



DOJ INFORMATION QUALITY GUIDELINES FOR INFORMATION DISSEMINATED TO THE PUBLIC

Introduction and Purpose

The Department of Justice (DOJ) is comprised of 39 separate component organizations and these components produce a variety of information which is provided to the public. The information DOJ disseminates includes: Departmental briefs in major cases, regulations, business review letters, memoranda, press releases, opinions, research, statistical and special reports, newsletters, and general publications. Not all of this information falls within these guidelines, however, it is nonetheless used by federal, state, and local government personnel, as well as the media and public, to analyze and understand various Justice and law enforcement related issues.

The purpose of this guidance is to provide an overview of DOJ's efforts to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated to the public, and describe the agency's administrative mechanisms allowing affected persons to seek and obtain, where appropriate, correction of information disseminated by DOJ that does not comply with OMB's or DOJ's information quality guidelines. DOJ recognizes that public access to information is an important government responsibility to uphold. These guidelines do not represent an entirely new or changed policy on the Department's part, but rather a commitment to continue providing high quality information to the public. This guidance provides a foundation for more detailed procedures to be developed within DOJ.

The DOJ Office of Inspector General (OIG) has established separate Information Quality guidelines and will be reporting independently to OMB on its information quality process. Although separate from the DOJ guidelines, the OIG guidance is consistent with both the DOJ and OMB guidelines. The OIG guidelines can be found on the OIG web site at <http://www.usdoj.gov/oig/guidelines.htm>. The OIG Information Quality Guidelines describe OIG's information quality process and explains how the public can submit relevant complaints and appeals regarding OIG information disseminated to the public.

Background Information

These guidelines are in response to final OMB Guidelines issued on February 22, 2002, requiring federal agencies subject to the Paperwork Reduction Act (U.S.C. chapter 35) to develop and publish their own information quality guidelines and provide the public with administrative means for requesting corrections of information. The guidelines will adhere to the basic standards cited in the final OMB Guidelines and focus on the following areas:

- **Basic Standard of Quality.** Overall, agencies shall adopt a basic standard of quality (including objectivity, utility, and integrity) and will take appropriate steps to incorporate information quality criteria into agency information dissemination practices.
- **Process for Reviewing the Quality of Information.** As a matter of good and effective agency information resources management, agencies shall develop a process for reviewing the quality (including the objectivity, utility, and integrity) of information before it is disseminated.
- **Process for Citizen Complaint.** To facilitate citizen review, agencies will establish administrative mechanisms allowing affected persons (individual or entity that may use, benefit, or be harmed by the disseminated information at issue) to seek and obtain, where appropriate, timely correction of information maintained and disseminated by the agency that

does not comply with OMB or agency guidelines. The purpose of the information complaint and appeal process is to deal with information quality matters, not resolve underlying substantive policy or legal issues.

Section 515 of the Treasury and General Appropriations Act for Fiscal Year 2001 (PL 106-554) focuses on the federal government's information dissemination activities and builds on the existing Government-wide responsibility to ensure information quality. Section 515 directs 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." The OMB guidance (Feb. 22, 2002, Federal Register Volume 2, No. 67 at 8452) requires agencies, by October 1, 2002, to: 1) issue their own information quality guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the OMB guidelines; and 3) report annually to the Director of OMB the number and nature of complaints received by the agency regarding agency compliance with the guidelines.

Scope and Applicability of Guidance

This document provides guidance to component staff and informs the public of the agency's policies and procedures. These guidelines are not a regulation. They are not legally enforceable and do not create any legal rights or impose any legally binding requirements or obligations on the agency or the public. Nothing in these guidelines affects any otherwise available judicial review of agency action.

DOJ will correct information that does not meet its guidelines or those of OMB based on the significance and impact of the correction. These guidelines apply only to information disseminated by the agency, as defined in these guidelines. Other information distributed by the agency that is not addressed by these guidelines would still be subject to any applicable agency policies and correction procedures.

Except for those categories of information that are specifically exempted from coverage (see below), these guidelines apply to all information disseminated by DOJ and DOJ initiated or sponsored dissemination of information by DOJ grantees, contractors, or cooperators on or after October 1, 2002, regardless of when the information was first disseminated. These guidelines will apply not only to information that DOJ generates, but also to information that other parties provide to DOJ, if the other parties seek to have DOJ rely on or disseminate this information, or DOJ decides to do so. This includes 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. It includes information that an agency disseminates from a web page, but does not include information disseminated by others and accessible through hyperlinks from an agency web page.

