



About OSHRC

Occupational Safety and Health Review Commission

Final Guidelines

for Ensuring and Maximizing

the Quality, Objectivity, Utility, and Integrity of Disseminated

Information and

Procedures for the Public to Seek Correction of

Disseminated Information

September 2002

I. Background

The Occupational Safety and Health Review Commission (Review Commission) is an independent, adjudicatory agency created by the Occupational Safety and Health Act (Act) of 1970. Its mission is to provide an impartial forum for the just and prompt adjudication of workplace safety and health disputes involving the Department of Labor, employers and employees, and/or their representatives under the Act.

The agency follows all applicable laws, and requirements of the Federal Rules of Civil Procedure, the Administrative Procedure Act, government-wide and agency ethics rules, and other applicable government-wide and agency rules when performing its mission.

Section 515 of the Treasury and General Government Appropriations Act for FY 2001 (Public Law 106-554) requires Office of Management and Budget (OMB) to issue guidance to Federal agencies to ensure and maximize the quality, objectivity, utility, and integrity of the information agencies disseminate. This Act directs agencies to develop procedures for reviewing and substantiating (by documentation or other means selected by the agency) the quality, objectivity, utility, and integrity of information before it is disseminated by the agency. The Act also directs agencies to allow the public to seek and obtain correction of information disseminated by the agency under implementing guidelines. These additional guidelines have been developed to comply with Section 515 of the Treasury and General Government Appropriations Act for FY 2001 (Public Law 106-554).

II. Coverage

These procedures apply to any agency information disseminated by the Review Commission that is subject to the OMB guidelines and placed on the agency website, <http://www.oshrc.gov>, or disseminated through other methods. Such information includes guides to agency procedures and agency reports. These procedures do not apply to information not disseminated to the public, including documents intended only for inter-agency and intra-agency communication. Section 515 of the guidelines issued by OMB focus primarily on the dissemination of substantive information (e.g., reports, studies, summaries), rather than on information pertaining to basic agency operations.

The agency's pre-dissemination review will apply to information that the agency first disseminated on or after

October 1, 2002. The agency's administrative mechanisms for correcting information and the guidelines in this document will apply to information that the agency disseminates on or after October 1, 2002, regardless of when the agency first disseminated the information.

Consistent with OMB guidelines, these procedures do not apply to the dissemination of information relating to adjudicative processes, "such as the findings and determinations that an agency makes in the course of adjudications involving specific parties." 67 FR 8452, 8460 (February 22, 2002) The agency agrees with OMB's response, stated in the Federal Register, that there are "well established procedural safeguards and rights to address the quality of adjudicatory decisions and to provide persons with an opportunity to contest decisions." *Id.* Excluded categories of information include, but are not limited to, decisions, orders, opinions, subpoenas, adjudicative processes, amicus, and other briefs. Therefore, the agency will not impose additional requirements during the adjudicative proceedings or establish additional rights of challenge or appeal through this administrative procedure.

III. Process

A. Goals for Ensuring Quality of Information

The Review Commission has established strategic goals and annual agency performance goals to assist in performing its mission. It has also established validation procedures for its performance measures. These goals and procedures apply to the agency's pre-dissemination activities and its dissemination of information to the public. These goals and procedures have guided the agency in achieving and measuring high performance prior to the implementation of the OMB guidelines on quality, objectivity, utility, and integrity.

The agency's Strategic Plan identifies three strategic goals:

GOAL # 1 Public Service Goal

To assure fair, just, and expeditious adjudication of disputes brought before the Commission and its judges, and achieve a high level of quality in all legal decisions;

GOAL # 2 External Communications Goal

To enhance the efficiency and effectiveness of communications between the Commission and the public it serves; and

GOAL #3 Organizational Goal

To further develop and invest in a highly effective, motivated, and diverse workforce equipped with modern information, technology, and communications systems to facilitate the accomplishment of its goals, meet program needs, and increase organizational effectiveness and efficiency.

B. Procedures for Ensuring Quality of Information

1. Each agency office head follows the agency Strategic Plan and Annual Performance Plan in performing its mission-related functions and validating its performance measures. Each office head also follows applicable agency and government-wide style manuals in the preparation of written documents. Although agency decisions are not covered within the scope of these guidelines, agency offices have implemented, and will continue to implement, standards for maximizing the quality of agency decisions.

