

Process for Requesting Correction of Information Disseminated by the Bureau of Alcohol, Tobacco and Firearms

Introduction

The Bureau of Alcohol, Tobacco and Firearms is a law enforcement organization within the United States Department of the Treasury with responsibilities dedicated to reducing violent crime, collecting revenue, and protecting the public.

ATF enforces the federal laws and regulations relating to alcohol, tobacco, firearms, explosives and arson by working directly and in cooperation with others to:

- Suppress and prevent crime and violence through enforcement, regulation, and community outreach.
- Ensure fair and proper revenue collection.
- Provide fair and effective industry regulation.
- Support and assist Federal, State, local, and international law enforcement.
- Provide innovative training programs in support of criminal and regulatory enforcement functions

The Bureau of Alcohol, Tobacco, and Firearms disseminates a variety of information to the public. Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554, requires Federal agencies to issue guidelines for maximizing the quality, utility, objectivity, and integrity of disseminated information.

The focus of Section 515 is on the Federal Government's information dissemination activities. Federal agencies have disseminated information to the public for decades. Until recently, agencies have disseminated information principally by making paper copies of documents available to the public. In recent years, Federal dissemination of government information has grown through the Internet.

Section 515 builds upon the existing Government-wide responsibility to ensure information quality. According to the Paperwork Reduction Act (PRA), the agency Chief Information Officer (CIO) must manage information resources to "improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security."

These guidelines are not intended to be legally binding regulations or mandates. 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.

Scope and Applicability of Guidelines

These guidelines only cover the release of information disseminated by the Bureau of Alcohol, Tobacco and Firearms on or after October 1, 2002, regardless of when the information was first disseminated.

Quality Standards Defined

Quality is an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these four 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 Bureau of Alcohol, Tobacco and Firearms disseminates to the public, the agency needs to consider the uses of the information not only from the perspective of the agency but also from the perspective of the public.

Objectivity includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner. This includes whether the information is presented within a proper context. Sometimes, in disseminating certain types of information to the public, other information must also be disseminated in order to ensure an accurate, clear, complete, and unbiased presentation. Where appropriate, data should have full, accurate, transparent documentation, and error sources affecting data quality should be identified and disclosed to users. In addition, "objectivity" 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 the security of information -- protection of the information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.

Information for purposes of the data quality law, Section 515, 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. Unlike the OMB Circular 130 definition, 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.

Information dissemination product means any book, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, which 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 (see 5 C.F.R. 1320.3(d) (definition of “Conduct or Sponsor”). Dissemination does not include distribution intended to be 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 intended to be limited to: correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes.

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 policies or important private sector decisions. Each agency is authorized to define “influential” in ways appropriate for it given the nature and multiplicity of issues for which the agency is responsible.

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). If agencies apply the reproducibility test to specific types of original or supporting data, the associated guidelines shall provide relevant definitions of reproducibility (e.g., standards for replication of laboratory data). 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.

In General

Persons may request that Bureau of Alcohol, Tobacco and Firearms correct information that it has disseminated publicly on or after October 1, 2002, if:

3. The requestor is an “affected person.” *Affected Persons* are people who may benefit or be harmed by the disseminated information. This includes persons who are seeking to address information about themselves as well as persons who use information.
3. The information was created generated, collected, processed, or maintained by Bureau of Alcohol, Tobacco and Firearms and disseminated to the public in an information dissemination product produced by Bureau of Alcohol, Tobacco and Firearms; and
3. The requestor presents evidence or analysis supporting the belief that the information is not in compliance with these guidelines or those issued by OMB and the Department of Treasury.

All such requests for correction should be delivered in writing by mail addressed to, Assistant Director, Public and Governmental Affairs, (responsible official) at Bureau of Alcohol, Tobacco, and Firearms Headquarters, 650 Massachusetts Avenue, NW, Washington, DC 20226, or sent by electronic mail to 515@atfhq.atf.treas.gov. Due to the level of detail and analysis required to support them, requests for correction of information will not be accepted by facsimile or telephone.

