

## Access Board Information Quality Guidelines 10/1/02

### Introduction

#### 1. *Why are these guidelines issued?*

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (PL 106-554) requires the Office of Management and Budget (OMB) to issue government-wide guidelines and Federal agencies to issue their own guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information they disseminate. Section 515 also requires Federal agencies to establish a complaint process so the public can request the correction of information that does not comply with the OMB or agency guidelines; and to periodically report on the number, nature, and disposition of complaints received. The corrected version of the [OMB guidelines](#) were published in the Federal Register on February 22, 2002 (67 FR 8452).

The Access Board issued these guidelines to comply with section 515 and the OMB guidelines. The Access Board may amend these guidelines in the future based on its experience with implementing the guidelines and changes in the OMB guidelines. These guidelines are intended only to improve the internal management of the Access Board and do not create any right or benefit, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers or employees, or any other person.

### Scope

#### 2. *What does "information" mean?*

"Information" means any communication or representation of knowledge such as facts or data, in any medium or form, including print, electronic, or audiovisual forms.

#### 3. *What information is covered by these guidelines?*

These guidelines apply to information the Access Board disseminates to the public. These guidelines apply not only to information the Access Board develops, but also to information other persons develop if:

- The Access Board distributes the information in a manner that reasonably suggests that the agency agrees with or endorses the information.
- The Access Board directs other persons to distribute the information on behalf of the agency, or the Access Board has the right to review and approve the information before it is distributed.
- The Access Board uses the information to support an agency decision or position.

#### 4. *What information is not covered by these guidelines?*

These guidelines do not apply to:

- Information that is not intended for distribution to the public, including information intended only for distribution to agency employees or contractors, or for intra- or inter-agency communications.
- Correspondence with individuals or persons.
- Electronic links to information on other web sites.
- Agency records provided in response to requests under the Freedom of Information Act, the Federal Advisory Committee Act, and the Privacy Act; or in response to subpoenas or in the course of litigation.
- Factual allegations, and findings and determinations made during the investigatory and adjudicatory phases of complaints to enforce the Architectural Barriers Act.
- Opinions, where it is clear that another person's views are presented and not the agency's views.
- Archival records.

### Quality Performance Goals

#### 5. *What are the Access Board's quality performance goals?*

The Access Board strives to achieve these quality performance goals:

- Information will adhere to a basic standard of quality. Quality is an encompassing term that includes objectivity, utility, and integrity.
- Information will be objective in substance and presentation. Objectivity means ensuring the information is accurate, reliable, and unbiased; and presenting the information in an accurate, clear, complete, and unbiased manner, and within a proper context, including identifying sources.
- Information will be useful to its intended users. Utility will be assessed not only from the agency's perspective, but also from the public's perspective.
- The integrity of information will be protected. Information on web sites will be protected from unauthorized access or revision so that the information is not compromised through corruption or falsification.

*6. How do the quality performance goals apply to scientific, financial, or statistical information?*

Scientific, financial, or statistical information will be developed using sound research and statistical methods, and the information will be transparent. Transparency means the original and supporting data, methods, models, assumptions, outcomes, and error sources affecting data quality will be identified and disclosed to the extent possible, consistent with privacy, trade secrets, intellectual property, and other confidentiality protections.

Influential scientific, financial, or statistical information will provide a high degree of transparency to facilitate reproducibility by qualified persons. Original and supporting data should be capable of being substantially reproduced according to commonly accepted scientific, financial, or statistical methods. Independent analysis of original and supporting data using identical methods should generate similar analytic results, subject to an acceptable degree of error or imprecision. Where confidentiality protections prevent the disclosure of data and methods, especially rigorous robustness checks will be applied to analytic results, and the checks undertaken will be documented. In all cases, specific data sources, quantitative methods, and assumptions will be disclosed. Scientific, financial, or statistical information is influential if 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. In rulemaking, scientific, financial, or statistical information is influential if the information can reasonably be regarded as outcome determinative with respect to one or more key issues in an economically significant regulatory action, as that term is defined in Executive Order 12866.

*7. How are the quality performance goals implemented?*

The Access Board will implement the quality performance goals in every step of the development and dissemination of information. The Access Board will conduct a pre-dissemination review of all information first disseminated on or after October 1, 2002 to ensure the quality performance goals are met. The Access Board may also request other persons who have a substantial interest in the information to review the information prior to its dissemination. All information first disseminated on or after October 1, 2002 will include the following notice: "This information has been developed and reviewed in accordance with the Access Board's information quality guidelines ([www.access-board.gov/infoquality.htm](http://www.access-board.gov/infoquality.htm))."

