- Transparency to enable greater accountability, efficiency, and economic opportunity by <u>making</u> government data and operations more open.
- Participation to create early and effective opportunities to <u>drive greater and more diverse</u> <u>expertise into government decision making</u>.
- Collaboration to generate new ideas for solving problems by <u>fostering cooperation across government</u> <u>departments</u>, <u>across levels of government</u>, <u>and with the</u> <u>public</u>.

# 大統領指示 OSTPの説明

- The Memorandum charges the Chief Technology Officer, together with the Office of Management and Budget and the General Services Administration, with creating recommendations for an OMB directive on open government within 120 days.
- The CTO, OMB, and GSA have recommended that on May 21st, the White House invite the public to contribute its expertise to crafting final recommendations on open government.

http://www.whitehouse.gov/open/about

# 大統領指示 OSTPの説明 続き

- The goal is to experiment with mechanisms for effective citizen participation in order to complement [the know-how of government employees] with [the expertise and intelligence of the American people].
- Much of the expertise we need can be found among the nation's citizens. From economic recovery and health care reform to environmental protection and homeland security, we must ensure that government makes the best possible decisions informed by the best possible expertise and information. With today's tools, we can create a two-way dialogue between the American people and their government and develop policy that benefits from the diverse perspectives of an engaged citizenry.

http://www.whitehouse.gov/open/about

### 三原則

- Transparency accountability
  - ▶ 積極的情報開示
  - マシンリーダブルなデータ開示
- Participation participatory democracy
  - 政策決定への国民参加
- Collaboration- service delivery
  - 省庁間
  - 中央対地方
  - ▶ 政府対国民·NPO

### 課題

- 開示の範囲と方法
- 集団の意見集約手法
- ▶ 7 縄張り縦割り意識の克服

### ツール

- Social Media/Web 2.0
- → Government 2.0
- ▶ <u>CTO</u>, Deputy CTOの配置
  - CTO: Aneesh Chopra, KSG HVD
  - Deputy : <u>Beth Noveck</u>; Prof, NYLS
- ► CIO, Vivek Kundra; <sup>®</sup>

な権移行チーム メンバー

- ▶ <余談 CPO >
- <u>Jeffrey Zients</u>, Chief Performance Officer.

斜体:上院承認ポスト

### 背景

- 政府の信頼の回復
- 若者の取り込み
- 複雑化する社会
- 民主主義の新しいかたち

Hirokazu Okumura // bettergovernment.ip 2009/12/9

## Open Government Directive (オープン政府指令)

### 2009年12月8日午前11時発表

- This memorandum <u>requires executive departments and</u> <u>agencies to take the following steps</u> toward the goal of creating a more open government:
- I. Publish Government Information Online 情報のオンライン発信-An open format (platform independent, machine readable, and made available to the public without restrictions)
- 2. Improve the Quality of Government Information 情報の質の向上
- 3. Create and Institutionalize a Culture of Open Government 文化の見直し
  - オープンガバメント計画、同ダッシュボード、ベストプラクティス共有 WG
- ▶ 4. Create an Enabling Policy Framework for Open Government 制度の見直し
  - 既存諸制度の見直しと提言

# MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, M-10-06抜粋

- FROM: Peter R. Orszag Director
   SUBJECT: Open Government Directive
- This memorandum requires executive departments and agencies to take the following steps toward the goal of creating a more open government:
- ▶ I. Publish Government Information Online情報のオンライン発信
  - An open format is one that is <u>platform independent</u>, <u>machine readable</u>, and <u>made available to the public without restrictions that would impede the re-use of that information</u>.
  - Within 45 days, each agency shall identify and publish online in an open format at least three high-value data sets (see attachment section 3.a.i) and register those data sets via Data.gov. These must be data sets not previously available online or in a downloadable format.
  - Within 60 days, each agency shall create an Open Government Webpage located at http://www.[agency].gov/open to serve as the gateway for agency activities related to the Open Government Directive and shall maintain and update that webpage in a timely fashion.

- ▶ Each Open Government Webpage shall incorporate a mechanism for the public to:
  - i. Give feedback on and assessment of the quality of published information;
  - ii. Provide input about which information to prioritize for publication;
     and
  - iii. Provide input on the agency's Open Government Plan (see 3.a.).
- Each agency shall respond to public input received on its Open Government Webpage on a regular basis.
- **FOIA**
- ▶ Each agency shall comply with guidance on implementing specific Presidential open government initiatives, such as Data.gov, eRulemaking, IT Dashboard, Recovery.gov, and USAspending.gov.

# 2. Improve the Quality of Government Information情報の質の向上

- Within 45 days, each agency, in consultation with OMB, shall designate a high-level senior official to be accountable for the quality and objectivity of, and internal controls over, the Federal spending information publicly disseminated through such public venues as USAspending.gov or other similar websites.
- Within 60 days, the Deputy Director for Management at OMB will issue, through separate guidance or as part of any planned comprehensive management guidance, a framework for the quality of Federal spending information publicly disseminated through such public venues as USAspending.gov or other similar websites.
- Within I20 days, the Deputy Director for Management at OMB will issue, through separate guidance or as part of any planned comprehensive management guidance, a longer-term comprehensive strategy for Federal spending transparency, including the Federal Funding Accountability Transparency Act and the American Reinvestment and Recovery Act. This guidance will identify the method for agencies to report quarterly on their progress toward improving their information quality.

# 3. Create and Institutionalize a Culture of Open Government文化の見直し

- Within 120 days, each agency shall develop and publish on its Open Government Webpage an Open Government Plan that will describe how it will improve transparency and integrate public participation and collaboration into its activities.
- Within 60 days, the Federal Chief Information Officer and the Federal Chief Technology Officer shall create an Open Government Dashboard on www.whitehouse.gov/open. The Open Government Dashboard will make available each agency's Open Government Plan, together with aggregate statistics and visualizations designed to provide an assessment of the state of open government in the Executive Branch and progress over time toward meeting the deadlines for action outlined in this Directive.
- (this part is in the next slide)
- Within 90 days, the Deputy Director for Management at OMB will issue, through separate guidance or as part of any planned comprehensive management guidance, a framework for how agencies can use challenges, prizes, and other incentive-backed strategies to find innovative or cost-effective solutions to improving open government.

