

**U.S. Department of Commerce
Minority Business Development Agency (MBDA)
Information Quality Standards
Public Law 106-554, H.R. 5658, Section 515**

PART I: BACKGROUND, MISSION, DEFINITIONS, AND SCOPE

BACKGROUND

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554), hereinafter "Section 515," directs the Office of Management and Budget (OMB) to issue government-wide guidelines that "provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies." OMB complied by issuing guidelines which direct each Federal agency to (A) issue its own guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by the agency; (B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB 515 Guidelines (Federal Register: February 22, 2002, Volume 67, Number 36, pp. 8452-8460, hereinafter "OMB Guidelines") or the agency guidelines; and (C) report periodically to the Director of OMB on the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency and how such complaints were handled by the agency.

In compliance with OMB directives, the Department of Commerce (DOC) has issued draft Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Disseminated Information (`MACROBUTTON HtmlResAnchor` <http://www.doc.gov/cio/oipr/igq.html>).

This document implements Section 515 and fulfills the OMB and DOC information quality guidelines. It may be revised periodically, based on experience, evolving requirements in MBDA, and concerns expressed by the public. Covered information disseminated by MBDA will comply with all applicable OMB, DOC, and MBDA Information Quality Guidelines.

In implementing these guidelines, MBDA acknowledges that ensuring the quality of information is an important management objective that takes its place alongside other MBDA objectives, such as ensuring the success of MBDA missions, observing budget and resource priorities and restraints, and providing useful information to the public. MBDA intends to implement these guidelines in a way that will achieve all these objectives in a harmonious way.

MISSION

The Minority Business Development Agency is a bureau within the Department of Commerce, specifically created to encourage the creation, growth and expansion of minority-owned businesses in the United States.

MBDA's mission is to actively promote the growth and competitiveness of minority-owned businesses (MBEs) by providing access to public/private debt and equity financing, market

opportunities, and management and business information; coordinating and leveraging public and private resources; and, facilitating strategic alliances.

MBDA is dedicated to providing leadership in fostering the growth and development of minority-owned businesses. MBDA's assistance will empower MBEs to become full competitive participants in the commerce of the United States of America. We then make new choices available to those seeking to purchase quality goods and services, and help to improve the competitiveness of the U.S. economy as a whole.

DEFINITIONS

The definitions in this section apply throughout these Guidelines.

Quality is an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these statutory terms, collectively, as "quality."

Utility refers to the usefulness of the information to its intended users, including the public. In assessing the usefulness of information that the agency disseminates to the public, **MBDA** considers the uses of the information not only from its own perspective but also from the perspective of the public. As a result, when transparency of information is relevant for assessing the information's usefulness from the public's perspective, MBDA takes care to ensure that transparency has been addressed in its review of the information.

Objectivity consists of two distinct elements: presentation and substance. The presentation element includes whether disseminated information is presented in an accurate, clear, complete, and unbiased manner and in a proper context. The substance element involves a focus on ensuring accurate, reliable, and unbiased information. In a scientific, financial or statistical context, the original and supporting data shall be generated, and the analytic results shall be developed, using sound statistical and research methods.

Integrity refers to security – the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.

Information means any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms. This definition includes information that an agency disseminates from a Web page, but does not include the provision of hyperlinks to information that others disseminate. This definition does not include opinions, where the agency's presentation makes it clear that what is being offered is someone's opinion rather than fact or the agency's views.

Government Information means information created, collected, processed, disseminated, or disposed of by or for the Federal Government.

Information Dissemination product means any books, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, an agency disseminates to the public. This definition includes any electronic document, CD-ROM, or Web page.

Dissemination means agency initiated or sponsored distribution of information to the public. Dissemination does not include distribution limited to government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law. This definition also does not include distribution limited

to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes.