## **Complaints**

*8. Who may file a complaint?*

Any person who is affected by information disseminated by the Access Board on or after October 1, 2002, regardless of when the information was first disseminated, may file a complaint to request the correction of information that does not comply with the Access Board's and OMB's information quality guidelines. The complaint must clearly state that it is a "request for correction of information under the Access Board's and OMB's information quality guidelines." Additional procedures described in number 12 below apply to persons who file complaints regarding the quality of information disseminated for public comment during rulemaking.

*9. Where must complaints be submitted?*

Complaints must be submitted in writing by letter, fax or e-mail to the Deputy General Counsel, Access Board, 1331 F Street, NW, Suite 1000, Washington, DC 2004-1111. Fax number: 202-272-0081. E-mail address: [stewart@access-board.gov](mailto:stewart@access-board.gov). The Deputy General Counsel is responsible for reviewing complaints and making a decision for the agency.

#### *10. What information must persons filing a complaint provide?*

Persons filing a complaint must provide:

- The name, address, telephone number, and organizational affiliation, if any, of the person submitting the complaint.
- A description of the specific information that is the subject of the complaint.
- A description of how the person is affected by the information.
- An explanation of why the information does not comply with the Access Board's and OMB's information quality guidelines.
- Specific recommendations for correcting the information.

Persons filing a complaint have the burden of proof to demonstrate that the information does not comply with the Access Board's and OMB's information quality guidelines and that correction is necessary. Persons who submit information to the Access Board and request the Access Board to adopt or use the information, must demonstrate that the information complies with the Access Board's and OMB's information quality guidelines.

#### *11. When and how will the Deputy General Counsel respond to complaints?*

The Deputy General Counsel ordinarily will respond to complaints within 45 calendar days of receipt. If a complaint requires more than 45 calendar days to resolve, the Deputy General Counsel will inform the person who filed the complaint that more time is required and give an estimated decision date. The Deputy General Counsel will respond to each complaint in writing and explain the agency's decision. If the Deputy General Counsel determines that the information does not comply with the Access Board's and OMB's information quality guidelines, the response will describe what action, if any, will be taken to correct the information. The Deputy General Counsel will consider the nature and timeliness of the information involved and such factors as the significance of the correction on the use of the information, the magnitude of the correction, and the cost of the correction when determining whether and how the agency will correct the information.

#### *12. How will the Deputy General Counsel treat complaints regarding the quality of information disseminated for public comment during rulemaking?*

When the Access Board issues a notice of proposed rulemaking or a notice of availability of a draft rule for public comment, the preamble to proposed rule or draft rule typically describes the basis for the proposed or draft regulatory provisions, which may include technical or research studies. The documents also typically include a summary of the analyses performed under Executive Order 12866: Regulatory Planning and Review, the Regulatory Flexibility Act, and other applicable laws. The full text of the analyses are made available on the Access Board's website. The Access Board disseminates the documents to solicit comments from interested persons regarding the proposed or draft regulatory provisions and the related information described in the documents. Persons who are directly interested in the rulemaking and are concerned about the quality of information disseminated for public comment during rulemaking must file complaints before the public comment period closes. The Deputy General Counsel ordinarily will treat complaints regarding the quality of information disseminated for public comment during rulemaking as comments, and the Access Board will respond to the complaints in the subsequent rulemaking document. The Deputy General Counsel will not respond to each complaint separately as described in number 11 above, unless there is good cause for a separate response such as where the complaint demonstrates actual harm resulting from dissemination of the information and an earlier response is necessary; or where the complaint is filed by a person who is not directly interested in the rulemaking but is affected by the information, and the person did not become aware of the information until after the comment period or the rulemaking ended.

#### *13. Can a person who disagrees with the Deputy General Counsel's decision request reconsideration of the decision?*

If you disagree with the Deputy General Counsel's decision, you have 15 calendar days from receipt of the decision to file a request for reconsideration with the General Counsel. Requests for reconsideration must include specific reasons why the decision of the Deputy General Counsel should be modified or reversed. The General Counsel will respond in writing within 45 days of the receipt of the request and will determine whether an error exists and a correction is warranted and what action, if any, will be taken.

**Reports***14. What reports will the Access Board submit to OMB?*

By January 1, 2004 and by January 1 of each year afterwards, the Access Board will submit a report to OMB on the number, nature, and disposition of complaints received during the preceding fiscal year regarding compliance with the Access Board's and OMB's information quality guidelines.