- Within 45 days, the Deputy Director for Management at OMB, the Federal Chief Information Officer, and the Federal Chief Technology Officer will establish a working group that focuses on transparency, accountability, participation, and collaboration within the Federal Government. This group, with senior level representation from program and management offices throughout the Government, will serve several critical functions, including:
  - i. Providing a forum to share best practices on innovative ideas to promote transparency, including system and process solutions for information collection, aggregation, validation, and dissemination;
  - ii. Coordinating efforts to implement existing mandates for Federal spending transparency, including the Federal Funding Accountability Transparency Act and the American Reinvestment and Recovery Act; and
  - ▶ iii. Providing a forum to share best practices on innovative ideas to promote participation and collaboration, including how to experiment with new technologies, take advantage of the expertise and insight of people both inside and outside the Federal Government, and form high-impact collaborations with researchers, the private sector, and civil society.

# 4. Create an Enabling Policy Framework for Open Government 制度の見直し

Within 120 days, the Administrator of the Office of Information and Regulatory Affairs (OIRA), in consultation with the Federal Chief Information Officer and the Federal Chief Technology Officer, will review existing OMB policies, such as Paperwork Reduction Act guidance and privacy guidance, to identify impediments to open government and to the use of new technologies and, where necessary, issue clarifying guidance and/or propose revisions to such policies, to promote greater openness in government.

## (参考) CIO vs CTO

http://radar.oreilly.com/2009/04/aneesh-chopra-great-federal-cto.html

The responsibilities of the CIO are to use information technology to transform the ways in which the government does business. The CTO will develop national strategies for using advanced technologies to transform our economy and our society, such as fostering private sector innovation, reducing administrative costs and medical errors using health IT, and using technology to change the way teachers teach and students learn.

# Transparency

# USASPENDING.GOV ⇒¤ページ

- ▶ 根拠:The Federal Funding Accountability and Transparency Act of 2006
  - the <u>name of the entity</u> receiving the award;
  - the amount of the award;
  - information on the award including transaction type, funding agency, etc;
  - the location of the entity receiving the award;
  - a unique identifier of the entity receiving the award.
- 元はNPOであるOMBウォッチのアイデア Welcome to FedSpending.org

新機軸は、ITダッシュボード⇒次々ページ

PRINTER-FRIENDLY

28.35%

3.79%



#### RELATED RESOURCES DATA QUALITY FAQ

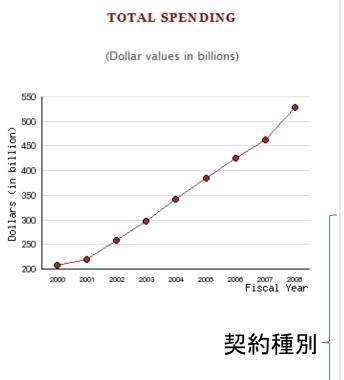
#### CONTRACTS

The Contracts section of USAspending.gov allows users to search for spending relating to all Federal contracts. Navigation links on the left side of this page function as the main navigation interface for users. Users can search by: contractor, principal place of performance, and contracting agency.

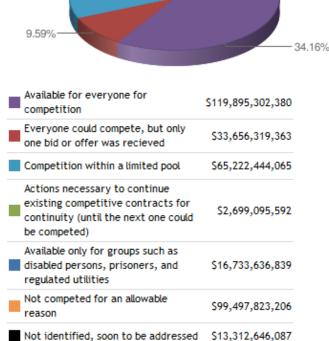
4.77%

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#### SPENDING BY COMPETITION PROCESS USED FY 2009



### IT DASHBOARD beta

### オバマ政権の新機軸

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#### Welcome to IT Dashboard



- View Upcoming Features
- ▶ Learn More

#### Blog 🔊

Monday, September 28, 2009

#### Moving Beyond Compliance: The Status Quo Is No Longer Acceptable

Vivek Kundra (Federal CIO), Robert Carey (Navy CIO) and Vance Hitch (DOJ CIO)

The threats to our nations information security continue to evolve and therefore our approach to cybersecurity must confront these new realities. In order to meet the evolving challenges we now face, Federal Information Security Management Act (FISMA) metrics need to be rationalized to focus on outcomes over compliance. Doing so will enable new and actionable insight into agencies' information and network security postures, possible vulnerabilities and the ability to better protect our federal systems.

#### Read This Post

#### **Agency Updates**

Monday, August31, 2009

National Science Foundation is the first agency to accurately match 100% of major investment contracts to USAspending.gov

Wednesday, August 5, 2009

All agencies have now finished rating 100 of their major investments.

Monday, July 13, 2009

Nine agencies have now finished rating 100% of their major investments.

Note: All descriptions, dates, and costs are as reported by agencies. Major investments (Investments Evaluated) represent only a portion o

## **Cost Rating**

**▶** [Sum (Total Planned Cost) - Sum (Total Actual Cost)] ÷ Sum (Total Planned Cost)

### Green<10%=<Yellow<40%=<Red

Cost Calculations		
Absolution Value Variance from Planned	Points	Color
Less than 5%	10	Green
5% or greater AND less than 10%	9	Green
10% or greater AND less than 15%	8	Yellow
15% or greater AND less than 20%	7	Yellow
20% or greater AND less than 25%	6	Yellow
25% or greater AND less than 30%	5	Yellow
30% or greater AND less than 35%	4	Yellow
35% or greater AND less than 40%	3	Yellow
40% or greater AND less than 45%	2	Red
45% or greater AND less than 50%	1	Red
50% or greater	0	Red

# Schedule Rating

1. Using only investment milestones where the Planned Completion Date is on or before the system date. For each milestone,

Actual Completion Date (if missing, system date) – Planned Completion Date = Days Overdue or (Early)

2. Then,

(Total Days Overdue + Total Days Early) ÷ Count of Milestones used in step 1

Schedule Calculations		
Average Days Late	Points	Color
Up to 30 days	10	Green
30 days up to 90 days	5	Yellow
90 days or Greater than	0	Red

# **CIO Ratings**

The following factors and supporting examples should-be used to inform the Evaluation:

