

**National Telecommunications and Information Administration
U.S. Department of Commerce**

**Section 515 Standards:
Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information
Disseminated by the National Telecommunications and Information Administration**

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 directing 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"); 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 (the "Department") has issued Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Disseminated Information (<http://www.doc.gov/cio/oipr/iqg.html>). The Department's Guidelines advise that, by October 1, 2002, each operating unit would document and make available to the public standards meeting the requirements of quality, objectivity, utility, and integrity for all non-exempt disseminated information.

These National Telecommunications and Information Administration Information Quality Guidelines implement the directives of Section 515, the OMB Guidelines, and of the Department's Guidelines ("applicable guidelines"). They may be revised periodically, based on experience, evolving NTIA requirements, or concerns expressed by the public.

In implementing these guidelines, NTIA acknowledges that ensuring the quality of information is an important management objective that takes its place alongside other NTIA objectives, such as ensuring the success of NTIA missions, observing budget and resource priorities and restraints, and providing useful information to the public.

Part 1 Mission, Definition, and Scope

Section 1.1 Agency Mission

The National Telecommunications and Information Administration is the President's principal adviser on telecommunications and information policy issues and, in this role, frequently works with other Executive Branch agencies to develop and present the Administration's position on these issues. In addition to representing the Executive Branch in both domestic and international telecommunications and information policy activities, NTIA also manages the Federal use of the spectrum; administers infrastructure grants to support the development of a national information infrastructure accessible to all Americans; manages public telecommunications facilities grants designed to maintain and extend the public broadcasting infrastructure; and performs cutting-edge telecommunications research and engineering, including resolving technical telecommunications issues for the Federal government and private sector.

Section 1.2 Definitions

The following definitions in this section apply throughout the NTIA Guidelines:

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

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 OMB Guidelines provide 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 other words, transparency - and ultimately reproducibility - is a matter of demonstrating how results were achieved.

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, NTIA considers the uses of the information not only from its own perspective, but also from that of the public. Given this, when transparency of information is relevant for assessing the information's usefulness from the public's perspective, NTIA 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.

Section 1.3 Scope

The NTIA Guidelines cover information disseminated by NTIA 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.

Section 1.3.1 Information Disseminated by NTIA and Covered by NTIA Guidelines

Corporate or general information (see Section 3.1.1) and **scientific information** (see Section 3.2.1) are covered by NTIA Guidelines. The scientific information disseminated by NTIA does not fall into the category of "influential scientific information" as that term is defined in Section 1.2 above.

Section 1.3.2 Information Disseminated by NTIA and Not Covered by NTIA Guidelines

The following types of information are not covered by these Guidelines:

Disclaimed Information. Any information released by NTIA that does not represent the official views, opinions, or policies of NTIA or any other part of the U.S. Department of Commerce shall contain a disclaimer statement. NTIA publication of such information does not constitute an endorsement by NTIA or the U.S. Department of Commerce of any opinion expressed therein. This would include the following information: 1) documents not authored by NTIA and not intended to represent NTIA's views, including information authored and distributed by NTIA grantees, as long as the documents are not disseminated by NTIA (see definition of "dissemination"); 2) research data, findings, reports and other materials published or otherwise distributed by employees or by NTIA contractors or grantees that are identified as not representing NTIA views; and 3) opinions where the presentation makes it clear that what is being offered is not the official view of NTIA.

Information with limited distribution. 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.

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

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

Designated Archival Records. Archival records, including library holdings. Archival information disseminated by NTIA before October 1, 2002, and still maintained by NTIA as archival material.

Filings, Legal Documents, Oversight Materials. Public filings, subpoenas, and information 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. Information presented to Congress as part of legislative or oversight processes, such as testimony of NTIA 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.)

Internal Management Documents. Policy manuals and management information produced for the internal management and operations of NTIA, and not primarily intended for public dissemination.

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

Information relating solely to correspondence with an individual, partnership, corporation, association, public or private organization, or State or local government.

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

Part 2 Information Quality Standards Applicable to all NTIA Disseminated Information

Section 2.1 Overview

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 NTIA. Information quality is also integral to information collections conducted by NTIA, and is incorporated into the clearance process required by the Paperwork Reduction Act (PRA).

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 NTIA, 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 standards presented below pertain to all information disseminated by NTIA. Because these standards reflect existing practice in NTIA, the present tense has been used when describing them; however, regardless of tense used, a performance standard is intended.

Section 2.2 Standard of Utility

Information disseminated by NTIA to the public 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.

