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Memo: Analysis of the Office of Special Counsel (OSC) Website

To: Mark Cohen, Deputy Special Counsel, Office of Special Counsel
From: Government Accountability Project (GAP), Project On Government Oversight (POGO)
Re: Analysis of OSC Website, and Proposed Improvements
Date: August 18, 2011

Dear Deputy Special Counsel Cohen:

Thank you for the opportunity to have the Government Accountability Project (GAP) and the Project On Government Oversight (POGO) submit joint comments and proposed recommendations, regarding the *functionality* of the website of the Office of Special Counsel (OSC), www.osc.gov. We wish to make clear that this memo does not serve to critique *the actual content* of the OSC website. Nor does it intend to suggest changes related to content. We also note at the outset that this memo addresses only the functionality of the OSC website related to whistleblower protection issues, as both GAP and POGO work principally in this subject area.

As you know, the respective missions of GAP and POGO depend on federal employees who expose wrongdoing, corruption, waste, fraud, and abuse at all levels. At your request, then, we respectfully submit the following analysis and recommendations for your review.

The OSC website should be a key resource for all federal employees who are thinking about, or are already engaged in, blowing the whistle on corrupt activities in government. This website also acts as a depository of essential information for several other stakeholders including, but not limited to: journalists and other members of the media; congressional staffers; nonprofit advocacy groups; employment attorneys; the public (as taxpayers); and officials of other government agencies.

Consequently, the website should promote and demonstrate transparency, openness, and accountability. Further, it should be dynamic, easily navigable, straightforward, well-organized and aesthetically helpful in directing people to information quickly.

Unfortunately, the website currently falls short in many of these areas.

Front Page

The front page of the OSC website -- the landing spot for all who use it -- leaves much to be desired. For example, major problems include:

- For newcomers to the site, there is no straightforward, concise language that explains the purpose of the agency. The "general information" listed is simply uninformative for readers not already familiar with the minutia of federal whistleblower processes, or current protections. In fact, the "eyegrabbing" part of the front page is a small photo slideshow featuring two stale images (a gavel, and some books) that are not hyperlinked, and serve no purpose. (*A dynamic "slideshow," which would link to and visually highlight key actions taken by the agency, would be a tremendous improvement.*)
- The centerpiece of the front page seems to be the middle column of "Divisions." But what are these the four divisions of? The OSC? Quick language explaining what people are looking at would be of tremendous value.
- While many aspects of the front page indicate to visitors that the OSC does not invest much time or energy in its website -- implying that the site itself is unimportant, or its monitoring is of low priority to the agency -- the single most extreme example is at the top right of the page, immediately under the OSC banner header. This prime location on websites is a spot often reserved for pressing, important information. Here, OSC lists a box-category of "headlines," which consists of a one-item-deep list. The posting is a hyperlinked "OSC Award Ceremony," leading to a stretched-out, shoddy picture of two men, one holding an award and the other a plaque, without any information except for the title "OSC Public Servant Award Photo."
- The "last updated" date, as of August 9, 2011 (the drafting of this memo), reads 7/6/11. However, the press release linked to near the top-right of the page has a distribution date of 7/21/11. The updater is not working, or does not indicate what most people would perceive as its function.
- OSC press releases are often of great importance to multiple parties. But only the latest one is listed on the front page, making it seem as if OSC is attempting to hide its releases. Additionally, OSC press releases are only available in a PDF format, along with everything else listed on the right side of the page (Hatch Act Advisory Opinion, Hatch Act Report). All releases (and reports) should have their

own devoted webpages, so that others can share links (discussed further under 'New Media').

Subpages

Looking into just a few of the primary subpages of website, it is again clear that this pivotal portal isn't given appropriate attention. Examples of subpage ineffectiveness include:

- **"About"**: Like most pages, all the content here is stale. Since everything blends in, nothing seems important. This may hurt federal whistleblowers in need of specific information.
- **"Contacts"**: OSC is an agency that should have multiple people available to answer whistleblowers' (or other stakeholders') questions related to the status of a case, applicable laws/protections, significance of agency reports, etc. The only contact listed for anyone at OSC on this page is:

For Members of the News Media: Please send inquiries only to OSC Public Affairs using the link below for Congressional and Public Affairs.