Form of the Request

A request for correction under these guidelines must include

1. the name, title, address (business or personal as appropriate), telephone number, and if applicable, electronic mail address of the requestor;
2. information sufficient to identify the information of which correction is requested, including, for example, date of publication, title, publication number, Uniform Resource Locator, etc.;
3. the specific information to be corrected or amended, including a citation of the specific chapter, page, paragraph, sentence and word or other data to be corrected;
4. a statement of the requestor's belief that the information is not in compliance with the guidelines issued by OMB and the Department of the Treasury specifically addressing the criteria set forth in the guidelines with regard to the Utility, Objectivity, or Integrity of the information;
5. supporting evidence and analysis substantiating the requestor's belief that the information is not in compliance with the guidelines issued by OMB and the Department of the Treasury; and
6. a clear and concise statement of the nature of the correction(s) requested accompanied by evidence and analysis tending to demonstrate the validity of the proposed correction.

Incomplete, Unclear, or Unsupported Requests

When a request for correction is received by Bureau of Alcohol, Tobacco and Firearms and the responsible official determines that it is incomplete, unclear, or lacks supporting evidence or analysis, the responsible official should inform the requestor in writing that the requested correction is not warranted based upon the form and content of the request and identify the deficiency in the request. The responsible official may, in that official's discretion, solicit clarification or additional evidence or analysis supporting the request.

Action on Requests for Correction

The responsible official should acknowledge in writing the receipt of the request no later than fifteen (15) working days from the date the request was received by the responsible official.

If a request for correction substantially meets the requirements set out in these guidelines, the responsible official should review the request and supporting evidence and analysis. The responsible official should contact the office of primary interest within Bureau of Alcohol, Tobacco and Firearms to initiate and coordinate a review of the information of which the requestor seeks a correction and determine whether, in the opinion of the responsible official, the correction or any other appropriate action (such as adding a note or disclaimer to the information dissemination product) is warranted.

In determining whether the requested correction or other appropriate action is warranted, the responsible official may consider, among other things:

1. whether the nature of the record is such that a correction is necessary to avoid confusion or other potential harm that might result from the dissemination of the information, including:
 - a. the context, relevance, and significance of the information of which the correction is requested in light of the purpose for which it was collected or disseminated;
 - b. the timeliness of the information in light of the purpose for which it was collected or disseminated;
 - c. the accuracy, clarity, or completeness of the information in light of the purpose for which it was collected or disseminated;
 - d. how continued dissemination of the information of which a correction is requested may affect the public; and
 - e. the burden upon the agency of complying with the specific request for correction.
2. the sufficiency of the evidence and analysis offered by the requestor in support of the requested correction;
3. whether previous, substantially similar requests regarding the same information have been processed and a final determination made on such requests; and
4. whether, in the opinion of the responsible official, the request is frivolous, made in bad faith, or intended to harass.

Exclusions

The responsible official is not required to take any action with regard to:

1. information about an individual contained in a system of records, as that term is defined under the Privacy Act (5 U.S.C. § 552a) or any regulations promulgated pursuant to that Act;
2. any request that Bureau of Alcohol, Tobacco and Firearms disclose data or information underlying an information dissemination product where such data or information is not otherwise made public by Bureau of Alcohol, Tobacco, and Firearms;
3. any request that Bureau of Alcohol, Tobacco, and Firearms replicate, duplicate or otherwise conduct original research or analysis underlying an information dissemination product; or

4. any information that constitutes an opinion, or any public filing, public record, or similar information, or any information created, generated, collected, processed, or maintained by other than Bureau of Alcohol, Tobacco, and Firearms and merely disseminated by Bureau of Alcohol, Tobacco, and Firearms.

Notice to Requestor

The responsible official shall render a decision whether to accept the requested correction and notify the requestor of that determination within thirty (30) working days of the date on which the responsible official received the request. In unusual circumstances, this time limit may be extended by written notice from the responsible official to the requestor setting forth the reasons for the extension and stating the date by which the determination is expected.

If the responsible official determines that the requested correction should be accepted, the responsible official should inform the requestor in writing of that determination and describe the corrective action taken in response to the request. The responsible official should also inform the requestor of how to obtain copies of the corrected information.

If the responsible official accepts the requested correction, the responsible official should ensure that the corrected information clearly indicates that information was deleted, corrected, or added, as appropriate and indicate the date of such revision. The responsible official should take steps to disseminate the corrected information in a manner appropriate to and consistent with the manner in which the original information was disseminated.

