



Governor Andrew Cuomo
Senate Majority Leader Andrea Stewart-Cousins

Assembly Speaker Carl Heastie

March 3, 2021

VIA EMAIL

Re: New Yorkers deserve full transparency about the COVID-19 emergency and state response

Dear Governor Cuomo, Senate Majority Leader Stewart-Cousins and Assembly Speaker Heastie,

We ask the three of you to work together to provide New Yorkers with full transparency about New York State’s past and future response to the COVID-19 emergency. We fully recognize that COVID-19 was and is an extraordinary challenge to you and the state government. We specifically ask that you do three things to restore public confidence and create a transparent way going forward:

1. **Full Data Transparency** – Publish all COVID-19 data as open data. Attached are specific data sets we ask you to prioritize and publish in an open format within the next two weeks.
2. **COVID-19 Oversight Hearing(s)** – Hold hearings to help answer what worked well in terms of the state’s response to COVID-19 and what didn’t.
3. **Independent, National Transportation Safety Board (NTSB)-Style Assessment** – Conduct a review of state and local systems’ responses.

We are fully aware that the state's response to the COVID-19 emergency has become controversial, and we are not calling for recriminations and finger-pointing. We believe getting to the truth is more important to the public interest than chastising imperfect decision-making. Getting to the truth requires that you act on the fundamental philosophy of transparency already enshrined in New York State Law:

The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. (POL, Art 6, Sec 84-90)

You and the rest of the government are the stewards, not the owners, of public information. When you obtain information important to New Yorkers' everyday lives, you should publish it online and make it as easy to use as possible, while protecting individuals' privacy when appropriate. Sharing government-collected data builds trust in our civic institutions and enables independent analysis by both experts and the public.

Three things that the Governor and Legislature should do to provide public transparency about the COVID-19 emergency:

1. **Full Data Transparency:** Publish all COVID-19 data as open data. If you and government agencies are using data to make decisions, that data should be published online in an open data format. In April 2020, some of our groups wrote Governor Cuomo asking him to put tabular data online in the state's open data portal. We received no response, and at last count we found only a handful of spreadsheet-readable COVID-19 related datasets online or on state websites. Attached is a detailed analysis of what data New York State has published online and what datasets are usable by the public. The list includes 121 specific data sets, many of which can be published quickly and would allow academics, scientists, journalists and the interested public to get a much better understanding of the course of COVID-19 and the state's response. We ask you to start publishing a big share of this data within the next two weeks. New York's Open NY data portal, which was established by Governor Cuomo, is robust and can easily host and publish vast amounts of data.
2. **COVID-19 Oversight Hearing(s):** We agree with legislators who are calling for one or more oversight hearings to create a full picture of the COVID-19 emergency and better understand how NY state and local governments responded to it and what lessons can be learned for the ongoing response,

including potential legislative actions. We urge that the Governor instruct relevant agency staff to fully participate in this endeavor.

- 3. Independent, NTSB-style Assessment** of state and local systems' response: When a jumbo jet or train crashes, independent experts from the National Transportation Safety Board and the equipment manufacturers conduct a careful, objective inquiry into how various systems worked or contributed to the crash. New York should conduct an NTSB-style assessment of the COVID-19 response run by independent, professional experts. New York State was hit as hard by COVID-19 as anywhere in the world. Why? What did state and local governments do that worked or did not work? What lessons can be learned and new systems put in place to mitigate the next pandemic?

In a healthy democracy, transparency and oversight are normal and expected. We ask you to work together to provide full public transparency about the COVID-19 emergency.

Please contact Tom Speaker at (929) 888-4683 or tom@reinventalbany.org if you have any questions.

Thank you,

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