

Procedure to Seek Correction of Information Disseminated by USDA

Background

USDA has developed administrative mechanisms to allow affected persons to seek and obtain correction of information disseminated by USDA on or after October 1, 2002 that does not comply with OMB or USDA Information Quality Guidelines. Requestors seeking a correction should follow the procedure described below.

The USDA Information Quality Guidelines correction mechanisms are not intended to imply any rights of individuals to request amendment of their own records beyond those permitted by the Privacy Act of 1974 or other organization specific laws.

Consult with the Contact Persons Listed in USDA Reports and Products Before Filing a Formal Request for Correction

Most USDA publications, reports, and data files include the names, telephone numbers, and/or e-mail addresses of knowledgeable staff who can assist users in understanding the information presented there and in determining whether, in fact, there is an error that warrants action via the formal correction process. Users of USDA information should consult first with the USDA contact person listed in the product before filing a formal request for correction. If no specific contact person is listed, users should contact the agency.

Where to Submit a Formal Request for Correction

All requests for correction of USDA information must be submitted by letter, fax, or e-mail to the USDA agency or office that disseminated the information (henceforth in these procedures, the term "USDA agency" shall mean "USDA agency or office"). The final USDA procedure to seek correction of information disseminated by USDA will provide a list of the USDA agencies with links to the information quality pages on their web sites. That list is not provided with this draft.

Information That Should be Submitted to the Appropriate USDA Agency with a Request for Correction

Requests for correction of information should include the following elements:

- **Statement that the Request for Correction of Information is Submitted Under USDA's Information Quality Guidelines**
- **Requestor Contact Information**
The name, mailing address, telephone number, fax number (if any), e-mail address (if any), and organizational affiliation (if any) of the person requesting the correction.
- **Description of Information to Correct**

The name of the USDA publication, report, or data product; the date of issuance or

other identifying information such as the URL of the web page; and a detailed description that clearly identifies the specific information contained in that publication, report, or data product for which a correction is being sought.

- **Explanation of Noncompliance with OMB and/or USDA Information Quality Guidelines**

An explanation that describes how the information fails to meet either the OMB or USDA Information Quality Guidelines.

- **Explanation of the Effect of the Alleged Error**

An explanation that describes how the alleged error harms or how a correction would benefit the requestor.

- **Recommendation and Justification for How the Information Should be Corrected**

The requestor should state specifically how the information should be corrected and explain why the corrections should be made. A request for correction that is specific and provides evidence to support the need for correction is likely to be more persuasive than a request that is general, unfocused, or that simply indicates disagreement with the information in question.

- **Supporting Documentary Evidence**

Supporting documentary evidence, such as comparable data or research results on the same topic, will help in evaluating the request.

This guidance for the content of requests for correction of information is not intended to constitute a set of legally binding requirements. However, USDA may be unable to process, in a timely fashion or at all, requests that omit one or more of the requested elements. Requestors bear the "burden of proof" with respect to the necessity for correction as well as with respect to the type of correction they seek. USDA will base its decision on the merits of the information provided by the requestor.

USDA Review of the Request for Correction

The request for correction will be processed by the USDA agency that disseminated the information or information product in question. Based on the explanation and evidence submitted with the request for correction, the USDA agency will conduct a thorough review of the information being challenged, the processes that were used to create and disseminate the information, and the conformity of the information and those processes with both OMB's and USDA's Information Quality Guidelines. After it has completed its review, the USDA agency will determine whether a correction is warranted, and, if so, what corrective action it will take.

Any corrective action will be determined by the nature and timeliness of the information involved, the significance of the error on the use of the information, the magnitude of the error, and the cost of undertaking a correction. The USDA agency is not required to change,

or in any way alter, the content or status of information simply because a request for correction has been made.

USDA Response to the Request for Correction

After the responsible USDA agency has made its final determination pertaining to a request for correction of information, that agency will respond to the requestor by letter, e-mail, or fax. The response will explain the findings and the actions the agency will take (if any) in response to the complaint.