<b>Evaluation Factor</b>	Supporting Examples the Evaluation:	
Risk Management	<ul><li>I.Risk log is current and complete</li><li>2.Risks are clearly prioritized</li><li>3.Mitigation plans are in place to address risks</li></ul>	
Requirements	1.Requirements are complete, clear and validated	
Management	2. Appropriate stakeholders are involved in requirements definition	
Contractor Oversight	I.Agency receives key reports, such as earned value repocurrent status, and risk logs	rts,
	2. Agency is providing appropriate management of contract such that the government is monitoring, controlling, and mitigating the impact of any adverse contract performance.	
Historical Performance	I.No significant deviations from planned cost and schedu	le
Human Capital	I.Qualified management and execution team for the IT investments and/or contracts supporting the investment 2.Low turnover rate	
Other	I.Other factors that the CIO deems important to foreca	sting
22	future success Hirokazu Okumura // bettergovernment.jp 2009/12/9	

# CIO Ratings cont.

CIO Evaluations			
Rating	Points	Color	
5-Low Risk	10	Green	
4-Moderately Low Risk	7.5	Green	
3-Medium Risk	5	Yellow	
2-Moderately High Risk	2.5	Red	
I-High-Risk	0	Red	

# 景気対策支出サイト

### 2/17/09 オープン



課題:

have been awarded a Recovery Act Contract, Grant, or Loan may have job opportunities. See the Contracts Awarded and Up For Bid, and links to grants and loan information below.



# October 30, 2009 Do you want to know how much money under the Recovery program



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#### MAPS

These maps represent a combination of enhanced, new, and already existing maps and are the first steps toward a more detailed mapping and graphics section that the Recovery Board is developing. Click on each map for all the information.

#### Investments by State

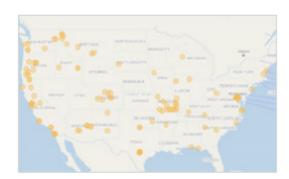


This map displays the following: a stateby-state overview of what federal agencies have announced they intend to give to each state; the amount each state now has available from federal agencies; and the amount each agency has already paid out.

#### Estimated Job Effect



#### Investments by Recipient



Who received Recovery Act money and what are the resulting projects? This map answers both those questions, displaying the names of the recipients and the locations of the projects.

#### State Recovery Sites



#### Accountabili Transparenc

Link to Inspectors Status Reports, Re and Government Findings.

#### Fraud, Waste

Report misuse of Inspectors Genera Whistleblower Info

#### State, Local, Territorial I

Link to State Reco News to learn abo vour area.

#### Agency Sites

Track agency pro-Activity Reports as Reports, read the and visit Agency F

#### Maps



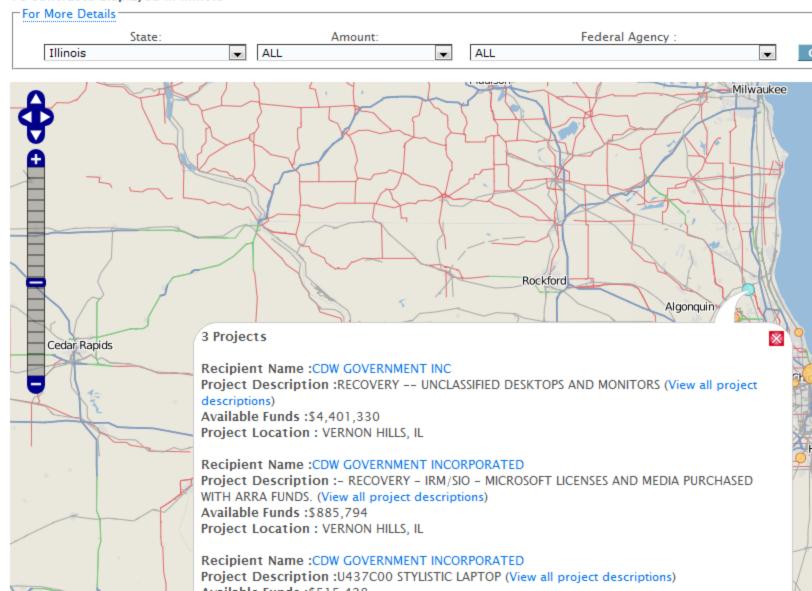
Click on a dot to see the company or entity that received Recovery Act funds, then click on the recipient name to see a summary of the prothe graphic at the left.

Contracts | Grants | Loans \*

### RECOVERY.gov 続き

Downloa

#### 76 contracts displayed in Illinois



### DATA.GOV

#### Machine Readableに特徴











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### DISCOVER. PARTICIPATE. ENGAGE.

Search the following Data.gov catalogs:







#### FEATURED TOOL: FEDERAL REGISTER

The Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other Presidential documents. Bulk data downloads of Federal Register files in XML format are available from 2000 to the present, by year, month, and day. Federal Register XML files are provided by the Office of the Federal Register and the U.S. Government Printing Office.



VIEW THIS DATASET >

VIEW THIS TOOL



#### Welcome to Data.gov

The purpose of Data.gov is to increase public access to high value, machine readable datasets generated by the Executive Branch of the Federal Government. Although the initial launch of Data.gov provides a limited portion of the rich variety of Federal datasets presently available, we invite you to actively participate in shaping the future of Data.gov by suggesting additional datasets and site enhancements to provide seamless access and use of your Federal data. Visit today with us, but come back often. With your help, Data.gov will continue to grow and change in the weeks, months, and years ahead.

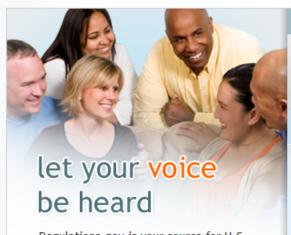
#### How to use Data.gov

Data.gov includes searchable data catalogs providing access to data in three ways: through the "raw" data catalog, the tool catalog and the geodata catalog. Please note that by accessing datasets or tools offered on Data.gov, you agree to the Data Policy, which you should read before accessing any dataset or tool. If there are additional datasets that you would like to see included on this site, please click here. For more information on how to use Data.gov, view our tutorial.



### パブリックコメント一元化サイト





Regulations.gov is your source for U.S. government regulations and related documents. On this site you can find, read and comment on documents. Share your knowledge and make your voice count.









