

DEPARTMENT OF STATE (THE “DEPARTMENT” OR “DOS”) TRANSPARENCY PLAN

Submission Date: October 20, 2021

I. Review of Agency/Authority’s Current Public Engagement

- Steps taken to review agency policies and procedures on transparency.

Through periodic strategic plan development and refinement at the divisional and agency levels, the Department is further developing its culture of proactive management, enhanced customer/public service, and achievement of public policy objectives to provide greater transparency of its services and operations.

- Review of how the agency interacts with the public / What opportunities exist for the public to participate in agency decision-making?

The Department, through its divisions and programs, continues to endeavor to frequently connect with the public and other stakeholders to raise awareness, listen to new ideas, and discuss issues related to its programs, grant opportunities, as well as the statutes, regulations and policies that it is charged with enforcing and administering. To do so, the Department will use traditional place-based events as well as public information, virtual outreach, group emails, web-based communications, and social media channels.

Division of Local Government Services

To enhance its connections to local partners, the staff of the Department’s Division of Local Government Services has hosted regular conversations with municipal officials to hear first-hand their experiences, challenges and concerns and provide assistance in public works, municipal organizations, planning, land use and regulatory controls and community development. In addition, the Department partnered with the Division of Human Rights to host a series of webinars to the real estate industry on fair housing; six webinars were held from April 2020 through May 2021 with approximately 1,400 members of the public participating in these events.

Each year, staff provide hundreds of hours of training to thousands of local officials at small workshops and regional conferences, by webinar, and through online interactive courses. In addition, staff provide one-on-one technical assistance by email and telephone to dozens of local officials each month. The Division also maintains an array of publications and other online resources that function as foundation texts for many aspects of local government administration in New York.

County Wide Shared Services Initiative (CWSSI)

The CWSSI incentivizes every county in the state outside of the City of New York to create an annual comprehensive shared service plan in concert with all its stakeholders. County Chief Executive Officers are required to bring together leaders from all municipalities and invite input from special districts and community interest groups, to share in the planning process. A one-to-one match for realized first-year net property tax savings is driving innovative solutions to foster more efficient governmental structures and taxpayer savings. DLGS, in concert with DOB and Richard Tobe, has

been charged with facilitating this initiative from inception to completion in all 57 counties, providing guidance pertaining to the law and planning and match application processes as well as directing counties to available State resources for project implementation.

Division of Licensing Services

The Department's Division of Licensing Services also participates in conferences and panel discussions held by membership organizations, bar associations, and community groups on issues of occupational licensing for over 30 different subject-areas.

Division of Office of Planning, Development and Community Infrastructure

The Department's Division of Office of Planning, Development and Community Infrastructure provides technical assistance to government and community organizations throughout the state in coastal zone management, revitalization, resiliency, planning, smart growth, land use and regulatory controls for environmental progress, community transformation, and economic development.

Division of Consumer Protection

The Division of Consumer Protection issues consumer alerts using public information channels and social media, and conducts both virtual and live, in-person outreach events at community centers and spaces throughout the state. Through multiple touchpoints, events, and outreach mechanisms, the Department strives to connect, communicate, listen, and be responsive to the voices of the people of the State of New York that it serves.

- What public meetings and hearings does the agency hold?
 - New York State Appearance Enhancement Advisory Board
 - New York State Cemetery Board
 - NYS Hearing Aid Dispensing Advisory Board
 - NYS Real Estate Appraisal Board
 - NYS Real Estate Board
 - Administrative Hearings
 - Committee on Open Government
 - State Fire Prevention and Building Code Council
 - Regional Boards of Review
 - Downtown Revitalization Initiative Planning Meetings
 - Southshore Estuary Reserve Council
 - Community Service Block Grant Advisory Council

- What information does the agency make available on its website and in social media?

In 2021, the Department recently redesigned and deployed a public facing DOS website that creates a more intuitive, user-friendly experience, allowing public access to useful information regarding agency services. In addition, the website redesign enhances the ability of the Department to convey compelling narratives and highlight the successes of various Executive priority initiatives being carried out by the Department.

The Department is working to develop and deploy a series of social media strategies telling the story of the Department's various programs that support, transform and enhance communities across the State, including but not limited to the Office for New Americans.

The Department will continue developing new media packages to promote the Department's programs, communicate more effectively with the public, and will explore new channels for distribution of the Department's messages and convenient access to information for the public, grantees, licensees and other stakeholders.

The Department will continue to proactively explore potential avenues for increasing online access of the Department's public data and frequently sought stakeholder information, especially to reduce demand on the call center, program staff, and to enhance openness and convenience for the public.

