



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

MEMORANDUM FOR THE PRESIDENT'S MANAGEMENT COUNCIL

FROM: John D. Graham, Ph.D. *JDG*

SUBJECT: Executive Branch Implementation of the Information Quality Law

OMB has completed its review of the draft final information quality guidelines submitted by agencies under Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554; H.R. 5658) (the "Information Quality Law"). I want to take this opportunity to express, once again, OMB's appreciation for the substantial time and effort, and for the serious and creative thought, that agencies have devoted to this project during the past year. During this time, Executive Branch agencies have taken OMB's government-wide guidelines (67 FR 8452, February 22, 2002) and drafted their own proposed information quality guidelines; the agencies then requested, received, and considered the public's comments on their proposed guidelines; and, finally, the agencies prepared – and worked with OMB in our review of – their final guidelines.

The Executive Branch's accomplishment is best recognized when viewed in its entirety. Executive Branch agencies have focused for decades on ensuring the quality of the information that they collect and disseminate. However, our implementation of the Information Quality Law represents the first time that the Executive Branch has developed a government-wide set of information quality guidelines, including agency-specific guidelines tailored to each agency's unique programs and information.

Having successfully developed information quality guidelines, we must now turn to the equally challenging task of implementing them. Under the Information Quality Law, the Executive Branch's guidelines went into effect on October 1, 2002, with respect to both the pre-dissemination review and the post-dissemination complaint-and-correction procedures. Our immediate task is to ensure that the guidelines are implemented promptly and smoothly. We need to ensure that the new procedures and substantive criteria become an integrated part of an agency's day-to-day activities, rather than something that has been superimposed on an agency's programs and procedures.

The purpose of this memorandum is to outline OMB's current plans for providing continuing guidance to agencies on applying OMB's guidelines, as well as for providing oversight of the agencies' implementation of the Information Quality Law. As we indicated in issuing OMB's government-wide guidelines, we are at the beginning of an evolutionary process that will grow with experience and with the continued refinement of the government-wide and

agency guidelines. OMB and the agencies have much to learn about how to make this law and the respective guidelines a success, and it will be necessary for us to work together in the coming weeks and months. If your agency confronts difficulties or unexpected problems implementing the Information Quality Law, we encourage you to seek OMB's assistance.

OMB's guidance and oversight activities will be led by the recently expanded Statistical and Science Policy Branch in OMB's Office of Information and Regulatory Affairs. The staff of this branch will be available to provide continuing guidance to agencies on the proper interpretation and application of OMB's government-wide guidelines. In addition, the branch will be convening a series of interagency meetings during the next year to discuss questions and issues that arise with respect to the agencies' pre-dissemination review activities.

OMB GUIDANCE AND OVERSIGHT ACTIVITIES

To ensure consistency across agencies and to identify and quickly address any problems that arise with the implementation of the Information Quality Law, OMB is establishing a series of oversight measures that are described below.

Agency Annual Report to OMB. Under the Information Quality Law and OMB's government-wide guidelines, agencies are to report on an annual fiscal-year basis to OMB "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." Annual reports will be submitted to OMB each January 1, and will cover the fiscal year that ended on the prior September 30. The first reports, for the coming fiscal year (FY03), are due to OMB by January 1, 2004.

In our review of agency draft final guidelines, we noticed that some agencies have set forth guidance to staff for preparing the annual report. We would like to offer some preliminary instructions (more complete instructions will be provided later on). We want to stress that, in addition to quantitative information about complaints, we would like agencies to prepare a thematic description of the kinds of complaints that an agency receives and the nature of the agency resolution of those complaints. These descriptions should be designed to help us (and the public) understand the substance of the issues the agency has resolved through the administrative correction processes and the effectiveness of the administrative correction processes in resolving the concerns of the complainants. If an agency receives only a few complaints, we would be interested in a brief description of the complaints and the agency resolution thereof. If an agency receives a substantial volume of complaints, we would be interested in a description of at least the different categories of such complaints, and the agency resolution thereof. In addition, agencies should provide more detailed discussions concerning the disposition of those complaints that involve "influential" scientific, financial, or statistical information, or that concern information in an agency's Notice of Proposed Rulemaking.