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Regulations with Comment Periods Closing Soon



**Newly Posted** Regulations



Regulatory Agenda and Agency Resources

Title	Closing Date
Classification of Three Steroids as Schedule III Anabolic Steroids Under the Controlled Substances Act	
Proposed Directives for Forest Service Concession Campground Special Use Permits	Feb 1, 2010
Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule-Amendments	
Trust Annual Reports	Dec 14, 2009
Regulation of Tobacco Products; Extension of Comment Period	Dec 28, 2009
Mandatory Reporting of Greenhouse Gases	
Nondiscrimination on the Basis of Disability in Air Travel	Dec 17, 2009

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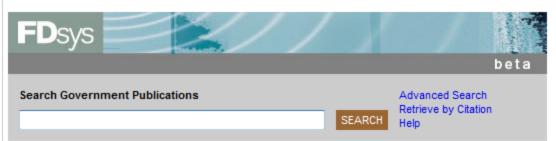
Find information about Federal depository libraries & the Catalog of U.S. Government Publications

#### GPO Quick Links

- U.S. Government Bookstore
- Ben's Guide to U.S. Government for Kids
- FDLP Desktop
- Catalog of U.S. Government Publications
- Digitization Registry

### 米国官報 デジタルシステム版

Home > FDsys



GPO's Federal Digital System (FDsys) provides public access to Government information submitted by Congress and Federal agencies and preserved as technology changes.

For more information on FDsvs.

The migration of information from GPO Access into FDsys will be complete in 2009. The migration is occurring on a collection-by-collection basis. Collections currently available on FDsys are:

- Budget of the United States Government (Fiscal Year 2010)
- Compilation of Presidential Documents (1993 to Present)
- Congressional Bills (103rd Congress to Present)
- Congressional Calendars (104th Congress to Present)
- Congressional Committee Prints (105th Congress to Present)
- Congressional Directory (105th Congress to Present)
- Congressional Documents (104th Congress to Present)
- Congressional Hearings (105th Congress to Present)

Conference Reports are available on both FDsvs and GPO Access.

 Congressional Record (Bound) (1999 to 2001)

- Congressional Record (Daily) (1994 to Present)
- Congressional Record Index (Daily) (1983 to Present)
- Congressional Reports (104th Congress to Present)
- Economic Indicators (1995 to Present)
- Economic Report of the President (1995 to Present)
- Federal Register (1994 to Present)
- GAO Reports and Comptroller General Decisions (1994 to 2008)
- Government Manual (1995 to Present)
- History of Bills (1983 to Present)
- List of CFR Sections Affected (1997 to Present)
- Public and Private Laws (104th Congress to Present)
- Statutes at Large (2003 to 2006)

If you are searching for information other than what is listed above, use GPO Access.

Latest Resources



Budget of the Unit States Government Fiscal Year 2010.



Download multiple issues of the Fed Register in XML.

H.R. 3590 (AS), Senate Amendment 2786, Patient Protection and Afforda Care Act.

H.R. 3962 (EH), Affordable Health Co for America Act.

See also H. Rept. 111-330 and H. Re 903 (RH).

S. 1796 (PCS), America's Healthy Fu Act of 2009.

See also S. Rept. 111-89 from the Senate Committee on Finance.

H.R. 3200 (RH), America's Affordable Health Choices Act of 2009.

American Recovery and Reinvestme Act of 2009.

### Federal Register 国立公文書館FR局発行GPO印刷

- ▶ 1994年以降のrules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documentsは、インターネットで閲覧可紙のFRは有料 それ以前は各地の連邦図書館で販売
- 根拠 Federal Register Act, 1935;
   Administrative Procedure Act (APA), 1946
- Freedom of Information Act, 1966
  - Federal Registerで情報の(積極)公開
  - ▶ 1996年修正法(電子的公開)
- ▶ 法律は、大統領署名後国立公文書館FR 局発行GPOが Federal Registerとは別 に印刷
- ▶ 議会の記録はGPO発行印刷

### 官報

### 国立印刷局発行印刷

- インターネット版『官報』で閲覧できる官報は、直近30日間分のみ
- ▶「官報情報検索サービス」は、官報(本紙、 号外、政府調達公告版、資料版、目録)を インターネットで検索できる会員制サービ ス(有料:料金表参照)
- 収録データ 昭和22年5月3日・日本国憲 法施行日以降~当日発行分(当日分は 午前8時30分以降に公開)までの官報が 検索可能
- ▶ 根拠 政令第201号違反事件で法令公布 の方法は官報によると最高裁が判示 昭 和32年(1957)12月
- 戦前 「公文式」(勅令第1号)公布(第10条 凡ソ法律命令ハ官報ヲ以テ布告シ、官報各府県庁到達日数ノ後7日ヲ以テ施行ノ期限トナス)明治19年(1886)2月 昭和22年5月新憲法施行とともに公式令廃止
- 日本のパブリックコメントは、行政手続法 で官報公示に触れず「情報通信の技術を 利用」を規定

## Data Principles for Open Government

- Open Government Working Group
- To: Attendees
- From: Carl Malamud,Public.Resource.OrgUpdated: October 22, 2007
- In Re: Open Government
   Working Group Meeting in Sebastopol, CA
- Tim O'Reilly of O'Reilly Media and Carl Malamud of Public.Resource.Org—with sponsorship from the Sunlight Foundation, Google, and Yahoo—will be hosting a meeting of 30 people interested in open government in Sebastopol, CA on December 7-8, 2007.

- The hope is to be able to publish these principles and perhaps even get candidates in the upcoming U.S. elections to adopt them.
- I. Complete
- 2. Primary
- 3.Timely
- 4.Accessible
- 5. Machine processable (readable)
- 6. Non-discriminatory
- 7. Non-proprietary
- 8. License-free

## Open Data – USA vs. Canada

- ▶ The Three Laws of Open Government Data:
  - If it can't be spidered or indexed, it doesn't exist find
  - If it isn't available in open and machine readable format, it can't engage play
  - If a <u>legal framework</u> doesn't allow it to be repurposed, it doesn't empower share
    - David Eaves
       Expert in public policy and open source and network systems
- Conference for Parliamentarians: Transparency in the Digital Era

# The Value of Government Data available in easy to find and usable formats -州政府CIO連合(NASCIO) "Guidance for Opening the Doors to State Data" 2009年報告書

- I. Greater government accountability, credibility and integrity
- 2. More productive government staff
- 3. More productive and effective government staff
- 4. A more informed public
- 5. More participation in government by citizens
- 6. Stimulation of innovation and new business ventures through secondary use and repurposing of data by private firms.
- 7. More and better ideas generated for improving government effectiveness
- 8. More confidence in government
- 9. Higher detection of fraud and abuse
- 10. Potentially new correlations and understanding that can lead to the identification of opportunities
- II. Surfacing of previously unidentified, but emerging issues.
- 12. Identification of new opportunities for exploitation of data for good and for bad.
- 13. Validation or obsolescence of previous assumptions regarding cause and effect.
- 14. A more informed media and advocacy groups.