The Department complies with New York State's language access policy, which aids the State in overcoming barriers to public services and programs for people with Limited English Proficiency, and has assigned dedicated staff to assisting all divisions with ensuring language access.

- What access does the public have to engaging with the agency leadership?

Members of the public have access to the office email address of the Secretary of State and may submit direct issues to that address, which are vetted and responded to appropriately.

- What are the information requests most commonly sought from the agency?

The most commonly sought information requests relate to the Department's Licensing Division (on-line filing, renewals, resetting passwords, disciplinary actions). Also, many inquires are received relative to the Division of Corporations (how to obtain a Certificate of Good Standing and other information on establishing a corporation). The Department of State proactively publishes datasets where it receives repeated requests for information from the public. One example is the dataset that contains a listing of all corporate entities created or authorized in New York since 1800. The Department also publishes multiple datasets listing currently licensed individuals across the Department's numerous disciplines. In these cases, the public can quickly ascertain the status of businesses or licensees. Taken as a whole, these datasets also provide quick access to high-level statistical information used for research purposes.

- What are the areas of greatest public interest in the agency's work?

The Department's scope is wide reaching when it comes to public interest. The Division of Licensing and Corporations has the most touch points when it comes to public interest, however other divisions such as the Division of Consumer Protection, the Division of Local Government Services, as well as the Office of Planning, Development, and Community Infrastructure all administer programs that are of interest to the public.

II. Proposed Plan to Expand Transparency and Expected Timeline

This section can include information on the processes and policies your agency/authority has identified for improved transparency and public accountability.

- What plans does your agency have to improve transparency with respect to expanding information you make available to the public, filing timely reports with the legislature, complying with Project Sunlight, timely compliance with FOIL, compliance with Open Data NY, reducing costs for and easing access to for agency data and records, expanding agency participation in public and community events and increasing access to and public participation in meetings, hearings and decision-making?

Posting Documents required for meetings open to the public

To ensure public awareness and access to open meetings, the Department will endeavor to post meeting notices for its open meetings as soon as practicable and will strongly encourage public bodies within the Department to organize meetings in the most accessible manner feasible. The Department will use its news and events sections of its website to provide information conveniently and publicly regarding upcoming public meetings.

Maintaining Compliance with Executive Order 95 and Open Data NY

The Department complies with the requirements of EO 95 (issued March 11, 2013), incorporating compliance with EO95 into its core business functions, and appointing a qualified Data Coordinator. Among other things, the Department serves as the official compiler of state agency rules and regulations and provides a variety of services related to areas such as licensing, Uniform Commercial Code, and consumer protection. The Department's publishable state data catalogue is found on the Open Data website. As of October 2021, the Department has published over 14 datasets and 22 data items on Open Data, and the Department is currently working to ready six additional datasets deployment on Open Data within the next year in relation to new IT system development efforts within the Department. The data posted to Open Data meets all the guidelines in the Open Data Handbook to ensure it is complete, accurate and reliable.

The Department continually works with ITS on posting and refreshing its data on Open Data. The Department maintains current data relative to the more than 35 license categories it oversees on the Open Data Website. Such information includes but is not limited to the Department's business filings, active real estate salespersons and brokers, active corporations, active real estate offices, active code official certifications and licensed real estate appraisers.

Using the Department's evolving data catalogue, the Department will continue to identify new data sets to add to Open Data that are useful and of value to the public where feasible, in coordination with the Office of General Counsel, the Data Coordinator, and the Department's Chief Data Officer. In that process, the Department will continually assess ways to increase the usability and form of data posted to Open Data with an eye toward enhancing the public user's experience where practicable.

Reducing or eliminating costs associated with providing data or records

The vast majority of FOIL requests responded to by the Department do not require payment as the Department often provides digitized records and responses via email. The Department will continue to provide digital records and responses at no cost to the requestor whenever feasible.

Mandated Reporting

The Department's Director of Government Relations, in conjunction with the Office of General Counsel and all DOS Divisions ensures that mandated reports are timely produced and delivered in accordance with applicable law. In collaboration with ITS, the Department continues to modernize computer databases and systems relied upon by its Divisions to the extent funding is available for such purposes, while prioritizing public benefit and risk mitigation in the development and deployment of new IT systems and tools. Two new online computer systems were developed and deployed in 2021 to support and implement a new Not-for-Profit Corporation reporting requirement and Right to Publicity legislation, respectively. In June of 2021, the Department replaced its nearly forty-year-old Division of Corporations filing system with a new system. The new system, once fully transitioned over the next quarter, will allow the Department to implement numerous process efficiencies, enhance the customer experience, and more rapidly process and post related public information. In addition, using the recently upgraded Department website design, the Department's Public Information Office continuously works with all divisions to ensure the website is promptly updated and populated with useful information of interest to the public and placed in accessible, intuitive, and user-friendly locations.