It should be noted that in urgent situations that may pose an imminent threat to public health or welfare, the environment, the national economy, or homeland security these requirements may be waived temporarily.

The guidelines do not override other compelling interests such as privacy, trade secrets, intellectual property, and other confidential protections. The guidelines do not apply to opinions where the agency's presentation makes it clear that the material is being offered as someone's opinion rather than fact or the agency's views. In addition the guidance does **not** apply to information disseminated in the following contexts:

- limited to government employees or agency contractors or grantees unless the agency represents the information as, or uses the information in support of, an official agency position, or the grantee is disseminating the information at the request of the agency, or the grant requires agency approval of the information request;

- 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;
- distribution limited to correspondence with individuals or persons;
- press releases fact sheets, press conferences or similar communications (in any medium) that announce, support or give public notice of information in DOJ;
- information relating to subpoenas, or adjudicative processes;
- archival records disseminated by federal agency libraries or similar federal data repositories;
- Congressional testimony and other submissions to Congress containing information that DOJ has previously provided to the public; and
- procedural, operational, policy and internal manuals prepared for the management and operations of DOJ that are not primarily intended for public dissemination.

Oversight/Management Responsibility

The DOJ Justice Management Division will be responsible for the overall implementation and oversight of the DOJ information quality guidelines and for producing the annual report to OMB documenting any complaints and how they were handled. Each of the DOJ components will comply with the OMB and DOJ guidelines and designate an office responsible for ensuring the guidelines are adhered to within their component. Affected components may develop their own component-specific guidance and will establish complaint mechanisms by October 1, 2002.

Standards for Disseminated Information

DOJ components will review all information dissemination products for their quality (including objectivity, utility, and integrity) before they are disseminated. In general, to maximize the quality of information disseminated, DOJ has traditionally looked for input from a range of sources and perspectives, to the extent practicable, and subjected draft materials to a review process involving as many levels and offices as needed. Incorporating the following proposed guidelines would further reinforce DOJ's commitment to meeting these higher standards for disseminating quality information to the public.

It is important that DOJ components make use of OMB's Paperwork Reduction Act (PRA) clearance process to help improve the quality of information that DOJ collects and disseminates to the public. DOJ components already are required to demonstrate in their PRA submissions to OMB the practical utility' of a proposed collection of information the DOJ component plans to disseminate.

A basic standard of quality will be ensured and established for all information prior to its dissemination. In addition, on-going disseminated information will be reviewed on a regular basis to ensure all information is current and complies with these guidelines. OMB's guidelines define "quality" as an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these three terms, collectively, as "quality." For the purpose of these guidelines, the definitions set forth below will apply, consistent with the OMB Guidelines (paragraph V, definitions) which will also apply.

Utility: DOJ components will assess the usefulness of the information to be disseminated to the public. Utility is achieved by continuously monitoring information needs and developing new information sources or by revising existing methods, models, and information products where appropriate.

Objectivity: DOJ components will ensure disseminated information, as a matter of substance and

presentation, is accurate, reliable, and unbiased. Objectivity is achieved by using reliable data sources, sound analytical techniques, and documenting methods and data sources.

Integrity: DOJ components will ensure information is protected from unauthorized access, corruption, or revision (i.e., make certain disseminated information is not compromised through corruption or falsification). To ensure integrity of information disseminated, DOJ has in place programs and policies for securing its information as required by the Computer Security and Government Information Security Reform Acts and is highly protective of information collected under pledges of confidentiality.

Prior to dissemination, DOJ components will review all substantive information it disseminates on or after October 1, 2002. While conducting this review, DOJ will:

- allow adequate time for reviews, consistent with the level of standards required for the type of information to be disseminated;
- ensure compliance with the OMB and DOJ guidelines (i.e., utility, objectivity, and integrity requirements) as well as other DOJ component specific guidance/procedures;
- provide methodologies, origins of data, limitations of the information, etc., whenever possible, as part of information dissemination; and
- ensure that the information fulfills the intentions stated and that the conclusions are consistent with the evidence.