If the responsible official determines that the requested correction should not be accepted, the responsible official should inform the requestor of the reasons for the decision not to accept the correction. The responsible official shall inform the requestor that the requestor may submit a request for reconsideration of the responsible official's determination in accordance with these guidelines.

Request for Reconsideration

A requestor whose initial request is denied by the responsible official may request that Bureau of Alcohol, Tobacco, and Firearms reconsider the determination not to accept the requested correction by submitting a Request for Reconsideration within thirty-five (35) calendar days of the date of the letter transmitting the responsible official's initial determination. All requests for reconsideration must be submitted to the Chief Information Officer, the reviewing official, at Bureau of Alcohol, Tobacco, and Firearms Headquarters.

Form of the Request for Reconsideration

A request for reconsideration must include

1. a complete copy of the original request for correction including all information required for an initial request under these guidelines.
2. Supporting evidence and analysis substantiating the requestor's belief that the specific reason(s) stated as the basis for the responsible official's determination not to accept the requestor's initial request for correction are clearly erroneous.

Action on Requests for Reconsideration

The responsible official should acknowledge in writing the receipt of the request no later than fifteen (15) working days from the date the request was received by the responsible official.

The reviewing official should review the request and supporting evidence and analysis as well as any records created by the responsible official in reaching the initial determination.

In determining whether a request for reconsideration shall be accepted, the reviewing official should consider only whether the initial determination by the responsible official is supported and in conformance with the criteria stated in these guidelines and the guidelines issued by OMB and the Department of the Treasury.

Notice to Requestor

The reviewing official shall render a decision whether to uphold the initial determination by the responsible official whether to accept the request for correction and notify the requestor of that determination within thirty (30) working days of the date on which the reviewing official received the request. In unusual circumstances, this time limit may be extended by written notice from the reviewing official to the requestor setting forth the reasons for the extension and stating the date by which the determination is expected.

If the reviewing official determines that the initial determination should be reversed, the reviewing official should inform the requestor in writing of that determination. The reviewing official should inform the responsible official of the decision to reverse the initial determination. The responsible official upon receiving notice of the reviewing official's determination should proceed as he or she would had the responsible official accepted the initial request for correction.

If the reviewing official determines that the initial determination should be upheld, the reviewing official should inform the requestor of the reasons for the decision not to accept the requested correction.

Reporting Requirements

The Bureau of Alcohol, Tobacco and Firearms will keep official records on complaints beginning October 1, 2002, and retain statistics necessary for annual reports to the Department of the Treasury's, Deputy Assistant Secretary for Information Systems and Chief Information Officer (DASIS/CIO).

Furthermore, the Bureau of Alcohol, Tobacco and Firearms will prepare annual reports to the Department of the Treasury's DASIS/CIO beginning November 1, 2003.

Laws, Regulations, and References

Public Law 106-554; H.R. 5658, "Treasury and General Government Appropriations Act for Fiscal Year 2001, Section 515."

Public Law 104-13, "Paperwork Reduction Act of 1995."

Public Law 104-182, Sec. 103, Subsec. 1(b)(3), “Safe Drinking Water Act Amendments of 1996.” (Risk assessment, management, and communication.)

Public Law 100-235, “Computer Security Act of 1987.”

(Site for all public laws <http://www.access.gpo.gov/nara/nara005.html>)

OMB Circular A-130, “Management of Federal Resources.” (Appendix III, Security of Federal Automated Information Resources)

OMB Circular A-110, “Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations.”

(OMB circulars can be found at <http://www.whitehouse.gov/omb/circulars/index.html>)

Federal Register Vol. 66, September 28, 2001, “Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies.”

Federal Register Vol. 67, No. 2, page 369, January 3, 2002, “Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies; Final Guidelines.”

Federal Register Vol. 67, No. 36, page 8452, February 22, 2002, “Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies; Republication.”

(OMB site for Federal Register announcements can be found at <http://www.whitehouse.gov/omb/infoereg/infofoltech.html>)

(Department of the Treasury’s Data Quality Guidelines can be found at <http://www.treasury.gov>)