

## Independent Women's Forum

# Public until Proven Secret: Rep. Issa on Government Secrecy and Transparency



by Diana Lopez  
October 6, 2011, 12:25pm

Some government information should be public, and some shouldn't. However, Representative Darrell Issa asserts that when it comes to the legislature, "the American people have a right to *all* the data from Congress. They have a right."

Thus rang the theme of Representative Darrell Issa's (R-CA) remarks for a [Cato Institute](#) panel on [government transparency](#). The panel, titled "[Publication Practices for Transparent Government: Rating the Congress](#)," included speakers from the Cato Institute and the [Sunlight Foundation](#), and Representative Darrell Issa. The panelists were asked to comment on issues related to government transparency, including how the federal government stacks up.

The most interesting motif in Issa's talk was the difference between justifiable government secrecy and unjustifiable secrecy.

Government transparency means citizens have access to government information. This information includes government budgets, access to meetings, and access to government data sets. The government information to which citizens have a right is outlined in the federal Freedom of Information Act (FOIA), and in equivalent [state sunshine laws](#).

These laws also outline what information isn't available to citizens. Exemptions to sunshine law include security or personal privacy reasons—open government advocates acknowledge that openness doesn't mean everything is public.

For example, the city of Springfield began to post Illinois Freedom of Information Act requests online and it turned out that [responses to those requests included information of private citizens like social security numbers and bank account numbers](#). This was as much of a transgression as secrecy or incompetence. The *State-Journal Register*:

This is mind-boggling to us on two levels. First, how does a government body go from extremes of secrecy to extremes of breaching privacy? And second, how can any government possibly make something that should be so simple into something this troublesome?

Representative Issa recognizes this balance. Government has three responsibilities regarding transparency and open records laws. According to Representative Issa, government has a duty to define “what you know, what you don't know, and what you don't yet know.” In other words, the government may keep information secret. But it must tell you what is secret, and why. An explicit justification is necessary.

Similarly, it is also important to define "secrets" narrowly. The vast majority of secrets, according to Issa, have been protected far longer than they need to be. Broad definitions do not help this cause.

Rep. Issa did assert his right as your representative to keep information private. But first and foremost, it's our right to know what that information is, and why it must be private. Additionally, transparency regarding the entity charged with ensuring that the information flow system is ethical and working is imperative.

But that doesn't give a free pass for entities looking for unjustified secrecy. Issa sees problems with the Obama Administration's disclosure of public information, including a stalled FOIA process. Rep. Issa claims that the administration has given FOIA responses to the press before the individual requesting the information, which is a problem because the press gets privileges not available to the general public.

Issa acknowledges we have made strides in transparency—25 years ago, there wouldn't be the issue of open government because legislators and other officials would feel “caught” if others knew where their meetings were. Secrecy may be unavoidable, but if Representative Issa's wish list of the availability of existing information becomes a standard in government, Americans will have transparency even in secrecy.