Section 2.3 Standard of Integrity

Prior to dissemination, NTIA information, independent of the specific 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 NTIA adheres to the standards set out in Appendix III, "Security of Federal Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Systems Reform Act. Confidentiality of data collected by NTIA is safeguarded under legislation including the Privacy Act, and Titles 13, 15, and 22 of the U.S. Code.

Section 2.4 Standard of Objectivity

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.

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

Part 3 Types of Information and Corresponding Pre-Dissemination Process

Section 3.1 Corporate or General Information

Section 3.1.1 Definition

For the purposes of this standard, corporate or general information refers to the following non-statistic, non-financial, and non-scientific material: databases populated and maintained by NTIA for external, non-Commerce use; any analytic data reports wherein the data being analyzed were collected by NTIA; agency performance plans and annual reports; employment information, including directories; listings of employment opportunities; conference proceedings; course and instructional materials; grant application instructions and forms; press releases and grant award announcements; policy analyses and fact sheets; newsletters; filings; contracts, award documents, memoranda of understanding, and cooperative agreements; Federal Register notices; and selected speeches and testimony by NTIA officials.

Section 3.1.2 General

Corporate or general information disseminated by NTIA 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.

In addition, such information is reliable and accurate to an acceptable degree of error as determined by factors such as the importance of the information, its intended use, time sensitivity, expected degree of permanence, relation to the primary mission(s) of the disseminating office, and the context of the dissemination, balanced against the resources required and the time available. A body of information is considered to be reliable if experience shows it to be generally accurate. Accurate information, in the case of corporate or general information, means information which is reasonably determined to be factually correct in the view of the disseminating office as of the time of dissemination.

Section 3.1.2 Pre-dissemination Review Process

The pre-dissemination process for corporate or general information is set forth as follows. The author of the draft manuscript forwards it to the Associate Administrator of his/her program unit. After reviewing the draft for technical integrity, substantive value, accuracy, clarity, as well as policy and regulatory impact, the Associate Administrator returns the document to the author, noting any corrections and edits believed appropriate. The

author revises the draft for submission into the formal NTIA internal clearance process, attaching a "clearance form" to the manuscript. The revised manuscript and clearance form (the "package") are re-submitted to the Associate Administrator. S/he approves the package by signing the clearance form and forwarding both documents to the Office of Chief Counsel.⁽¹⁾ The Chief Counsel reviews the package for legal sufficiency; edits the revised manuscript, if appropriate; signs the clearance form; and forwards the package to the Deputy Assistant Secretary. The Deputy Assistant Secretary reviews the revised manuscript, with edits, if any, not only for technical integrity and legitimacy, but also for conformance with NTIA and Departmental policy. S/he has the package returned to the author for revision, if necessary. At the conclusion of the NTIA internal clearance process, NTIA considers submitting the package to the Executive Secretariat for Departmental-wide review and clearance. This decision is based on the subject matter of the document. NTIA-contact information is provided at the time of dissemination.

Section 3.2 Scientific Information

Section 3.2.1 Definition

For the purposes of this standard, scientific information refers, generally, to discussions and/or examinations of technical principles, methods, or data, at times requiring explicit technical measurements and/or analytic assessments. Such information would include discussions of state-of-the-art scientific research; authoritative treatment of designated scientific and/or technical areas of inquiry; and resource/use assessments. Scientific information would, in most cases, be disseminated in written form, usually as a report, monograph, technical note or memorandum, software, or other similar publication.

Section 3.2.2 General

Scientific information reflects the inherent uncertainty of the scientific process. The concept of statistical variation is inseparable from every phase of the scientific process, from instrumentation to final analysis. Therefore, in assessing information for accuracy, the information is considered accurate if it is within an acceptable degree of imprecision or error appropriate to the particular kind of information at issue. This concept is inherent in the definition of "reproducibility" as used in the OMB Guidelines.

Given this, technical assessments and measurements are collected according to documented procedures or in a manner that reflects standard practices accepted by the relevant scientific and technical communities. This information undergoes quality control before being used or disseminated by NTIA. The agency strives for technical objectivity and integrity regarding data collection procedures, level of quality, and limitations. Data and information sources are properly referenced or identified to the extent possible, consistent with confidentiality, privacy, and security considerations and protections. Authoritative treatments are reviewed by technically qualified individuals to ensure that they are valid, complete, unbiased, objective, and relevant. In short, original and supporting data are generated, and analytic results are developed using sound statistical, research, and review methods.

Section 3.2.2 Pre-dissemination Review Process

Pre-dissemination review processes substantiate the quality of the scientific information disseminated through documentation or other means. NTIA's review, incorporating examinations of technical integrity, scientific accuracy and authenticity, as well as policy and regulatory impact, is integrated (at each level) into the existing pre-dissemination review processes.