2. Review Commission employees will:

a. Review information for dissemination to the public in all automated information systems on a periodic basis;

b. Analyze the data and information to be included in materials for dissemination to the public to ensure accuracy, quality, objectivity, utility, and integrity, prior to providing the information for public dissemination;

- c. As appropriate, verify data and information by conducting test runs of the data prior to dissemination to ensure that information is input and updated on a timely basis (e.g., conduct quarterly and semi-annual reviews of the data to ensure the accuracy of test runs and of reports produced);
 - d. Coordinate corrections to discrepancies in data, or information with appropriate offices and reach concurrence with regard to the accuracy, quality, objectivity, utility, and integrity, prior to providing information for public dissemination;
 - e. Comply with agency information and computer security policies to ensure that information is protected from unauthorized revision, corruption, falsification, intentional, or inadvertent destruction (e.g., the responsible agency office head will ensure that sensitive data is identified and safeguarded and record keeping requirements are met);
 - f. Provide a memorandum or e-mail to the web master to accompany agency information intended for website placement. (This serves as documentation that the information meets all applicable agency and government-wide requirements covering the quality, utility objectivity and integrity of information disseminated through the agency website.);
 - g. Provide a memorandum or e-mail to the agency Chief Information Officer (CIO) to accompany applicable agency information intended for distribution through mechanisms other than the agency website. (This serves as documentation that the information meets all applicable agency and government-wide requirements covering the quality, utility, objectivity, and integrity of information disseminated through mechanisms other than the agency website.); and
 - h. Notify the CIO, within 10 working days of the correction, when errors of oversight, omission, inadvertence, or calculation are detected and corrected.
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3. Procedures to Correct the Quality, Objectivity, Utility, and Integrity of Disseminated Agency Information

Any public request to correct information covered by these procedures will be processed as noted below.

- a. Notice must be provided in writing to the CIO when it is believed that the agency has disseminated information that does not comply with these and applicable OMB guidelines (67 FR 8452, February 22, 2002). A requester must describe how he or she is affected by the information error. Also, requesters should be aware that they bear the burden of proof with respect to the necessity for correction and the type of correction they seek.
 - b. Requesters will receive written responses within 30 working days of receipt of their written notification that they believe the agency has disseminated information that does not comply with these and other applicable quality, objectivity, utility, and integrity guidelines. If the request requires more than 30 working days to resolve, the agency will inform the complainant that more time is required and indicate the reason why and an estimated decision date.
 - c. Requesters who disagree with the agency's initial response may seek reconsideration of such a response by writing to the agency Chairman, who will respond within 60 working days of receiving the request for reconsideration. If the request requires more than 60 working days to resolve, the agency will inform the complainant that more time is required and indicate the reason why and an estimated decision date.
 - d. If information is corrected by the agency, the agency will inform all persons who raised the issue of the correction through the use of errata, memoranda, a letter, or other written communication.
 - e. A correction to the quality, objectivity, utility, and integrity of disseminated information to which these guidelines apply is appropriate if it relates to errors of oversight, omission, inadvertence, or miscalculation.
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IV. Definitions

A. Chief Information Officer (CIO) is the Executive Director. The Executive Director carries out the responsibilities of the Review Commission under the Paperwork Reduction Act, 44 U.S.C. § 3501, Section 515 of the Treasury and General Government Appropriations Act (Public Law 106-554), and other information management rules and regulations.

B. Information dissemination product means any books, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristics, an agency disseminates to the public. This definition includes any electronic document, CD-ROM, or webpage.

C. Information is any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual. This definition includes information that an agency disseminates from a web page, but does not include 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.

D. Government information is all information created, collected, processed, transmitted, disseminated, used, stored, or disposed of by the Federal Government.

E. Dissemination means agency initiated or sponsored distribution of information to the public. Dissemination does not include distribution limited to: government employees or agency contractors; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information, Privacy or Federal Advisory Committee Acts, or other similar laws. Dissemination also does not include distribution limited to correspondence with individuals or persons, archival records, public filings, subpoenas, or adjudicative processes. In addition, dissemination does not include distribution limited to press releases, unless the release contains new substantive information not covered by a previous information dissemination subject to the guidelines.

F. Quality is an encompassing term comprising utility, objectivity, and integrity.

G. Objectivity involves two distinct elements, presentation and substance. Therefore, objectivity includes whether disseminated information is presented in an accurate, clear, complete, reliable, and unbiased manner. It also includes whether that information itself is accurate, clear, complete, reliable, and unbiased.

H. 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, 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.

I. Integrity refers to the security of the information and its protection from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.

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