Once the data gates are open, it may never be possible to close them again.

It should be anticipated that society will not only expect access to data and information,

-- but-will-demand-it-from-now-on.

### 米国FOIA

# 5 U.S.C. Sec. 552. Public information; agency rules, opinions, orders, records, and proceedings

- (a) Each agency shall make available to the public information as follows:
- (I) Each agency shall separately state and currently publish in the <u>Federal</u> Register for the guidance of the public—
- (A) <u>descriptions of its central and field organization and the established</u> <u>places</u> at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;
- (B) <u>statements of the general course and method by which its functions are channeled and determined</u>, including the nature and requirements of all formal and informal procedures available;
- (C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;
- (D) <u>substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency;</u> and
- ▶ (E) each amendment, revision, or repeal of the foregoing.

## 米国FOIA Cont.1

- (2) Each agency, in accordance with published rules, shall make available for public inspection and copying—
- (A) <u>final opinions</u>, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (B) those <u>statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register;</u>
- (C) <u>administrative staff manuals and instructions to staff</u> that affect a member of the public;
- (D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and
- ▶ (E) a general index of the records referred to under subparagraph (D);
- unless the materials are promptly published and copies offered for sale.

## 米国FOIA cont.2

- **(3)**
- (A) Except with respect to the records made available under paragraphs (I) and (2) of this subsection, and except as provided in subparagraph (E), each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.
- ▶ (B) In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.

### 米国FOIA cont.3

- **(3)**
- (C) In responding under this paragraph to a request for records, an agency shall make reasonable efforts to search for the records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency's automated information system.
- D) For purposes of this paragraph, the term ``search" means to review, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request.
- ▶ (E) An agency, or part of an agency, that is an element of the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) shall not make any record available under this paragraph to-- (i) any government entity, other than a State, territory, commonwealth, or district of the United States, or any subdivision thereof; or (ii) a representative of a government entity described in clause (i).

#### 行政機関の保有する情報の公開に関する法律

- ▶ (定義)
- ▶ 第二条
- ▶ 2 この法律において「行政文書」とは、行政機関の職員が 職務上作成し、又は取得した文書、図画及び電磁的記録(電子的方式、磁気的方式その他人の知覚によっては認識する ことができない方式で作られた記録をいう。以下同じ。)で あって、当該行政機関の職員が組織的に用いるものとして、 当該行政機関が保有しているものをいう。ただし、次に掲げ るものを除く。
- ▶ 一 官報、白書、新聞、雑誌、書籍その他不特定多数の者に販売することを目的として発行されるもの
- こ 政令で定める公文書館その他の機関において、政令で 定めるところにより、歴史的若しくは文化的な資料又は学術 研究用の資料として特別の管理がされているもの

#### 行政機関の保有する情報の公開に関する法律

- 第一条 (目的)
- この法律は、国民主権の理念にのっとり、行政文書の開示を請求する権利につき定めること等により、行政機関の保有する情報の一層の公開を図り、もって政府の有するその諸活動を国民に説明する責務が全うされるようにするとともに、国民の的確な理解と批判の下にある公正で民主的な行政の推進に資することを目的とする。
- 第二条(定義)
- 2 この法律において「行政文書」とは、行政機関の職員が職務上作成し、又は取得した文書、図画及び電磁的記録(電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られた記録をいう。以下同じ。)であって、当該行政機関の職員が組織的に用いるものとして、当該行政機関が保有しているものをいう。ただし、次に掲げるものを除く。
- ▶ 一 官報、白書、新聞、雑誌、書籍その他不特定多数の者に販売することを目的として発 行されるもの
- 二 政令で定める公文書館その他の機関において、政令で定めるところにより、歴史的若しくは文化的な資料又は学術研究用の資料として特別の管理がされているもの
- 第二章 行政文書の開示
- 第三条 (開示請求権)
- 何人も、この法律の定めるところにより、行政機関の長(前条第一項第四号及び第五号の 政令で定める機関にあっては、その機関ごとに政令で定める者をいう。以下同じ。)に対し、 当該行政機関の保有する行政文書の開示を請求することができる。

- ▶ (目的)
- ▶ 第一条 この法律は、国及び独立行政法人等の諸活動 や歴史的事実の記録である公文書等が、健全な民主主 義の根幹を支える国民共有の知的資源として、主権者 である国民が主体的に利用し得るものであることにかん がみ、国民主権の理念にのっとり、公文書等の管理に関 する基本的事項を定めること等により、行政文書等の適 正な管理、歴史公文書等の適切な保存及び利用等を図 り、もって行政が適正かつ効率的に運営されるようにす るとともに、国及び独立行政法人等の有するその諸活動 を現在及び将来の国民に説明する責務が全うされるよう にすることを目的とする。

#### 第一章 総則

- ▶ 第二条 (定義)
- ▶ 4 この法律において「行政文書」とは、行政機関の職員が職務上作成し、 又は取得した文書(図画及び電磁的記録(電子的方式、磁気的方式その 他人の知覚によっては認識することができない方式で作られた記録をい う。以下同じ。)を含む。第十九条を除き、以下同じ。)であって、当該行政 機関の職員が組織的に用いるものとして、当該行政機関が保有している ものをいう。ただし、次に掲げるものを除く。
- 一官報、白書、新聞、雑誌、書籍その他不特定多数の者に販売することを目的として発行されるもの
- 二特定歷史公文書等
- 三政令で定める研究所その他の施設において、政令で定めるところにより、歴史的若しくは文化的な資料又は学術研究用の資料として特別の管理がされているもの(前号に掲げるものを除く。)
- ▶ 5 この法律において「法人文書」とは、独立行政法人等の役員又は職員が職務上作成し、又は取得した文書であって、当該独立行政法人等の役員又は職員が組織的に用いるものとして、当該独立行政法人等が保有しているものをいう。ただし、次に掲げるものを除く。