For scientific information that does not require technical measurement or analytic assessments, pre-dissemination review is accomplished through the following procedure. The author, who has basic responsibility for the substantive value, accuracy, and clarity of the draft manuscript ("scientific responsibility"), forwards it to his/her division chief. This official, who prior to publication will in effect certify that the author has met his/her scientific responsibility, reviews the draft manuscript and disseminates it within the division for peer review. This latter examination provides a critical mechanism for ensuring the author's compliance with his/her scientific responsibility.

After completion of the peer review process, the draft is returned to the division chief and author for substantive, technical, and editorial revisions, if necessary, before it is distributed to an *ad hoc* editorial review board (the

"Board"). The Board, comprised of other division chiefs and senior members of the NTIA operating unit, examines the draft for scientific accuracy, technical legitimacy, and quality. The author incorporates the Board's comments, if any, and forwards the "revised manuscript," through the division chief, to the Associate Administrator of the program unit. Depending on the subject matter, the Associate Administrator might submit the revised manuscript to the Inter-Departmental Radio Advisory Committee for additional technical review and examination of regulatory and policy impact. The document is returned to the author for revisions, if necessary, before submission into the NTIA internal clearance procedure, set forth in section 2.1.2. above.

For manuscripts requiring technical measurement or analytic assessments, the Associate Administrator may forward the manuscript to the Institute for Telecommunication Sciences ("ITS"), for review by a technical experts panel. This panel is comprised of senior ITS employees selected by the Associate Administrator. Once the panel has reviewed the revised manuscript and has provided comments, it is returned to the Associate Administrator for further revision and submission into the NTIA internal clearance procedure.

For scientific documents originating from and to be disseminated directly from the Institute for Telecommunication Sciences, the pre-dissemination review process is set forth as follows. The author of the draft manuscript forwards it and a list of technical reviewers to his/her division chief. The division chief reviews the manuscript to ensure compliance with the author's scientific responsibility; identifies potential policy issues; assigns a project number; and selects two technical reviewers. The division chief also forwards a copy of the manuscript to the publications officer, who serves as the editorial reviewer. A review form ("NTIA-2") is prepared and the manuscript is forwarded to each technical reviewer and, if necessary, to an executive officer with request for a policy review. The executive officer coordinates any policy review with appropriate office heads at NTIA headquarters.

The technical reviewers, usually two peers, perform a rigorous review of the manuscript for technical significance and accuracy, and complete the NTIA-2 form. The editorial reviewer reviews the draft to ensure technical clarity before completing the review form. All reviewers return copies of the draft manuscript and completed NTIA-2 forms to the division chief. S/he is notified of any policy or technical issues identified by reviewers and returns the annotated copies of the manuscript and the review forms to the author. The author revises the draft manuscript, using the reviewers' comments, as appropriate.

A manuscript approval form ("NTIA-3") is attached to the "revised manuscript" and the package is submitted to the Editorial Review Board ("ITS-ERB"). This review body ensures technical integrity, substantive value, and scientific accuracy, as well as examines the regulatory and policy impact of the contents of the revised manuscript. (On rare occasions, the division chief approves the revised manuscript for immediate release.) The ITS-ERB reviews the package and assigns a sponsor, who examines a copy of the manuscript to determine that the author has responded appropriately to reviewers' comments and that there are no remaining policy issues. The sponsor may consult with the author and reviewers, and upon determination all concerns about the draft have been resolved, executes the NTIA-3 and returns the package to the ITS-ERB chair with recommendations concerning publication. The Chair of the ITS-ERB acts on the sponsor's recommendation, signs the NTIA-3 (thereby indicating the ITS-ERB's recommendation), and returns the manuscript package to the division office for revisions, as appropriate. Once finalized, the manuscript is delivered for dissemination. ITS-contact information is provided at the time of dissemination.

Part 4 NTIA Mechanism for Requesting Correction of Disseminated Information

- **Definitions**

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

(2) **Affected Person** means an individual or entity that uses, benefits from, or is harmed by the disseminated information at issue.

(3) **Responsible Office** means the program office within NTIA that is designated to make the initial decision on a request for correction based on NTIA's and other applicable information quality standards.

- **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.

- **Procedures for initial request for correction**

(1) An initial request for correction of disseminated information must be made in writing and addressed to Chief Information Officer, National Telecommunications and Information Administration, 1401 Constitution Avenue, N.W., Room 4888, Washington, D.C. 20230 or cio@ntia.doc.gov, the designated point of contact to receive such requests. Upon receipt of an initial request, the CIO will notify the requester of receipt as soon as administratively possible. The CIO will transmit the initial request to the responsible office. Any NTIA employee receiving a misdirected request should make reasonable efforts to forward the request to the NTIA Chief Information Officer; however, the time for response does not commence until the NTIA Chief Information Officer receives the request.