This is unacceptable. It gives the impression that OSC does not want people to contact its staff. The "Contacts" page should enable the public to identify relevant staff members and contact them directly (phone numbers, email, etc.)

- **"Senior Management Team"**: This page title actually isn't listed on the page (this is just the text that is hyperlinked from the front page), so we're guessing that this is the title. On this page, however, under "OSC Leadership Biographical Information," the link for Special Counsel Carolyn Lerner **doesn't work**.
- **"Prohibited Personnel Practices"**: Unfortunately, this page seems to be the closest thing to a "FAQ" page on the site (which would also be extremely helpful). First, like many pages, this page has a top-left header (showing scales and "PPP") that serves no real purpose: clicking it simply reloads the page. If this same image showed up on the subpages of this section, then it might be useful. However, it does not.

Secondly, while the page provides good information when clicking on any of the subpages under "About PPPS" ("Who can be protected," "Who is not protected" etc.), all of this information should be on the same page - there is no reason for this artificial breakup.

- **"Outreach"**: Besides suffering from the same header problem as PPP, this page also has some solid information. But the information is not as available (from other pages) as it should be. When a topic is referenced on one page, and a

distinct OSC page on that topic exists, a hyperlink should be provided.

An example of this from these subpages is that solid information exists on the "**Five Requirements for Clarification**" page, along with links to the documents, posters, pamphlets, and contact information when referenced. However, under the "**Overview of OSC 2302(c) Certification Program**" page, these five steps are mentioned and listed out, without a link to the longer, detailed page. Instead, each of the five suggestions (on the brief list) brings the reader back to the top of the "**Overview of OSC 2302(c) Certification Program.**" This is not helpful.

- The "**En Espanol**" page is filled with bad Spanish.

The high visibility of these few but basic problems makes it is clear that the agency does not value the current website, rarely updates it, and **is in great need of a complete overhaul.**

Lack of Report/Documentation Organization and Transparency

The archives of past OSC reports -- many of which are relevant for decades -- are in terrible shape. For example, OSC reports on specific individuals cannot be found (if at all) easily, nor can the corresponding casework -- at least not through the search function of the site.

To illustrate this point: 2009 OSC Public Service Award Winner Maria Garzino, whose disclosures regarding New Orleans water pumps were the subject of not one, but *two* thorough, long-form reports produced by OSC over the last five years, is seemingly missing from the site. When typing in "Garzino" to the OSC search function, the only item that returns is a press release about Garzino winning the award. None of the reports, or any supplemental documentation (letters to the President, letters to Congress, responses by government agencies to Garzino's allegations) are available. Nothing at all.

This search functionality **is paramount** to the successful future of OSC's web presence. All reports, documentation, press releases, and other pieces of information disseminated by the agency **must** be categorized and thoroughly tagged by topic, agency, persons involved, state, and a multitude of other categories. Specifically, any interested party should be able to visit OSC's website, and in a matter of minutes, using a searchable platform, find any and all:

- OSC reports, or related documentation, that mentions any specific person (Garzino, for example).
- Letters to the President.
- Communications with Congress
- Communications with a specific member of Congress
- Documents that OSC released as part of a FOIA request. (*On this specific point, FOIA may require its own database. FOIA requests should be automated, and*

OSC should make available online in a sortable database all FOIA logs, make it possible to track requests online, and ensure that all responses and related data and documents are publicly available online. The City of Chicago <<http://data.cityofchicago.org/>> is one example of posting FOIA logs online.)