USDA agencies will normally respond to requests for correction of information within 45 days of receipt. If the request requires more than 45 days to resolve, the agency will inform the requestor that more time is required, indicate the reason why, and provide an estimated decision date.

Requests for Correction Concerning Information on Which USDA Has Sought Public Comment

Information on which USDA has sought public comment includes a notice of proposed rulemaking (NPRM), an advance notice of proposed rulemaking, studies cited in an NPRM, a regulatory evaluation or cost-benefit analysis pertaining to a NPRM, a preliminary environmental impact analysis, and a notice of availability and request for comment on a risk assessment.

If the request for correction of information reaches the USDA agency during the comment period for that action, the agency's response will normally be incorporated in the next document it issues concerning the matter. For example, if a request for correction of information pertains to a document referenced in a NPRM, the response would normally be provided in the final rule document. The agency will notify the requestor that it will respond to the request in this manner. The agency may choose to provide an earlier response, if doing so is appropriate and will not delay the issuance of the final action in the matter. If the request for correction of information reaches the agency too late to be addressed in this manner, the request will be processed in the same manner as described above for other requests for correction of information.

Right to Request Reconsideration of USDA's Decision

If the requestor disagrees with the USDA agency's denial of the request or with the corrective action the agency intends to take, the requestor may file a Request for Reconsideration with the USDA agency.

Procedure for Requesting Reconsideration of USDA's Decision

Persons desiring to file a Request for Reconsideration should submit the request by letter, fax, or e-mail to the Reconsideration Official designated by the USDA agency. Persons requesting reconsideration should submit written material to support their case for reconsideration. They should not resubmit the information originally submitted to support the request for correction.

Requests for Reconsideration must be filed with the appropriate USDA agency (postmarked

or shipped by an overnight delivery service) within 35 days after the date that the USDA agency transmitted its decision on the original request for correction. Requests for Reconsideration that are received by the USDA agency after the 35-day deadline will be denied as untimely.

USDA Review of the Request for Reconsideration

The Reconsideration Official designated by the USDA agency that disseminated the information in question will review the material submitted in support of the Request for Reconsideration, the material submitted with the original request for correction, and the results of the USDA agency investigation of the matter and then arrive at a decision regarding the Request for Reconsideration.

USDA Response to the Request for Reconsideration

After the Reconsideration Official of the USDA agency has made his or her decision pertaining to a Request for Reconsideration, the USDA agency will respond to the requestor by letter, e-mail, or fax. The response will explain the Reconsideration Official's decision and the actions the USDA agency will take (if any) in response to the Request for Reconsideration. The USDA agency will respond to all requests for reconsideration within 45 days of receipt.

Privacy Act Statement

USDA is authorized to obtain certain information under Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law No. 106-554, codified at 44 U.S.C. 3516, note). Information is needed by USDA to process the request for correction and allow USDA to reply accordingly. This information is needed by USDA to respond to the requestor and initiate follow-up contact with the requestor if required. Requestors should not send USDA their Social Security Number. Requestors are advised that they do not have to furnish the information but failure to do so may prevent their request from being processed. The information requestors furnish is almost never used for any purpose other than to process and respond to their request. However, USDA may disclose information to a congressional office in response to an inquiry made on behalf of the requestor, to the Department of Justice, a court, other tribunal when the information is relevant and necessary to litigation, or to a contractor or another Federal agency to help accomplish a function related to this process.

[Link to the Information Quality Guidelines main page](#)

We welcome your comments and suggestions about these pages. For information related to the USDA Quality Information Guidelines, please contact [Dr. Bette Fugitt](#), USDA Records Officer. For comments regarding the site itself: ociowebmaster@ociofc.usda.gov
http://www.ocio.usda.gov/irm/qi_guide/admin.html
Last Updated: 05.08.2002