Agency initiated distribution of information to the public refers to information that the Agency distributes or releases which reflects, represents, or forms any part of the support of the policies of the Agency. In addition, if the Agency, as an institution, distributes or releases information prepared by an outside party in a manner that reasonably suggests that the Agency agrees with the information, this would be considered Agency initiated distribution and hence Agency dissemination because of the appearance of having the information represent Agency views. By contrast, the Agency does not "initiate" the dissemination of information when an Agency scientist or grantee or contractor publishes and communicates his or her research findings in the same manner as his or her colleagues, even if the Agency retains ownership or other intellectual property rights because the Federal government paid for the research.

Agency sponsored distribution of information to the public refers to situations where the Agency has directed a third party to distribute or release information, or where the Agency has the authority to review and approve the information before release. By contrast, if the Agency simply provides funding to support research, and if the researcher (not the Agency) decides whether to distribute the results and – if the results are to be released – determines the content and presentation of the distribution, then the Agency has not "sponsored" the dissemination even though it has funded the research and even if the Agency retains ownership or other intellectual property rights because the Federal government paid for the research. Note that subsequent Agency dissemination of such information would require that the information adhere to the Agency's information quality guidelines even if it was initially covered by a disclaimer.

Influential, when used in the phrase "influential scientific, financial, or statistical information," means that the agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policy and private sector decisions.

Reproducibility means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision. For information judged to have more (less) important impacts, the degree of imprecision that is tolerated is reduced (increased). With respect to analytic results, "capable of being substantially reproduced" means that independent analysis of the original or supporting data using identical methods would generate similar analytic results, subject to an acceptable degree of imprecision or error.

Transparency is not defined in the OMB Guidelines, but the Supplementary Information to the OMB Guidelines indicates (p. 8456) that "transparency" is at the heart of the reproducibility standard. The Guidelines state that "The purpose of the reproducibility standard is to cultivate a consistent agency commitment to transparency about how analytic results are generated: the specific data used, the various assumptions employed, the specific analytic methods applied, and the statistical procedures employed. If sufficient transparency is achieved on each of these matters, then an analytic result should meet the reproducibility standard." In others words, transparency – and ultimately reproducibility – is a matter of showing how you got the results you got.

SCOPE

These guidelines cover information disseminated by MBDA on or after October 1, 2002, regardless of when the information was first disseminated, except that pre-dissemination review procedures shall apply only to information first disseminated on or after October 1, 2002.

Information Disseminated by MBDA and Covered by these Guidelines

Corporate or general information includes all non-scientific, non-financial, non-statistical information. Examples include program and organizational descriptions, brochures, pamphlets, education and outreach materials, newsletters, and other general descriptions of MBDA operations and capabilities.

Electronic databases used as tools and services to the public to provide referral information for further assistance. These modules will provide access to markets of opportunity, financial capital, management and technical assistance and education and training resources.

Interpreted Reports and Research developed to provide documentation on the progress of minority business and possible opportunities available for access by the minority community.

Community news and activity that will inform the public of minority business events and successful business ventures.

Information Not Covered by these Guidelines

Information with distribution intended to be limited to government employees or agency contractors or grantees.

Information with distribution intended to be limited to intra- or inter-agency use or sharing of government information.

Responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law.

Information relating solely to correspondence with individuals or persons.

Press releases, fact sheets, press conferences or similar communications in any medium that announce, support the announcement or give public notice of information MBDA has disseminated elsewhere.

Archival information disseminated by MBDA before October 1, 2002, and still maintained by MBDA as archival material.

Public filings

Responses to subpoenas or compulsory document productions.

Information intended to be limited to adjudicative processes, such as pleadings, including information developed during the conduct of any criminal or civil action or administrative enforcement action, investigation or audit against specific parties, or information distributed in documents limited to administrative action determining the rights and liabilities of specific parties under applicable statutes and regulations.

Solicitations (e.g., program announcements, requests for proposals).

Hyperlinks to information that others disseminate, as well as paper-based information from other sources referenced, but not approved or endorsed by MBDA.

Policy manuals and management information produced for the internal management and operations of MBDA, and not primarily intended for public dissemination.

