

## DNS Security

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### Correcting Federal Databases: A Procedural Guide

Oct 02, 2015 6:46 PM PDT | Comments: 0 | Views: 650

By [Bruce Levinson](#)

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Federal databases, such as those being compiled by the Consumer Financial Protection Bureau and the Federal Trade Commission, contain data about many people and businesses. Although some of this data may be protected personal information (PPI), there is also extensive information in federal databases that is publicly disseminated via the internet. If the information is wrong, it has the potential to be a vector of tortious mischief.

There are major federal initiatives aimed at [securing](#) of the data contained in them. But what if a record in a federal database is inaccurate? What if the inaccurate information concerns you or your business? What do you do?

The issue is known as "[adverse agency publicity](#)." The Administrative Conference of the United States ([ACUS](#)) explains that "statements made by an agency or its personnel which invite public attention to an agency's action or policy and which may adversely affect persons identified therein — can cause serious and sometimes unfair injury." ACUS is a small federal agency that recommends improvements in the procedures by which federal agencies conduct regulatory programs and other governmental functions.

ACUS has a project underway to update their 1973 recommendation on adverse agency publicity which urged that the publicity be constrained by standards and structured practices. The current project also examines "recent Administration initiatives that encourage agencies to post online information such as consumer complaints and other preliminary reports... and explores best practices and recommendations for consumer complaint databases and similar agency resources."

As part of the adverse agency publicity project, the Conference commissioned a law professor to write a [report](#) on agency publicity practices. The report summarized its research on the modern challenges presented by adverse agency publicity, stating that

*... five interrelated developments may compound the potential problems with agency publicity: (1) modern agencies have many more ways to issue publicity and disseminate information than in the 1970s; (2) modern agencies likely have even more incentives now to use information as a regulatory tool and eschew more formal enforcement actions; (3) new media make it easier for audiences to misinterpret or mischaracterize agency announcements; (4) hyper-responsive capital markets now process agency announcements more swiftly and perhaps more hastily, multiplying the potential damage; and (5) Congress and the White House have specifically considered some agency publication practices, particularly through the Information Quality Act (IQA). (Emphasis added, notes omitted.)*

The report's discussion of the IQA, also known as the Data Quality Act (DQA), is particularly notable since the law was a response to concerns first [voiced](#) in 1998 that a federal agency was attempting to use information dissemination via the internet as a "backdoor *Federal Register*." An ACUS Public Member submitted a [comment](#) to the docket which built on the report's discussion of the quality law's potential to act as a control and redress mechanism for unwarranted adverse agency publicity. The docket comment noted that the members of the public have already used the DQA to seek redress for agency adverse publicity. The comment opined that ACUS's recommendations should include one which advises the public that "the DQA is the preferred mechanism for addressing issues of agency publicity."

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There are advantages and challenges associated with the DQA serving as the primary correction mechanism for persons adversely affected by agency publicity. One the positive site, the law is supported by an extensive set of implementing [documents](#) detailing government-wide information quality processes and standards. Affected persons also benefit from each agency having a set of simple publicly-available procedures for persons seeking correction of agency data. For example, CFPB's agency-specific data quality standards and correction procedures may be found [here](#).

Use of the DQA to regulate agency adverse publicity does raise challenges for federal officials and contractors with database design and administration responsibilities as there is a great difference between an agency making a decision that a record needs to be changed and the agency implementing the decision across all applicable systems. Federal databases need to be flexible enough so that they are able to easily accept corrections and expeditiously apply those corrections to all agency communications that make use of the erroneous data.

By [Bruce Levinson](#), SVP, Regulatory Intervention - Center for Regulatory Effectiveness

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