- ▶ 第二章 行政文書の管理
- ▶ 第一節 文書の作成
- 第四条 行政機関の職員は、第一条の目的の達成に資するため、 当該行政機関における経緯も含めた意思決定に至る過程並びに 当該行政機関の事務及び事業の実績を合理的に跡付け、又は検 証することができるよう、処理に係る事案が軽微なものである場合 を除き、次に掲げる事項その他の事項について、文書を作成しな ければならない。
- 一 法令の制定又は改廃及びその経緯
- 二前号に定めるもののほか、閣議、関係行政機関の長で構成される会議又は省議(これらに準ずるものを含む。)の決定又は了解及びその経緯
- 三複数の行政機関による申合せ又は他の行政機関若しくは地方 公共団体に対して示す基準の設定及びその経緯
- ▶ 四 個人又は法人の権利義務の得喪及びその経緯
- 五 職員の人事に関する事項

- ▶ 第二節 行政文書の整理等
- ▶ (整理)
- 第五条 行政機関の職員が行政文書を作成し、又は取得したときは、当該行政機関の長は、政令で定めるところにより、当該行政文書について分類し、名称を付するとともに、保存期間及び保存期間の満了する日を設定しなければならない。
- ▶ 2 行政機関の長は、能率的な事務又は事業の処理及び行政文書の適切な保存に資するよう、単独で管理することが適当であると認める行政文書を除き、適時に、相互に密接な関連を有する行政文書(保存期間を同じくすることが適当であるものに限る。)を一の集合物(以下「行政文書ファイル」という。)にまとめなければならない。
- ▶ 3 前項の場合において、行政機関の長は、政令で定めるところにより、当該行政文書ファイルについて分類し、名称を付するとともに、保存期間及び保存期間の満了する日を設定しなければならない。

- 第二節 行政文書の整理等
- ▶ (整理) ≪続き≫
- 4 行政機関の長は、第一項及び前項の規定により設定した保存期間及び保存期間の満了する日を、政令で定めるところにより、延長することができる。
- 5 行政機関の長は、行政文書ファイル及び単独で管理している行政文書(以下「行政文書ファイル等」という。)について、保存期間(延長された場合にあっては、延長後の保存期間。以下同じ。)の満了前のできる限り早い時期に、保存期間が満了したときの措置として、歴史公文書等に該当するものにあっては政令で定めるところにより国立公文書館等への移管の措置を、それ以外のものにあっては廃棄の措置をとるべきことを定めなければならない。
- (保存)
- 第六条 行政機関の長は、行政文書ファイル等について、当該行政文書ファイル等の保存期間の満了する日までの間、その内容、時の経過、利用の状況等に応じ、適切な保存及び利用を確保するために必要な場所において、適切な記録媒体により、識別を容易にするための措置を講じた上で保存しなければならない。
- 2 前項の場合において、行政機関の長は、当該行政文書ファイル等の集中管理 の推進に努めなければならない。

- ▶ (行政文書ファイル管理簿)
- ▶ 第七条 行政機関の長は、行政文書ファイル等の管理を適切に行うため、政令で定めるところにより、行政文書ファイル等の分類、名称、保存期間、保存期間の満了する日、保存期間が満了したときの措置及び保存場所その他の必要な事項(行政機関の保有する情報の公開に関する法律平成十一年法律第四十二号。以下「行政機関情報公開法」という。)第五条に規定する不開示情報に該当するものを除く。)を帳簿(以下「行政文書ファイル管理簿」という。)に記載しなければならない。ただし、政令で定める期間未満の保存期間が設定された行政文書ファイル等については、この限りでない。
- ▶ 2 行政機関の長は、行政文書ファイル管理簿について、政令で定めるところにより、当該行政機関の事務所に備えて一般の閲覧に供するとともに、電子情報処理組織を使用する方法での他の情報通信の技術を利用する方法により公表しなければならない。

- ▶ (移管又は廃棄)
- 第八条 行政機関の長は、保存期間が満了した行政文書ファイル等について、第五条第五項の規定による定めに基づき、国立公文書館等に移管し、又は廃棄しなければならない。
- 2 行政機関(会計検査院を除く。以下この項、第四項、次条第三項、第十条第三項、第三十条及び第三十一条において同じ。)の長は、前項の規定により、保存期間が満了した行政文書ファイル等を廃棄しようとするときは、あらかじめ、内閣総理大臣に協議し、その同意を得なければならない。この場合において、内閣総理大臣の同意が得られないときは、当該行政機関の長は、当該行政文書ファイル等について、新たに保存期間及び保存期間の満了する日を設定しなければならない。
- 3 行政機関の長は、第一項の規定により国立公文書館等に移管する行政文書ファイル等について、第十六条第一項第一号に掲げる場合に該当するものとして国立公文書館等において利用の制限を行うことが適切であると認める場合には、その旨の意見を付さなければならない。
- 4 内閣総理大臣は、行政文書ファイル等について特に保存の必要があると認める場合には、当該行政文書ファイル等を保有する行政機関の長に対し、当該行政文書ファイル等について、廃棄の措置をとらないように求めることができる。

- 第九条 (管理状況の報告等)
- 第十条(行政文書管理規則)
- 第三章法人文書の管理
- 第十一条 (法人文書の管理に関する原則)
- 第十二条 (管理状況の報告等)
- 第十三条(法人文書管理規則)
- 第四章 歴史公文書等の保存、利用等
- 第五章 公文書管理委員会
- 第六章 雜則
- ▶ 附則
- ▶ (施行期日)
- 第一条 この法律は、公布の日から起算して二年を超えない 範囲内において政令で定める日から施行する。≪以下略≫

### 米国著作権法

- § 105. Subject matter of copyright: United States Government works<sup>37</sup>
- Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded(=prevent) from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.

# Participation 参加型行政 「みんなの知恵」は働く?



#### Transparency and Open Government

Vivek Kundra, our Chief Information Officer, and Beth Noveck, Deputy Chief Technology Officer for Open Government, explain the Open Government Initiative. Read the latest updates at the Open Government Blog.

On January 21, 2009, his first full day in office, the President issued a <u>Memorandum on Transparency and Open Government</u> and called for recommendations for making the Federal government more transparent, participatory, and collaborative.