Further, OSC should change the format of filings and documents available now such that:

- A summary of the original charges, describing issues the employee disclosed, is included (this does not have to be lengthy). Only case numbers are now provided. No context is given.
- The employee's original disclosure is included/easily linked to from all relevant documents. Many documents available through the website start with the agency report. This is like a book without the opening chapter.
- The website has the whistleblower's comments on the OSC's support, as well as on the report's adequacy. Currently the page does not set out OSC standards for evaluating a report, nor does the page explain how the standards were applied in the particular case.

'New' and Social Media

Social Media is becoming increasingly important for all types of organizations. These online mediums can serve as a natural extension of a homepage. OSC would be well served to provide regular updates of its actions via both Facebook and Twitter accounts.

It should be noted that typically, these platforms allow for the editorializing of updates or news. For a government agency, however, this may not be appropriate and need not be the purpose. An OSC social media presence can simply give updates on the agency's actions, press releases, headlines, upcoming events, and anything else produced. This boils down to ***distributing*** content across several media, but not necessarily ***producing*** content specifically for one medium. To that end, OSC should allow for a "sign-up" function, so that anyone can easily sign up to receive updates from OSC via email. The entire process should be streamlined -- if OSC sends out a press release to reporters, it should immediately (or shortly thereafter) be posted to the website, sent in an email to OSC followers, shared on Facebook, sent out on Twitter, and communicated through other social media outlets, if applicable.

Additionally, OSC is in a great position to start producing video content for federal employees and other stakeholders. This could be a "how-to" on proper procedure when filing with OSC, or a general explanation of the cases they look into (***these are general examples -- again, this memo is not designed to ask for specific content changes***).

Filing an Action

The state of the OSC website makes it difficult for federal employee whistleblowers to file complaints with the agency. Filing should be a straightforward process on a single page, as opposed to having a "log-in" feature. The OSC website should not be throwing up hurdles, making it more difficult for whistleblowers to report wrongdoing.

First, schematic flow charts that direct whistleblowers to relevant documents based on how they answer questions could be implemented. Such questions may include:

- What sector of government do you work in?
- Does your disclosure deal with information that is classified or otherwise protected?
- Do you feel that you've been retaliated against for expressing dissent?

Embracing an Open Government Model

Despite President Obama's call for greater transparency and openness, many agencies are finding it difficult to move away from a culture of secrecy. The OSC should strive to become a role model in this area by embracing the President's call for the Freedom of Information Act to be "administered with a clear presumption: In the face of doubt, openness prevails."

The OSC should take a proactive role in providing its reports, memoranda and other non-confidential information to the public in a timely, easy-to-find manner and in a searchable online format. Dumping large amounts of data into the public domain is almost useless without a way to search and filter results.

When documents contain confidential information, the OSC should strive to redact the sensitive material and post the partial document, as opposed to withholding the entire document. Openness and transparency build trust with the public and the federal workforce, something that is essential to the OSC's mission. To that extent, OSC should:

- Issue and Implement an Open Government Plan (the link to OSC's Open Government Plan does not work).
- Participate in the Interagency Open Working Group organized by the White House and OMB. Regular meetings and communications have allowed these participants to collaborate and share best practices.
- Create an Open Government Team. Many agencies have formalized cross-departmental and leadership teams to meet the requirements of the Open Government Directive <<http://www.whitehouse.gov/omb/open>> , including creating and implementing Open Government Plans, and creating an Open Government section on the website. Examples of open government pages:

<<http://www.nasa.gov/open/index.html>> and <<http://www.justice.gov/open/>>

- While OSC has an open government page, it needs a complete overhaul. The page lacks important agency contact information and links to open government initiatives. This would also be a good place to have instructions on how to submit a FOIA request to the OSC.
- There should be a prominent banner or box on the homepage that links to the OSC's Open Government Page. Currently the link to the Open Government Page is in the drawdown menu under 'Resources.'

Final Recommendation

Given the limitations of HTML in terms of adjusting structure, and the obvious need for OSC to completely revamp its website, it is the joint recommendation of GAP and POGO that OSC start a new website from scratch that eliminates recurrent problems and implements the recommendations contained within this memo.