Complying with Project Sunlight

It is the policy of the Department to fully comply with the provisions of Project Sunlight. Accordingly, all covered appearances must be recorded on the Appearance Record form that is available on the Department's intranet site as a resource for all employees. To ensure the timeliness and accuracy of information provided to the database, all data fields on the form must be complete and entered into the online database within five business days from the date of appearance. Violations of this policy will be addressed using administrative actions and potentially include discipline.

Compliance with FOIL

Department's Timeline of a Standard FOIL Request:

- Day 1: FOILs are received by the Assistant Records Access Officer (RAO), who then sends FOIL to appropriate Division staff, counsel, and program FOIL liaison for review and response;
- Day 1 - 5: Division staff reviews the request and their records, and produces documents, a recommended response, and/or provides an estimate of how long it would take to respond;
- By Day 5: Assistant RAO sends out five-day acknowledgment letter;
- Day 5 - 19: Division staff collects responsive documents and drafts response letter for Assistant RAO to send out; engages counsel, as necessary and appropriate to assess any potential redactions or withholding under the law; alternatively requests extension of time, if needed; and
- Day 20: Assistant RAO sends response to FOIL requester.

The Department receives and processes a significant volume of FOIL requests annually. Housing divisions such as the Division of Licensing Services (licensing more than 30 occupations), the Division of Corporations, State Records and UCC (housing business entity formation filings, UCC statements and oaths of office), the State Athletic Commission, the Office of Planning, Development and Community Infrastructure, the Division of Building Standards and Codes, the Division of Local Government Services, the Division of Cemeteries, the Office of Administrative Hearings, and the Division of Consumer Protection, the Department sees a high and varied demand for records from the public. As a result, the Department receives nearly 2,000 FOIL requests per year, and a significant percentage of those requests require legal review to determine the appropriateness of potential redactions and disclosures in compliance with applicable law (such as the Freedom of Information Law and Personal Privacy Protection Law). Keeping pace with this volume, the Department both receives and responds to approximately 160 requests per month on average.

Working to ensure care and timeliness in its FOIL response process, in 2018, the Department created a dedicated, appointed counsel position to serve as its lead internal FOIL counsel. The primary responsibility of this counsel's office position is to facilitate the proper and timely handling of FOIL requests, and to provide legal advice and training to the Department and its various divisions. This position has helped the Department to coordinate its Divisions' FOIL reply processes, to impress upon all within the agency the importance of FOIL requests, and to assist the Records Access Officer and Assistant Records Access Officers in training staff, issuing timely replies, and tracking FOIL requests. Due to the breadth of divisions and varied subject-matter within the Department, each division assigns one or more FOIL liaisons to serve as the programmatic point of contact for the FOIL counsel and Records Access Officer when processing FOIL requests related to that division. The FOIL liaison receives periodic training from the FOIL counsel, and coordinates record gathering as well as initial redaction reviews with others in the division and the division's assigned counsel. Each DOS division has an assigned program counsel who is also responsible for working with the FOIL counsel and program FOIL liaison to review and advise on the propriety of any potential redactions that may be applied to responsive material. In early 2020, the Department also converted its FOIL systems from a paper, email and excel spreadsheet-based system to the enterprise-wide Open FOIL database system.

To best achieve timeliness in record-gathering, review, and response, the Department is working to increase staffing levels to allow assistant records access officers, programs and divisions to more rapidly retrieve, review and process requested records. The Department will also seek to provide staff involved in the FOIL response process with the software tools necessary to expedite review.

III. Measures of Success and Long-term Monitoring

In this section, you can explain how your agency/authority intends to monitor and assess the changes implemented, including any metrics you will use, to ensure that your initiatives are serving to increase transparency and expanding opportunities for public access to information and participation in government meetings and decision-making.

Monitoring Success and Metrics:

As the Department receives a significant amount of FOIL requests throughout the year, constant monitoring of throughput and timely responses is key to ensuring transparency from the agency.

Meetings are conducted throughout the year with each division that include Internal Audit and Agency Transformation staff to review program metrics and identify new sources of information for public consumption.

Communications will continue to provide regular updates of agency progress through social outlets and the website.

The Department will continue to participate in public engagement efforts and look to engage in additional meaningful events throughout the year.