Information presented to Congress as part of legislative or oversight processes, such as testimony by MBDA officials, and information or drafting assistance provided to Congress in connection with proposed or pending legislation that is not simultaneously disseminated to the public. (However, information which would otherwise be covered by applicable guidelines is not exempted from compliance merely because it is also presented to Congress.)

Documents not authored by MBDA and not intended to represent MBDA's views, including information authored and distributed by MBDA grantees, as long as the documents are not disseminated by MBDA (see definition of "dissemination").

Any Research data, findings, reports and other materials published or otherwise distributed by employees or by MBDA contractors or grantees that are identified as not representing MBDA views.

Any opinion where the presentation makes it clear that what is being offered is not the official view of MBDA.

PART II: INFORMATION QUALITY STANDARDS AND PRE-DISSEMINATION REVIEW

Information quality is composed of three elements: utility, integrity and objectivity. Quality will be ensured and established at levels appropriate to the nature and timeliness of the information to be disseminated. Information quality is an integral part of the pre-dissemination review of information disseminated by MBDA. Information quality is also integral to information collections conducted by MBDA, and is incorporated into the clearance process required by the Paperwork Reduction Act (PRA) to help improve the quality of information that MBDA collects and disseminates to the public.

For all proposed collections of information that will be disseminated to the public, MBDA offices should demonstrate in their PRA clearance submissions to OMB that the proposed collection of information will result in information that will be collected, maintained, and used in a way consistent with applicable information quality guidelines.

As OMB has recognized (OMB Guidelines, pp. 8452-8453), "information quality comes at a cost." In this context, OMB directed that "agencies should weigh the costs (for example, including costs attributable to agency processing effort, respondent burden, maintenance of needed privacy, and assurances of suitable confidentiality) and the benefits of higher information quality in the development of information, and the level of quality to which the information disseminated will be held." Therefore, in deciding the appropriate level of review and documentation for information disseminated by MBDA, the costs and benefits of using a higher quality standard or a more extensive review process will be considered. Where necessary, other compelling interests such as privacy and confidentiality protections will be considered.

The utility and integrity standards below pertain to all information disseminated by MBDA. Following the utility and integrity standards are objectivity standards for each of the specific categories of MBDA-disseminated information. Because most of the standards presented in this document reflect existing practice in MBDA, the present tense has been used when describing them; but regardless of tense used, a performance standard is intended.

UTILITY

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the

information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain, or use. Where the usefulness of information will be enhanced by greater transparency, care is taken that sufficient background and detail is available, either with the disseminated information or through other means, to maximize the usefulness of the information. The level of such background and detail is commensurate with the importance of the particular information, balanced against the resources required, and is appropriate to the nature and timeliness of the information to be disseminated.

INTEGRITY

Prior to dissemination, MBDA information, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information.

All electronic information disseminated by MBDA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act, and the Government Information Systems Reform Act.

Confidentiality of data collected by MBDA is safeguarded under legislation such as the Privacy Act and Titles 13, 15, and 22 of the U.S. Code.

OBJECTIVITY

Objectivity ensures that information is accurate, reliable, and unbiased, and that information products are presented in an accurate, clear, complete, and unbiased manner. Accurate information, in the case of non-scientific, non-financial, non-statistical information, means information which is reasonably determined to be factually correct in the view of the disseminating office as of the time of dissemination.

Third-party Information. Third-party information from both domestic and international sources, such as states, municipalities, agencies and private entities may be included in information that MBDA disseminates. Although third-party sources may not be directly subject to Section 515, information from such sources, when used by MBDA to develop information products or to form the basis of a decision or policy, must be of known quality and consistent with MBDA's information quality guidelines. When such information is used, any limitations, assumptions, collection methods, or uncertainties concerning it are taken into account and disclosed.