For disseminated statistical information: Additionally, statistical information disseminated will be based on (1) the promotion of sound statistical methods and (2) the principle of transparency.

Sound statistical methods: Sound statistical methods produce information (data and analysis results) that is accurate, reliable, and unbiased. Guidelines to promote sound statistical methods would cover the planning of statistical data systems, the collection of statistical data, and the processing of statistical data (including analysis).

Transparency: Transparency refers to a clear description of the methods, data sources, assumptions, outcomes, and related information that will allow a data user to understand how the information product was designed or produced. Guidelines to ensure transparency in statistical information covers the dissemination of information, including both presentation and the reporting of information sources and limitations.

For influential information: When information is defined as influential there is an added level of scrutiny afforded this information, to include the need to ensure it is reproducible. At DOJ, influential information is that which is expected to have a genuinely clear and substantial impact at the national level, or on major public and private policy decisions as they relate to federal justice issues. The accuracy of this information is significant due to the critical nature of these decisions. A clear and substantial impact, first of all, is one that the agency is firmly convinced has a high probability of occurring. If it is merely arguable that an impact will occur, or if it is a close judgment call, then the impact is probably not clear and substantial. To determine that there is a clear and substantial impact, the agency must have greater certainty than would be the case for many ordinary factual determinations. The impact must be on "important" public policy or private sector decisions that are expected to occur. Even if information has a clear and substantial impact, it is not influential if the impact is not on a public or private decision that is important to policy, economic, or other decisions.

At DOJ, the responsibility for determining if information is influential lies with the components that disseminate the information. DOJ components may designate certain classes of information as either "influential" or not in the context of their specific programs. Absent such designations, DOJ components will determine whether information is influential on a case-by-case basis, using the principles articulated in these guidelines.

The "influential" designation is intended to be applied to information only when clearly appropriate.

DOJ components should not designate information products or types of information as influential on a regular or routine basis. Nor should DOJ components actually place an "influential" label in the title page or text of an information product.

Reproducibility: Means that documented methods are capable of being used on the same data set to achieve a consistent result. For more information on this term, please refer to OMB's guidelines.

Information Correction Request and Appeal Processes

Submitting a Formal Request for Correction. All requests for correction of DOJ information must be submitted by letter, fax, or e-mail to the DOJ component or office that disseminated the information. Requests for correction should include the following information:

- Statement that the request for correction of information is submitted under DOJ's Information Quality Guidelines.
- Requestor contact information, including 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.
- Specific description of information to correct. The name of the DOJ 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 report or data product for which a correction is being sought.
- Explanation of noncompliance with OMB and/or DOJ Information Quality Guidelines. An explanation that describes how the information is incorrect or fails to meet either the OMB or DOJ information quality guidelines.
- Explanation of the effect of the alleged error. An explanation that specifies how the alleged error harms or how a correction would benefit the requestor.
- Recommendation and justification for how the information should be corrected. An explanation that gives the requestor's specific recommendations for how the information should be corrected and that describes the requestor's position for why DOJ should adopt those recommendations.
- Supporting documentary evidence. Supporting documentary evidence, such as comparable data or research results on the same topic, will help in evaluating the merits of the request.

Requesters should be aware that they bear the "burden of proof" with respect to the necessity for correction as well as with respect to the type of correction they seek. DOJ will base its decision on the merits of the information provided by the requestor and may be unable to process, in a timely manner or at all, requests that omit one or more of the requested elements. DOJ will not attempt to contact the requestor to obtain additional information.

DOJ Review of the Request for Correction. The request for correction will be processed by the DOJ component that disseminated the information in question. Based on the explanation and evidence submitted with the request for correction, a DOJ official who is knowledgeable of the subject matter 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 DOJ's Information Quality Guidelines. After it has completed its review, DOJ 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 and such factors as the significance of the error on the use of the information and the magnitude of the error. DOJ is not required to change, or in any way alter, the content or status of information simply based on the receipt of a request for correction.

The Department need not respond substantively to frivolous or repetitive requests for correction. Nor does the Department have to respond substantively to requests that concern information not covered by the guidelines or from a person whom the information does not affect.

DOJ Response to the Request for Correction. After the responsible DOJ component has made its final determination pertaining to a request for correction of information, it will respond to the requestor by letter, e-mail, or fax. The response will explain the findings and the actions to be taken (if any) in response to the complaint.