(2)(i) No initial request for correction will be considered under these procedures concerning:

(A) a matter not involving "information," as that term is defined in the OMB Guidelines;

(B) information that has not actually been "disseminated," as that term is defined in the OMB Guidelines; 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). This limitation would not, however, preclude a request for correction alleging a systemic problem resulting in consistent errors in the dissemination of such information.

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

(ii) Any request rejected under this provision will nevertheless be accounted for in the Department's report to OMB on the number and nature of complaints received by NTIA regarding the accuracy of disseminated information and the manner in which such complaints were handled by the agency.

(3) At a minimum, to be considered proper, initial requests must include:

(i) the requester's name, current home or business address, and telephone number or electronic mail address (to assist with timely communication);

(ii) a statement that the request for correction of information is submitted under Section 515 of Public Law 106-554 (to ensure correct and timely routing);

(iii) an accurate citation to or description of the particular information disseminated which is the subject of the request, including: the date and information 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;

(iv) an explanation of how the requester is affected; and

(v) a specific statement of how the information at issue fails to comply with applicable guidelines and why the requester believes that the information is not correct.

(4) The Associate Administrator of the responsible office will make a determination as to whether the initial request meets the requirements of paragraph (c)(3). If so, the Associate Administrator will deem the request to be "proper."

(i) No action will be taken regarding an initial request failing to meet the requirements of paragraph (c)(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 (c)(5)(i). At the Associate Administrator's request, the CIO will notify the requester of this disposition, usually within 30 calendar days, and advise the requester that s/he may amend the request and resubmit it. Whether resubmitted or not, such requests will be accounted for in the Department's report to OMB.

(ii) A proper request made concerning information disseminated as part 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 a proposed rule, will be treated as a comment filed on that proposed rulemaking action, and will be addressed in issuance of any final rule.

(5)(i) After designation of the request as "proper," the Associate Administrator will make a preliminary determination whether the request states a valid claim. A request will be determined to state a valid claim if it reasonably demonstrates, on the strength of the assertions made in the request alone, and assuming that they are true and correct, that the information disseminated was based on a misapplication or non-application of NTIA published information quality standards ("NTIA standards") and other applicable guidelines.

(ii) A determination that a request does not state a valid claim will be communicated, along with an explanation of the deficiencies, by the Associate Administrator within the responsible office to the requester as soon as is administratively possible, but not longer than 30 calendar days. The request may be amended and resubmitted as indicated in paragraph (c)(3) above.

(6)(i) If a proper request is preliminarily determined to state a valid claim, the Associate Administrator will objectively investigate and analyze, in a manner consistent with established internal procedures, whether the information disseminated is in compliance with NTIA's and other applicable standards. The Associate Administrator will make an initial decision, based on the request and any internal investigation and analysis, 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 the requester.

(ii) If NTIA 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, posting 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.

(iii) The Associate Administrator must communicate the initial decision or the status of the request to the requester within 60 days after receipt of the request by the Chief Information Officer. The initial decision will state that the information in question should be corrected because it does not comply with NTIA standards and other applicable guidelines ("granted request") or not corrected because it does comply with NTIA standards and other applicable guidelines ("initial denial"). The initial decision will contain a notice that the requester may appeal an initial denial to the Assistant Secretary for Communications and Information, 1401 Constitution Avenue, N.W., Room 4898, Washington, D.C. 20230, 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 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. Such appeal must be in writing and addressed to the Assistant Secretary for Communications and Information (address as in paragraph (c)(6)(iii)). At a minimum, an appeal of an initial denial must include:

- (i) the requester's name, current home or business address, and telephone number or electronic mail address (in order to ensure timely communication);
- (ii) a copy of the original request and any correspondence regarding the initial denial; and
- (iii) 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 (c)(4)(ii), and an administrative appeal mechanism, such as a reconsideration process, exists, an appeal will be considered pursuant to that process.

(3) The Assistant Secretary will decide whether the information should be corrected based on all the information presented in the appeal and the evidence collected by the operating unit pertaining to that appeal. There will be no opportunity for an in-person hearing. The Assistant Secretary must communicate his/her decision to the requester within 60 calendar days after receipt of the appeal.

ENDNOTES:

1. The Associate Administrator may also seek comment on the revised manuscript from his/her counterparts in other program areas of NTIA, if appropriate.

[NTIA Home](#)

[Domestic](#)

[International](#)

[Spectrum](#)

[Grants](#)

[Research](#)