Corporate and General Information

Corporate and general information disseminated by MBDA is presented in a clear, complete, and unbiased manner, and in a context that enhances usability to the intended audience. The sources of the disseminated information are identified to the extent possible, consistent with confidentiality, privacy, and security considerations and protections, and taking into account timely presentation, the medium of dissemination, and the importance of the information, balanced against the resources required and the time available.

Electronic Databases/ Interpreted Reports and Research Information

This information is determined reliable and accurate to an acceptable degree determined by factors such as the importance of the information, its intended use, known quality of data sources and applying sound analytical techniques before dissemination. All data sources are properly identified and referenced by the MBDA.

Community News and Activities

MBDA will verify submission of all community related information that will be announced on its Portal website by regional and headquarter staff.

Pre-dissemination Review Process

The pre-dissemination review by MBDA will substantiate the quality of information through documentation, staff reviews and inherent quality checks that are part of the content management review process. Careful design and monitoring of this review process will ensure its effectiveness. Other methods such as comments from the public, management controls and peer reviews will enhance the quality and integrity of information.

PART III. ADMINISTRATIVE CORRECTION MECHANISM

A. Overview and Definitions

1. Requests to correct information. Any affected person may request, where appropriate, timely correction of disseminated information that does not comply with applicable information quality guidelines. An affected person would submit a request for such action to:

Chief Information Officer (CIO)
Minority Business Development Agency
Room 5087
Washington, D.C. 20230

2. Appeals of denials of requests. Any person receiving an initial denial of a request to correct information may file an appeal of such denial, which must be received by the Associate Director for Finance and Administration, MBDA within 30 calendar days of the date of the denial of the request. The appeal must include a copy of the original request, any correspondence regarding the initial denial, and a statement of the reasons why the requester believes the initial denial was in error. No opportunity for personal appearance, oral argument, or hearing on appeal will be provided.
3. Burden of Proof. The burden of proof is on the requester to show both the necessity and type of correction sought. The requester has the burden of rebutting the presumption that information subjected to formal, independent peer review is objective.

4. Definitions.

Affected person means an individual or entity that uses, benefits from, or is harmed by the disseminated information at issue.

Person means an individual, partnership, corporation, association, public or private organization, or State or local government.

Appeal Official means MBDA's Associate Director for Finance and Administration will hear and decide upon an appeal of an initial denial of a request to correct information.

Responsible office means the office within MBDA that is designated to make the initial decision on a request for correction based on MBDA's information quality standards.

B. Procedures for Submission of Initial Requests for Correction

1. An initial request for correction of disseminated information must be made in writing and submitted to the responsible office within MBDA. Any MDBA employee receiving a misdirected request should make reasonable efforts to forward the request to the responsible office, but the time for response does not commence until the responsible office receives the request.
2. No initial request for correction will be considered under these procedures concerning:
 - a. a matter not involving "information," as that term is defined herein;
 - b. information that has not actually been "disseminated," according to the definition of "dissemination" herein; or
 - c. disseminated information the correction of which would serve no useful purpose. For example, correction of disseminated information would serve no useful purpose with respect to information that is not valid, used, or useful after a stated short period of time (such as a weather forecast). However, this would not preclude a request for correction alleging a recurring or systemic problem resulting in repeated similar or consistent errors.

Additionally, requests that are duplicative, repetitious, or frivolous may be rejected.

Any request rejected under this provision will nevertheless be accounted for in the Department's report to OMB.