As Valerie Jarrett, Senior Advisor to the President says in the video below, we are proud "to announce an important next step in this historic call to action – one that will help us achieve a new foundation for our government – a foundation built on the values of transparency, accountability and responsibility."

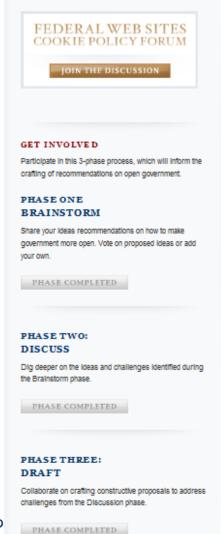


The Administration is committed to developing those recommendations in an open fashion. Consistent with the President's mandate, we want to be fully transparent in our work, participatory in soliciting your ideas and expertise, and collaborative in how we experiment together to use new tools and techniques for developing open government policy.

READ MORE AT THE OPEN GOVERNMENT BLOG >

2009/12/9

Hirokazu Okumura // bettergovernment.jp



覚書署名から 120日後のアナウンス 2009年5月21日

#### **GET INVOLVED**

Participate in this 3-phase process, which will inform the crafting of recommendations on open government.

#### PHASE ONE: BRAINSTORM

Share your ideas recommendations on how to make government more open. Vote on proposed ideas or add your own.

http://opengov.ideascale.com/

#### PHASETWO: DISCUSS

Dig deeper on the ideas and challenges identified during the Brainstorm phase.

http://blog.ostp.gov/

#### PHASE THREE: DRAFT

Collaborate on crafting constructive proposals to address challenges from the Discussion phase.

http://www.mixedink.com/OpenGov/

## 結果は <u>Mixed reviews for the Open</u> Government Initiative Jul 10, 2009

# Phase One: Brainstorm http://opengov.ideascale.com/a/ideafactoryStats.do Statistics

Usage Statistics	
Ideas Posted	4205
Comments	27136
Votes	368101
Users	14939

**Phase Three: Drafting** 

http://www.mixedink.com/OpenGov/		
Contributors:	375	
Versions:	305	
Ratings:	2256	

トピックに無関係なコメントや関係があって も無意味なコメントが多くあり。

- •Did the Obama administration use the appropriate tools and processes to facilitate the dialogue?
  - ●使ったツールは適切だったか?
- •Was the end product the actual policy recommendations worth the effort required by the dialogue?
  - •最終目的は達せられたのか?

FCW報道

ツール

- 1. アイデアボックスタイプ
- , 2. ブログ
  - 3. Wikiタイプ rating機能あり

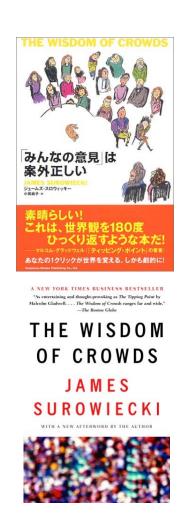
ideascale

2009/12/9

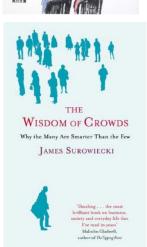
mixedlink

Hirokazu Okumura // bettergovernment.jp

## 「みんなの意見は案外正しい」か?







#### 成立条件

- ▶ 多様性
- ▶ 独立性
- ▶ 分散性
  - 集約手段

#### ▶意見の種類

- > 認知的
- ▶調整的
- ▶協調的

## 意見集約手段としての ソーシャルメディアの課題

- ▶ Outreach 関心層へのアクセス
- ▶ 意見の評価
  - 整合性 無関係意見の排斥
  - ▶ 信頼性 匿名か実名か 管理者実名把握
  - 有効性
    - ▶ 国民一般の意見の価値 社会的受容(方向性)の感知
    - ▶ 専門家の意見の価値
      - □ 実現可能性、経済性チェック
      - □ 研究者(理論)と実務家(現場)と
      - □ 政府部内専門家を補う外部専門家の意見募集
- ▶ 意見の重みづけ 国民一般の場合
  - ▶ 予測市場
  - ▶ 賛否投票
  - ▶ 意見の数
- 行政職員の積極参加
  - ▶ 行政内部での意見募集と投票 <u>SAVE Award</u>
  - ▶ 行政職員のソーシャルメディアへの参加のCivil Service Codeの適用(英国)

#### Real-World Guide To Using This Blog



- Basic Format
- ▶ Keeping Abreast of New Posts RSSの説明
- Finding Old Posts
- Sharing your Opinions Terms of Participation
- Community Self-Moderation
  - If comment is on topic, click the "plus" sign by the author's name.
  - If comment is off-topic, click the "minus" sign by the author's name.
- Flagging Inappropriate Comments
- Creating an Account

#### **Terms of Participation**

- We hope to receive comments from all viewpoints.
- Because visitors of all ages may participate, we ask all those who elect to participate to conduct themselves in a civil manner to refrain from posting threats, obscenity, other material that would violate the law if published here, abusive language, and sexually explicit material.
- Participants are able to flag questions that they believe violate these Terms of Participation. You agree to flag only those comments you believe violate these terms. You agree not to flag comments for any other reasons, including your disagreement with the opinions expressed.
  - 参加者が警告の旗を立てる
- If several participants flag a comment, it will be automatically taken down by this community-driven system and reviewed. If the comment complies with these Terms of Participation, the reviewer will restore it to the Blog. The reviewer may remove off-topic comments and any comment that:
  - 旗がいくつか立つと自動消去⇒人出によるチェック
- Contains obscene (公序良俗違反)or threatening(脅迫) language or discrimination(差別) (including hate speech) based on race, gender, sex, national origin, age, sexual orientation, religion or disability;
- Promotes services or products (not including non-commercial links that are relevant to the blog post or comment);(商業目的)
- Includes private phone numbers, email addresses, or postal addresses;(電話、電子メール、住所は×)
- Embeds other media (not including hyperlinks to other media).(他のメディアの取込み)

### Creating an Account

- In order to foster a respectful, productive dialogue, we ask for your real name(実名) while creating an account.
- This will be published next to a comment you make. Knowing that "Mary Wang" or "Nick Green" made a comment helps create a sense of community and strengthens the conversation. While you may use a pseudonym(ペンネーム) and participate anonymously(匿名), we encourage you to identify yourself by your real name to help create a stronger community. In addition, we ask for your email address, so as to confirm your identity and establish direct contact when appropriate. As you can see in our privacy policy, we do not reveal your email address, or any other registration information, to anyone else. Thank you for taking the time to read this. If you have questions or ideas about how we might be able to improve our features and policies, you can reach us at webmaster@ostp.gov.