DOJ will normally respond to requests for correction of information within 60 calendar days of receipt. If the request requires more than 60 calendar days to resolve, DOJ will inform the requestor that more time is required and indicate the reason why and an estimated decision date.

Requests for Correction Concerning Information on Which DOJ Has Sought Public Comment. In cases where the agency disseminates a study, analysis, or other information prior to the final agency action or information product, requests for correction will be considered prior to the final agency action or information product in those cases where the agency has determined that an earlier response would not unduly delay issuance of the agency action or information product and the complainant has shown a reasonable likelihood of suffering actual harm from the agency's dissemination of the agency does not resolve the complaint prior to the final agency action or information product.

Request for Reconsideration of DOJ's Decision. If the requestor disagrees with DOJ's denial of the request or with the corrective action the Department intends to take, the requestor may file a request for reconsideration with the disseminating DOJ component. The components should generally provide that the official conducting the second level review is not the same official that responded to the initial request. Persons desiring to file a request for reconsideration should submit the request by letter, fax, or e-mail to the appropriate DOJ component. 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 DOJ (postmarked or shipped by an overnight delivery service) within 45 calendar days after the date that DOJ transmitted its decision on the original request for correction. Requests for reconsideration that are received by DOJ after the 45-calendar day deadline will be denied as untimely.

DOJ Review and Response to the Request for Reconsideration. The designated reconsideration official will review the information in question and the material submitted in support of the request for reconsideration, the material submitted with the original request for correction, and the results of the DOJ organization's investigation of the matter. The reconsideration official will then arrive at a decision regarding the request for reconsideration. To ensure objectivity of statistical information considered influential, the responsible component may forward an appeal regarding influential statistical information to the Justice Management Division which will convene an inter-component panel (See Responsibilities section) for its review and a decision.

After the reconsideration official has made his or her decision pertaining to a request for reconsideration, DOJ will respond to the requestor by letter, e-mail, or fax. The response will explain the Reconsideration Official's decision and the actions the DOJ organization will take (if any) in response to the request for reconsideration.

DOJ will respond to all requests for reconsideration within 45 calendar days of receipt.

Responsibilities

The Justice Management Division will:

- Provide management and oversight to the DOJ-wide implementation of the guidelines

- Develop and issue final DOJ information quality guidelines and post them on the DOJ website by October 1, 2002
- Coordinate appropriate component guidance development with affected DOJ components
- Report to the Director of OMB on the number of and nature of complaints regarding compliance with the guidelines for the quality of disseminated information and how such complaints were resolved
- Establish an inter-component statistical review /appeal panel, made up of selected component representatives, to: 1) ensure consistent statistical quality standards throughout DOJ, and 2) decide appeals, if requested by components, of influential statistical information.

The designated DOJ component offices will:

- Designate a point of contact for compliance with the information quality processes within their organization
- Develop, if necessary, component information quality standards for ensuring and maximizing quality, objectivity, utility, and integrity of information, including statistical information consistent with these guidelines. Components may use existing standards or guidelines that comply with this guidance.
- Establish a complaint and appeal process consistent with the DOJ guidelines. Ensure the component guidelines establish a mechanism to collect and track component information complaint information, to include:
 - the reason for the complaint,
 - the initial agency decision,
 - whether or not there was an appeal, and
 - if appealed, the result of appeal
- Designate individual(s) responsible for reviewing and deciding the initial review of complaints and individual(s) responsible reviewing and deciding appeals.

Reporting Requirements

- Revise draft guidelines (after considering public comments) and submit to OMB for review by August 1, 2002
- Publish notice of availability of final guidelines, incorporating any changes and post final information quality guidelines by October 1, 2002
- Provide annual reports to OMB (to include the number and nature of complaints received concerning agency compliance as well as how complaints were resolved); beginning January 1, 2004.

Privacy Act Statement

We are authorized to collect the information you provide 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). It is needed to process your request and allow us to reply accordingly. You do not have to furnish the information, but failure to do so may prevent your request from being processed. The information you furnish is almost never used for any purpose other than to process and respond to your request. However, DOJ may disclose information you give it (e.g., to Congressional office) if authorized or required by Federal law.