Agency Submission of Information to OMB on Handling of "Correction" Complaints. As noted above, the first round of annual reports will not be submitted to OMB until January 1, 2004 – fifteen months from now. In order to ensure that the Information Quality Law is

successfully implemented, OMB needs to obtain more “real-time” information concerning the types of “correction” complaints that agencies are receiving and how the agencies are responding to those complaints.

To help us gauge the public interest in information quality issues and agencies’ responses, we request that each agency provide OMB with a copy of the following types of complaints that are received and are “accepted” for a formal written agency response (i.e., excluding “frivolous” complaints and those complaints that are handled informally):

1. Complaints relating to major policy questions that are likely to be of strong interest to two or more Federal agencies, especially information disseminated via interagency reports or situations where the agency is aware that the information in question is disseminated or used by two or more Federal agencies;
2. Complaints involving “influential” information where an allegation has been made that the dissemination violated one or more provisions of OMB's government-wide, implementing guidelines;
3. Complaints involving novel procedural, technical or policy issues concerning implementation of the Information Quality Law; or
4. Complaints concerning information in an agency public comment process in which the complainant alleges a reasonable likelihood of suffering actual harm from that dissemination prior to the final agency action or information product.

If agency staff meet with outside parties concerning complaints that fall into one of these categories, OMB requests an opportunity to attend the meeting. The agency should send OMB a copy of the complaint within seven days after it has accepted the complaint for a formal written agency response. In addition, the agency should send OMB a copy of the substantive response that the agency issues on the complaint – again, within seven days after the response is issued.

Finally, the agency should forward to OMB copies of any administrative appeals that are thereafter filed that seek further review of an agency’s response to one of the types of complaints described above. These appeals should be provided to OMB within seven days after their receipt by the agency. The agency should then forward to OMB a copy of the agency’s decision on the administrative appeal, at the same time that the agency issues its decision to the complainant.

Please note that agencies planning to post Information Quality complaints and agency responses on their web sites will not need to forward materials to OMB. Such agencies should advise OMB of the web site location, and where the requested information will be posted. All other agencies should provide the requested materials to OIRA’s Statistical and Science Policy Branch. If possible, the copies should be transmitted to OIRA by e-mail

(<informationquality@omb.eop.gov>), or by fax (202/395-7245) if e-mail is not feasible. Any questions concerning these procedures should be directed to the Statistical and Science Policy Branch via email (<informationquality@omb.eop.gov>) or telephone (202-395-3093).

As we move further into the implementation of the correction procedures, and get a better sense of the nature and volume of the complaints and the information quality issues that are raised, OMB may discuss with individual agencies ways to refine the types of complaints that are forwarded to OMB, so as to avoid imposing undue administrative burdens on agencies.

OMB Guidance and Assistance to Agencies. In addition to providing OMB with a concrete sense of the types of information quality issues that are being raised in the complaint process, and of how the agencies are resolving them, the agencies' forwarding of these complaint documents to OMB will also enable us to provide the agencies with clarifying guidance and assistance on applying the OMB guidelines. As a result, we can discuss with agencies the issues that have been raised regarding the case-specific application of the OMB Information Quality Guidelines and your own guidelines. OMB can offer guidance on how OMB's guidelines should be interpreted and, through such guidance, we will strive to ensure appropriate government-wide consistency in the interpretation and implementation of the statute and of OMB's government-wide guidelines. This will also help to ensure appropriate interagency coordination of an agency's response in those cases where similar complaints concerning the same information have been filed with multiple agencies that disseminate this information.

In closing, I want to thank you again for your efforts over the past year in developing the agencies' information quality guidelines. Starting in November, we are planning to invite agency representatives familiar with implementation of their guidelines to meet with us to share experiences and discuss possible problems and solutions. We will discuss both promising pre-dissemination practices and implementation of post-dissemination correction procedures. Learning from each other, we will be able to fine-tune our efforts to improve the quality of the information that agencies disseminate.