## Virtual Society(VS) 対 Real Society(RS)

- ▶ VSとRSでは、ルールに微妙な差異
- ▶ RSは、社会が成り立つための暗黙のルールを人類は蓄 積
- ▶ VSとRSが完全に切断されていれば、無秩序でもよい
- ▶ しかし、VSからRSへのルール無視の侵入⇒混乱・炎上
- ▶ VSは、無秩序が許される仮想社会。なぜか?

### VSとRSの違い

- ▶ 最大の差は、匿名・仮名 対 実名
- トホリスティックな人間存在と断絶 対 一体
- ▶ 他(人)がほぼ無限大で認識不可能 対 他が認識可能
- ▶ 伝播速度が瞬時 対 時間がかかる
- ▶ 反応を気にしない社会 対 反応を気にする社会

### VSとRSの混在社会

- どう両者に折り合いをつけるか
- 政府の利用するソーシャルメディアはVSのデメリットを抑えたものにすべき
  - 政府には権力あり 公と民の相違
- 開放型と会員型(実在と公序良俗のスクリーン機能)
  - ▶ 前者はVS 後者はRSに近い しかしそれも匿名実名問題
- 匿名か実名か 勝間和代の問題提起
- ▶ 報道はVSとRSの中間項。報道源は匿名性を維持し、記者が選択して一般公開(内容のスクリーン機能)
- ▶ 本は、著者を実名で標記するRSの中のメディア

### VSの意見集約方法

- ブレーンストーミング(アイデア募集)方式
  - 米国政府オープンガバメントブレーンストーミング(2009年5月)
    - http://opengov.ideascale.com/a/ideafactory.do?discussionID=2236
  - テキサス州マノ—市の実験プロジェクト(2009年~)
    - http://manorlabs.spigit.com/homepagelight
  - ▶ 電子経済産業省アイディアボックス(2009年10-11月)
    - http://www.meti.go.jp/policy/it\_policy/e-meti/ideabox.html
- 賛否投票方式 各種あり
- 予測市場方式
  - Intrade Prediction Markets
    - □ <a href="http://www.intrade.com/">http://www.intrade.com/</a>
  - Iowa Elcertonic Market
    - □ <a href="http://www.biz.uiowa.edu/iem/index.cfm">http://www.biz.uiowa.edu/iem/index.cfm</a>
  - DARPA FutureMAP Program Policy Analysis Market (PAM) Cancelled
     中止されたDODのプロジェクト
    - □ <a href="http://infowar.net/tia/www.darpa.mil/iao/FutureMap.htm">http://infowar.net/tia/www.darpa.mil/iao/FutureMap.htm</a>

# WoC Project



#### 「集団の知恵プロジェクト」専用サイト概要

- 1. 目 的:ソーシャルメディアを用いて国民・市民の意見を集約しながら政策形成を行う "Wisdom of Crowds"(みんなの知恵)が有効に機能する条件を検証するための実験
- 2. 開設期間: 平成21年12月9日~平成21年12月23日
- 3. 参加方法:メインページ上の4つのソーシャルメディアにアクセスし、意見・アイデアの投稿を行う
- 4. 対 象:全ての方
- 5. アクセス先: <a href="http://wisdomofcrowds.jp/">http://wisdomofcrowds.jp/</a>

グループ	テーマ	利用メディア
teamA	小学校からの英語教育	ブログ+アンケート
チームB	タバコの適正価格	MIXI
iwaC	携帯のインターネット機能制限	はてな
かわうそ	就活再設計スタジオ	FriendFeed

### collaboration



# MAX Homepage

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**Management** 

Information & Regulatory Affairs

Legislative Information

Agency Information

Budget
Formulation and
Execution Line of
Business

米国政府OBMが運用する 省庁間情報共有・協業コミュニティ

#### Welcome to the MAX Homepage

If you are a new user, please <u>register here</u>. Registration is **ONLY** available to Federal go personnel with a valid .gov, .mil, or .fed.us email address. For an online training session register and login, please click <u>here</u>.

#### **Hours of Operation**

- Weekdays (supported): 8 AM 6 PM Eastern Standard Time (EST)
- . Weekdays (unsupported): 4 AM 8 AM, 6 PM 2 AM EST (depends on application)
- Weekend Availability (unsupported): Sat 4 AM Sun 2 AM, Sun 8 AM Mon 2 AM
- System Not Available: Mon to Sat 2 AM 4 AM, Sun 2 AM 8 AM EST

#### MAX Federal Community (previously the Budget Community)

The MAX Federal Community is used by OMB and Federal agencies to share informatio collaborate. It is part of the Budget Formulation and Execution Line of Business (BFELo Click here to go to the Community page.

#### Applications

Below you will find brief information on the MAX applications, MAX Analytical and Diagno Reports, and the Suggestions/Comments form.

#### Apportionment

OMB Circular A-11 requires all executive branch agencies to use OMB's web-based apply system to send apportionment requests to OMB. Agency budget offices use the apport application to: help prepare apportionment requests; send requests to OMB; and, run reagainst previously approved apportionments. OMB examining divisions use the applicate electronic copies of approved apportionment to agencies, and, run reports against previous approved apportionments.

Click here to go to the apportionment application.

#### MAX A-11

The MAX A-11 Data Entry System is the tool agencies use to enter the data required fo President's Budget and Mid-Session update as specified in the annual OMB Circular A-Additional information can be found at <a href="maxportal/webPage/a11/maxa11">/maxportal/webPage/a11/maxa11</a>. Please note the

## 米国政府職員の ボランティアコミュニティ



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Dec. 8, 2009

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■ Defense Department to Announce
Balanced Social Media Policy

Defense Department officials plan to forward a social media policy to the department leadership within the next two weeks that will balance the pros and cons of social networking sites, the department's top public affairs official said on National Public Radio's "Talk of the Nation" yesterday. Story»

#### Video

Price Floyd, principal deputy assistant secretary of defense for Public Afairs, talks about Social Media and DoD.



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