3. At a minimum, to be considered proper, initial requests must include:
 - a. the requester's name, current home or business address, city, state and telephone number or electronic mail address (to assist with timely communication);
 - b. a statement that the request for correction of information is submitted under Section 515 of Public Law 106-554;
 - c. an accurate citation to or description of the particular information disseminated which is the subject of the request, including: the date and source from which the requester obtained the information; the point and form of dissemination; an indication of which office or program disseminated the information (if known); and any other details that will assist in identifying the specific information which is the subject of the request;
 - d. an explanation of how the requester is affected; and
 - e. a specific statement of how the information at issue fails to comply with the applicable information quality standards and why the requester believes that the information is not correct.
4. For any proper request (i.e. one including all the elements of III.B.3.) above, MBDA will attempt to communicate either a decision on the request, or a statement of the status of the request and an estimated decision date, within 60 calendar days after receipt of the request.
5. No action will be taken regarding a request not including all the elements of paragraph III.B.3. (including a request made by a person unaffected by the dissemination of the information), or a request that does not state a claim according to paragraph III.C.1. The submitter of any such request will be notified, usually within 60 calendar days, of this disposition, and, may amend the request and resubmit it. Whether resubmitted or not, such requests will be accounted for in the Department's annual report to OMB.

6. A proper request received concerning information disseminated as part of and during the pendency of the comment period on a proposed rule or other action involving an opportunity for prior notice and public comment, including a request concerning the information forming the record of decision for such proposed rule or action, will be treated as a comment filed on that proposed rule or action, and will be addressed in issuance of any final rule or action.

C. Action by the Responsible Office on Initial Requests for Correction

1. Upon receipt of a proper request, the head of the responsible office will make a preliminary determination whether the request states a claim. A request for correction states a claim if it reasonably demonstrates, on the strength of the assertions made in the request alone, and assuming they are true and correct, that the information disseminated was based on a misapplication or non-application of applicable information quality standards. In other words, to state a claim, a request for correction must actually allege that the agency disseminated some information that does not comply with applicable information quality standards.

A determination that a request does not state a claim will be communicated, along with an explanation of the deficiencies, to the requester, usually within 60 calendar days of receipt. The request may be amended and resubmitted as indicated in paragraph III.B.5 above.

2. If a proper request is preliminarily determined to state a claim, the head of the responsible office will objectively investigate and analyze relevant material, in a manner consistent with established internal procedures, to determine whether the disseminated information complies with the agency's information quality standards. The head of the responsible office will make an initial decision whether the information should be corrected and what, if any, corrective action should be taken. No opportunity for personal appearance, oral argument, or hearing is provided.

If MBDA determines that corrective action is appropriate, corrective measures may be taken through a number of forms, including but not limited to: personal contacts via letter or telephone, form letters, press releases, postings on an appropriate website, or withdrawal of the information in question. The form of corrective action will be determined by the nature and timeliness of the information involved and such factors as the significance of the error on the use of the information, and the magnitude of the error,.

3. The head of the responsible office will communicate his/her initial decision or the status of the request to the requester, usually within 60 calendar days after it is received. The head of the responsible office will make an initial decision, based on the request and any internal investigation and analysis, whether the information should be corrected because it does not comply with MBDA's information quality standards ("granted request") or not corrected because it does comply with the operating unit's information quality standards ("initial denial").

4. The initial decision or status update will contain the name and title of the person communicating the decision, the responsible office within MBDA, the name and title of the Appeal Official, and a notice that the requester may appeal an initial denial, pursuant to paragraph III.D.1. below, within 30 calendar days of the date of the initial denial.

An initial denial will become a final decision if no appeal is filed within 30 calendar days.

D. Appeals from Initial Denial

1. An appeal from an initial denial must be made within 30 calendar days of the date of the initial decision and must be in writing and addressed to the Appeal Official. An appeal of an initial denial must include:

- a. the requester's name, current home or business address, city, state and telephone number or electronic mail address (in order to ensure timely communication);
- b. a copy of the original request and any correspondence regarding the initial denial; and
- c. a statement of the reasons why the requester believes the initial denial was in error.

2. Where an initial denial has been made concerning information that is part of a rule or other action identified in paragraph III.B.6., and an administrative appeal mechanism, such as a reconsideration process, exists, an appeal will be considered pursuant to that process.

3. The Appeal Official will decide whether the information should be corrected based on all the information presented in the appeal record. No opportunity for personal appearance, oral argument, or hearing on appeal is provided. The Appeal Official will communicate his/her decision to the requester usually within 60 calendar days after receipt.